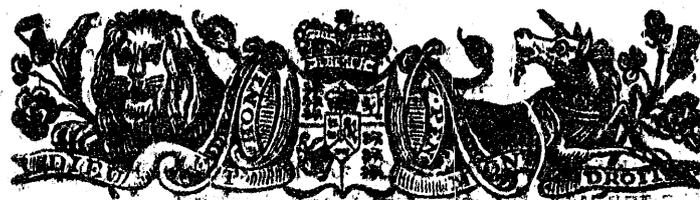


Oct 23

*Customs*



ANNO TERTIO  
**GULIELMI IV. REGIS.**

**CAP. I.**

*An ACT to provide for the performance of Quarantine, and more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Island.*

[27th March, 1833.]

**W**HEREAS a malignant and highly dangerous disease, called the Cholera, or Spasmodic or Indian Cholera, has for some time past prevailed on the Continent of Europe, in Great Britain, and on the Continent of America, and apprehensions are entertained that the same may be introduced into this Island;

*Preamble.*

*Be it therefore enacted, by the Governor, the Council, and Assembly, that henceforth all Vessels, as well His Majesty's Ships of War as others, coming from or having touched at any place from where the Governor or Commander-in-Chief, by and with the advice and consent of His Majesty's Council, shall have adjudged and declared it probable any infectious disease or distemper highly dangerous to the health of the inhabitants of this Island and its Dependencies, whether such disease be Plague, Small Pox, Yellow Fever, Typhus Fever, Cholera Morbus, or any other infectious disease or contagious distemper whatsoever, may be brought; and all Vessels and Boats receiving any Persons, Goods, Wares and Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other article whatsoever, from or out of any Vessel so coming from or having touched at such infected place as aforesaid, whether such Persons, Goods, Wares and Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other article whatsoever, shall have come or been brought in such Vessels, or such Persons shall have gone, or articles have been put on board the same, either before or after the arrival of such Vessels at any port or place in this Island or*

*Governor and Council to declare what places are infected.*

*All Vessels and Boats receiving any persons, goods &c. from any Vessel coming from or having touched at an infected place, liable to Quarantine;*

its Dependencies, and whether such Vessels were or were not bound to any port or place in this Island or its Dependencies, and all Persons, Goods, Wares and Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other article whatsoever, on board of any Vessel so coming from or having touched at such infected place as aforesaid, or on board of any such receiving Vessels or Boats as aforesaid, shall be, and be considered to be, liable to Quarantine, within the meaning of this Act, and of any Order or Orders which shall be made by the Governor or Commander-in-Chief of this Island and its Dependencies, for the time being, by and with the advice of His Majesty's Council, concerning Quarantine and the prevention of infection, from the time of the departure of such Vessels from such infected place as aforesaid, or from the time when such Persons, Goods, Wares, Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other articles, shall have been received on board respectively, and all such Vessels and Boats as aforesaid, and all Persons (as well Pilots as others), Goods, Wares and Merchandize, and all other articles aforesaid, whether coming or brought in such Vessels or Boats from such infected place as aforesaid, or going or being put on board the same either before or after the arrival of such Vessels or Boats at any port or place in this Island or its Dependencies, and all Persons, Goods, Wares and Merchandize, and all other articles as aforesaid, on board such receiving Vessel or Boat as aforesaid, shall, upon their arrival at any such port or place, be obliged to perform Quarantine in such place or places, for such time and in such manner, as shall from time to time be directed by any such Governor or Commander-in-Chief for the time being, by his Order or Orders in Council notified by Proclamation or published in the *Royal Gazette* Newspaper at St. John's; and that until such Vessels and Boats, Persons, Goods, Wares and Merchandize, and other articles as aforesaid, shall have respectively performed and shall have been duly discharged from Quarantine, no such Persons, Goods, Wares and Merchandize, or other articles as aforesaid, or any of them, shall either before or after the arrival of such Vessels or Boats at any port or place in this Island or its Dependencies, come or be brought on shore, or go and be put on board any other Vessel or Boat in order to come or be brought on shore in any such port or place, although such vessels so coming from such infected place as aforesaid may not be bound to any port or place in this Island or its Dependencies, unless in such manner and in such cases and by such license as shall be directed or permitted by such Order or Orders made by such Governor or Commander-in-Chief, for the time being, in Council as aforesaid; and all such Vessels and Boats, whether coming from such infected places as aforesaid, or being otherwise liable to Quarantine as aforesaid, and all Persons (as well Pilots as others), Goods, Wares and Merchandize, and other articles as aforesaid, whether coming or brought in such Vessels or Boats, or going or being put on board the same, either before or after the arrival of such Vessels or Boats at any port or place in this Island or its Dependencies, and although such Vessels or Boats shall not be bound to any port or place in this Island or its Dependencies, and all Commanders, Masters, and other persons having the charge or command of any such Vessels or Boats, whether coming from any infected place or being otherwise liable to Quarantine as aforesaid, shall be subject to all provisions, rules, regulations and restrictions, contained in this Act or in any Order or Orders which shall be made by such Governor or Commander-in-Chief for the time being as aforesaid, in Council, concerning Quarantine and the prevention of infection, and

and to any orders made by the Governor and Council.

All persons (Pilots as well as others), goods, &c. from on board vessels having touched at an infected place, liable to Quarantine.

Governor to appoint Quarantine stations.

Governor & Council to regulate the mode of communication with vessels liable to Quarantine.

Masters of Vessels and others liable to Quarantine, subject to the provisions of this Act, &c.

to all pains, penalties, forfeitures and punishments contained in this Act for any breach or disobedience thereof, or of any Order or Orders of the said Governor in Council made under the authority thereof.

II.—*And be it further enacted*, That it shall and may be lawful for such Governor or Commander-in-Chief, by his Order in Council, notified by Proclamation or published in the *Royal Gazette*, from time to time, as often as he may see reason to apprehend that the Plague, Small Pox, Yellow Fever, Typhus Fever, Cholera Morbus, or any other highly infectious disease or contagious distemper, prevails in the said United Kingdom or any part thereof, or on the Continents of Europe or of America, or in any Country, Colony, or place whatsoever, to require that every Vessel coming from or having touched at any port or place in the said United Kingdom, or Continents of Europe or of America, or other Country or Colony, shall come to an anchor at certain places, to be appointed from time to time by such Order or Orders in Council, or in default of such appointment then at such place or places as the Officers of His Majesty's Customs or Health Officer at the ports where or near to which such Vessel may arrive or be (and which said Officers are hereby authorised to make such appointment, where and as often as shall be necessary,) may direct, for the purpose of having the health of the crew of such Vessel ascertained before such Vessel shall be permitted to enter the Port whereto she shall be bound, or any other Port in this Island or its Dependencies, but that such Vessel shall not be deemed liable to Quarantine unless it shall be afterwards specially ordered under that restraint.

Governor & Council to appoint stations for the inspection of vessels.

III.—*And whereas certain sorts of Goods and Merchandise are more especially liable to retain infection, and may be brought from places infected into other Countries, and from thence imported into this Island and its Dependencies: Be it enacted*, that all such Goods and Merchandise as shall be particularly specified for that purpose, in any Order or Orders of the Governor or Commander-in-Chief in Council, concerning Quarantine, and the prevention of infection, as aforesaid, which shall be brought or imported into any port or place in this Island or its Dependencies, from the said United Kingdom or any Foreign Country, or any other place whatsoever, whether in this Island or out of the same, in any Vessel whatsoever, and the Vessels in which the same shall be brought, and also all Vessels which shall arrive from any port or place wheresoever under any alarming or suspicious circumstances, as to infection, shall be subject and liable to such regulations and restrictions as shall be made by such Order or Orders of the Governor in Council, as aforesaid, respecting the same.

To specify what goods are liable to retain infection, and to order thereon.

IV.—*And be it further enacted*, that it shall and may be lawful for the said Governor or Commander-in-Chief, or in his absence for the said Council, or for any person or persons empowered by him or them in the Out-ports of this Island and its Dependencies, to make such order as he or they shall see necessary or expedient upon any unforeseen emergency, or in any particular case or cases with respect to any Vessel arriving, and having any infectious disease or distemper on board, or on board of which any infectious disease or distemper may have appeared in the course of the voyage, or arriving under any other alarming or suspicious circumstances as to infection, although such Vessels shall have not come from any place from which such Governor or Commander-in-Chief, by and with the advice of His Majesty's Council, may have adjudged and declared it probable that the Plague, or any other infectious disease or distemper as aforesaid, may be brought, and also with respect to the Persons, Goods, Wares, and Merchandise,

To make orders in cases of emergency with respect to any Vessel.

To empower persons at the out-ports to shorten the period of Quarantine.

and other articles as aforesaid, on board the same; and in case of any infectious disease or distemper appearing or breaking out in this Island or its Dependencies, to make such Orders and give such directions, in order to cut off all communication between any person infected with any such disease or distemper and the rest of His Majesty's subjects, as shall appear to the said Governor or Commander-in-Chief, or in his absence to the said Council, or to any person or persons empowered by him or them in the Out-ports of this Island and its Dependencies, to be necessary and expedient for that purpose; and likewise to make such orders as he or they shall see fit for shortening the time of Quarantine to be performed by particular Vessels, or particular persons, Goods, Wares and Merchandise, or any other articles, or for absolutely or conditionally releasing them or any of them from Quarantine, and all such orders so made by the said Governor or Commander-in-Chief, or in his absence by the said Council, or by any person or persons by him or them empowered for that purpose in the Out-ports of this Island and its Dependencies, shall be as good, valid and effectual, to all intents and purposes, as well with respect to the Commander, Master, or other person having charge of any Vessel, and all other persons on board the same, as with respect to any other person having intercourse or communication with them, and to the penalties, forfeitures and punishments to which they may respectively become liable, as any Order or Orders made by such Governor for the time being, by and with the advice of His Majesty's Council, concerning Quarantine, notified by Proclamation or published in the *Royal Gazette*.

Vessels arriving from sea with disease on board to proceed to such place as Governor and Council may direct.

Master to make known his case to Collector of Customs or Health Officer, &c., who shall send intelligence thereof to the Governor, or in his absence to H. Majesty's Council, that precautions may be taken.

Penalty for disobedience of orders.

V.—*And be it further enacted*, that if any such highly infectious disease or distemper as aforesaid shall appear on board any Vessel at sea bound to any port or part of this Island or its Dependencies, then the Commander, Master or other Person having charge or command thereof shall immediately proceed to such place as the said Governor or Commander-in-Chief for the time being shall, by and with the advice of His Majesty's Council, from time to time direct and appoint, where being arrived he shall make known his case to some Officer of His Majesty's Customs, or Collector of Colonial Duties, Justice of the Peace, or Health Officer, who shall with all possible speed send intelligence thereof to the local Board of Health appointed to see Quarantine performed, or the Governor, or in his absence His Majesty's Council, to the end that such precautions may be used to prevent the spreading of the infection as the case shall require; and the said Vessel shall there remain until directions shall be given thereto by the Board of Health or the said Governor, or the Council in his absence, nor shall any of the Crew or Passengers on board such Vessel go on shore; and such master and every other person on board such Vessel shall obey such directions as shall be received or given by the Board of Health, or the Governor or Council, and the said Master or Commander, or any other person on board such Vessel as aforesaid who shall not act conformably to the provisions and regulations herein directed, or shall act in disobedience to such directions as shall be received on board such Vessel from the Board of Health, the Governor or the Council as aforesaid, shall forfeit the sum of *One Hundred Pounds* sterling money of Great Britain.

VI.—*And be it further enacted*, that every Master or other person having charge of any Vessel liable to the performance of Quarantine, or on board whereof the Plague or other infectious disease or distemper highly dangerous to the health of His Majesty's Subjects shall actually be, shall be and is hereby required at all times when such Vessel shall meet

with any other Vessel at sea, or shall be within two leagues of the Coast of this Island or its Dependencies, to hoist a Signal to denote that his Vessel is liable to the performance of Quarantine, which signal shall in the day time be a large Yellow Flag of six breadths of Bunting at the main-topmast head, or in the event of not having such Yellow Flag, an Ensign with the Union downwards, or an Union Jack half-mast high, and in the night time the Signal shall be, a large Signal Lantern, with a light therein (such as is commonly used on board His Majesty's Ships of war) at the same mast-head; and such Commander, Master or other Person, shall keep such Signals respectively, as the case may be, hoisted during such time as the said Vessel shall continue in sight of such other Vessel, or within two leagues of the coast of this Island or its Dependencies, and while so in sight, or within such distance, until such Vessel so liable to Quarantine as aforesaid, shall have arrived at the Port or place where it is to perform Quarantine, and until it shall have been legally discharged from the performance thereof; on failure whereof such Commander, Master, or other Person having charge of such Ship or Vessel, so liable to the performance of Quarantine, shall forfeit and pay for every such offence the sum of *Twenty Pounds* sterling money as aforesaid.

Vessels liable to perform Quarantine to hoist a distinguishing flag;

to be kept flying till released, under penalty of £20.

VII.—*And be it further enacted*, that every Commander, Master, or other Person having the charge of any Vessel coming from *Foreign parts*, or any country or place out of this Island, shall give to the Pilot who shall go on board such Vessel and be engaged to pilot the same, a true account (which shall be in writing if required by such Pilot) of the names of the Place and Country at which such Vessel shall have loaded, and also of the places at which any such Vessel shall have touched on the voyage, on pain of forfeiting *One Hundred Pounds* Sterling Money as aforesaid, for any neglect or refusal to give such account, and in writing if required, or for any false representation or wilful omission therein; and if by any Proclamation or Order of the *Governor in Council* made after the departure of any Vessel from this Island, and then in force, Vessels coming from any place mentioned in such account or writing shall be liable to the performance of Quarantine, such Pilot shall immediately give notice thereof to the Commander, or other person aforesaid in charge of such Vessel, on pain of forfeiting the sum of *Twenty Pounds* Sterling money as aforesaid, for any neglect therein, and such Commander or other Person shall thereupon hoist the proper signal according to the provisions of this Act, under the penalties herein contained for any neglect or refusal in respect of hoisting such signal.

Master to give the Pilot a true account of places where the Ship loaded or touched during the voyage, under penalty of £100.

Pilot to give notice to Commander if any place mentioned in such account be liable to Quarantine, under penalty of £20

VIII.—*And be it further enacted*, that if any Pilot being on board, or any Commander, Master or other Person, having the charge of any Vessel coming from foreign parts, or any Country or Place out of this Island or its Dependencies, whether such Vessel shall be liable to Quarantine or not, shall be required by any Health Officer, Officer of the Customs, or other Person authorized to act in the service of Quarantine, to bring to such Vessel, to the end that the Master, Commander, or other Person having the charge thereof, may be interrogated according to the provisions of this Act, and shall neglect or refuse to bring to such Vessel as soon as it can be done with safety, in obedience to such requisition, every such Pilot, Commander, Master, or other Person having the charge of any such Vessel, shall for every such offence forfeit and pay the sum of *One Hundred Pounds* Sterling money as aforesaid.

All Vessels from foreign parts to be brought to be interrogated.

Pilot or Commander refusing liable to a penalty of £20.

IX.—*And to the end that it may be better known whether any Vessel be actually infected with the plague or other highly infectious*

disease or distemper as aforesaid, or whether such Vessel or the Mariners or Passengers coming, or the Cargo imported therein, are liable to any orders touching Quarantine: *Be it further enacted*, that when any Country or Place whatsoever shall be known or suspected to be infected with the plague or other such infectious disease or distemper as aforesaid, or when any order or orders shall be made by the Governor in Council concerning Quarantine, and the prevention of infection as aforesaid, then and in such case, as often as any Vessel shall attempt to enter into any Port or Place in this Island or its Dependencies, whether such Port shall have been appointed for the performance of Quarantine or not, the Health Officer or Superintendent of Quarantine, or his Assistant, at such Port or Place, or if not, the principal Officer of His Majesty's Customs at such Port or Place, or such Person as shall be authorized to act in that behalf, shall go off to such Vessel, and shall, at convenient distance from such Vessel, or on board thereof, demand of the Master, Commander or other Person having the charge of such Vessel, and such Commander or other Person shall upon such demand give a true answer in writing or otherwise, and upon Oath or not upon Oath, according as he shall by such Health Officer or his Assistant, Officer of the Customs, or other Person authorized as aforesaid, be required, to all such questions or interrogatories as shall be put to him, by virtue and in pursuance of such regulations and directions as such Governor, by Order in Council, shall be pleased to prescribe; and in case such Commander or Master, or other Person having the charge of such Vessel, shall, upon such demand as aforesaid, refuse to make a true discovery in any of the particulars concerning which he shall be interrogated in manner aforesaid, or, in case he shall not be required to answer such questions or interrogatories upon Oath, shall give a false answer to any such question or interrogatory as aforesaid, such Commander, Master or other Person having charge of such Vessel, for every such offence, shall forfeit and pay the sum of *One Hundred Pounds* Sterling money as aforesaid.

Vessels attempting to enter any Port, liable to be interrogated.

False answers liable to a penalty of £100.

Vessels to anchor at the Quarantine Ground appointed and there remain until examined.

His Majesty's Officers upon due notice to be aiding and assisting in requiring Vessels to repair to Quarantine Ground.

No person to land from said Vessels till permission given.

Refusal to give information, making false representation, or obstructing Officer, penalty £200.

X.—*And be it further enacted*, that every Ship or Vessel arriving at or attempting to enter any Port or place of this Island or its Dependencies, shall forthwith repair to and anchor at the Quarantine Ground or Place assigned for examination thereof, and there remain until examined by the Health Officer, and there, until permitted to enter or come to her place of destination, shall continue under the orders and directions of the Health Officer; and it shall and may be lawful to and for the Officers of any of His Majesty's Ships of War or hired Vessels, Forts or Garrisons, and all other His Majesty's Officers, upon notice thereof given to them, or any of them, respectively, and to and for any other persons whom they or the Health Officer shall call to their or his assistance or aid, and such Officers and other Persons are hereby required, to oblige every such Vessel to go and repair to such Quarantine Ground, and there to remain until examined and permitted to proceed into the Port of destination, and for that purpose to use all necessary means, either by firing of Guns upon such Vessel or by any other kind of necessary force whatsoever; and if the Master, Commander, or other Person having charge of any such Vessel, shall neglect or refuse to proceed to such Quarantine Ground for examination, or depart therefrom, or shall come or permit any person to come on shore from such Vessel, before permission given to enter the Port of destination, or before Quarantine fully performed, if ordered, or shall refuse to give to the Health Officer all information required touching the health of the Persons on board such Vessel, or the nature of her Cargo, or shall make any false representation or misrepresentation in

respect thereof, or shall obstruct the Health Officer in the performance of his duty, such Master, Commander, or Person in charge of such Vessel, shall forfeit a sum not exceeding *Two Hundred Pounds Sterling* money as aforesaid.

XI.—*And be it further enacted*, that every Commander, Master, or other person having charge of any Vessel which shall be ordered to perform Quarantine as aforesaid, shall forthwith after his arrival at the place appointed for the performance of Quarantine, deliver, on demand, to the Health Officer, Superintendent of Quarantine, or his Assistant, Officer of the Customs, or other person authorized to act in that behalf, (who is hereby required to make such demand,) his Bill of Health and Manifest, with his Log Book and Journal, under pain of forfeiting the sum of *Fifty Pounds Sterling* Money as aforesaid, if he shall wilfully neglect or refuse so to do.

Master to deliver Bill of Health and Manifest, with his Log Book, to Health Officer;

XII.—*And be it further enacted* that if any Commander, Master, or other Person having charge of any Vessel liable to perform Quarantine, and on board of which the Plague or other Infectious Disease or Distemper shall not then have appeared, shall himself quit, or knowingly permit or suffer any Seaman or Passenger coming in such Vessel to quit, such Vessel, by going on shore, or by going on board any other Vessel or Boat, before such Quarantine shall be fully performed, unless by such license as shall be granted by virtue of any Order or Orders in Council, to be made concerning Quarantine as aforesaid; or in case any Commander or other Person having charge of such Vessel, shall not, within a convenient time after due notice given for that purpose, cause such Vessel, and the Lading thereof, to be conveyed into the place or places appointed for such Vessel and Lading to perform Quarantine, then and in every such case such Master, Commander, or other person as aforesaid, for every such offence shall forfeit and pay the sum of *Four Hundred Pounds Sterling* Money as aforesaid; and if any such Person coming in any such Vessel liable to Quarantine (or any Pilot or other Person going on board the same, either before or after the arrival of any such Vessel at any Port or Place in this Island or its Dependencies) shall, either before or after such arrival, quit such Vessel unless by such license as aforesaid (or unless being such Health Officer, Superintendent of Quarantine, his Assistant, or Officer of the Customs, or other Person authorized to act in that behalf), by going on shore in any Port or Place of this Island or its Dependencies, or by going on board any other Vessel or Boat with intent to go on shore as aforesaid, before such Vessel so liable to Quarantine as aforesaid shall be regularly discharged from the performance thereof, it shall and may be lawful for any person whatsoever by any kind of necessary force to compel such Pilot or other person so quitting such Vessel liable to Quarantine, to return on board the same, and every such Pilot or other person so quitting such Vessel so liable to Quarantine shall for every such offence suffer imprisonment for the space of *Six Months*, and shall forfeit and pay the sum of *Two Hundred Pounds Sterling* money as aforesaid.

Responsible for any person quitting his Vessel;

To take his Vessel and lading to the Quarantine station;

under a penalty of £400.

Pilot or other person going on board not to quit the Vessel.

Any person may compel the Pilot or other person quitting such Vessel to return on board.

Penalty six months imprisonment and fine of £200.

XIII.—*And whereas* disobedience or refractory behaviour in persons under Quarantine, or liable to the performance of Quarantine, or in other persons who may have had any intercourse or communication with them, may be attended with very great danger to His Majesty's subjects:—*Be it further enacted*, that all persons liable to perform Quarantine, and all persons having had any intercourse or communication with them, whether in Vessels or in a Lazaretto, or elsewhere, shall be subject during the said Quarantine, or during the time they shall be liable to

All persons liable to perform Quarantine subject to the orders of the Health Officer.

Officers to call in assistance if necessary.

Quarantine, to such orders as they shall receive from the Health Officer, Superintendent of Quarantine, or his Assistant, Officer of His Majesty's Customs, or other person authorized to act in that behalf, and the said Officers are hereby required and empowered to enforce all necessary obedience to the said orders, and in case of necessity to call in others to their assistance, and all persons so called in are hereby required and empowered to assist accordingly, and such Officers shall, and they are hereby required and empowered to compel all persons liable to perform Quarantine as aforesaid, and persons having had any intercourse or communication with them, to repair to such Lazaretto, Vessel or Place, and to cause all Goods, Wares and Merchandize, and other articles comprised within any such order to be made as last aforesaid, to be conveyed to such Lazaretto, Vessel or place duly appointed in that behalf in such manner and according to such directions as shall be made by order of the Governor in Council as aforesaid, or of the Governor or Commander-in-Chief for the time being, or in his absence of His Majesty's Council; and if any person or persons liable to perform Quarantine as aforesaid, or any person or persons having had any intercourse or communication with him, her or them, shall wilfully refuse or neglect to repair forthwith, when required and directed so to do by such Officers as aforesaid, to the said Lazaretto, Vessel or Place duly appointed in that behalf, or having been placed in the said Lazaretto, Vessel or Place, shall escape or attempt to escape out of the same before Quarantine duly performed, it shall and may be lawful to and for the said Quarantine Officers, and also to and for the watchmen and other persons appointed to see Quarantine performed, and each of them, and they are hereby required, by such necessary force as the case shall require, to compel every such person so refusing or neglecting as aforesaid, and every person escaping or attempting to escape as aforesaid, to repair or return to such Lazaretto, Vessel or place so appointed as aforesaid; and every person so refusing or neglecting to repair forthwith as aforesaid to the said Lazaretto, Vessel or Place, and also every person actually escaping as aforesaid, shall forfeit the penalty of *Two Hundred Pounds* Sterling money as aforesaid.

Watchmen and others appointed to see Quarantine performed, to compel parties to return on board.

Persons contravening the Act may be apprehended, and carried before a Magistrate, who may grant Warrants for apprehending and conveying on board:

But not confine in a public Gaol.

Board of Health or His Majesty's Council may give direction for the disposal of such person.

XIV.—*And be it further enacted*, that it shall be lawful for any Sheriff, Constable, or other Peace Officer, or any other person, to seize and apprehend any person that shall, contrary to the provisions of this Act, have quitted or come on shore from any Vessel liable to perform Quarantine, or from any Lazaretto, Vessel, or place appointed in that behalf, for the purpose of carrying such person before any Justice of the Peace or Magistrate; and it shall be lawful for any such Justice of the Peace or Magistrate to grant his Warrant for the apprehending and conveying of any such person to the Vessel from which he or she shall have come on shore, or to any Vessel performing Quarantine or Lazaretto from which he or she shall have escaped, or for the confining of any such person in any such place of safe custody (not being a public Gaol), and under such restrictions as to having any communication with any other person as may, in the discretion of any Justice of the Peace or Magistrate (calling to his aid if he shall think fit any medical person), appear to be proper, until such person can be safely and securely conveyed to some place appointed for the performance of Quarantine, or until directions can be obtained from the Board of Health or His Majesty's Council as to the disposal of any such person, and to make any further Order and to grant any further Warrant that may be necessary in that behalf.

XV.—And whereas it may be necessary, for the public security, to prevent all communication whatever with Vessels performing Quarantine:—*Be it therefore further enacted*, that it shall and may be lawful to and for the Governor or Commander-in-Chief, for the time being, by his Order or Orders in Council, notified by Proclamation, or published in the Royal Gazette, to prohibit all Persons, Vessels and Boats whatsoever, from going under any pretence whatsoever within the limits of any station which by any Order or Orders in Council as aforesaid has been or may be assigned for the performance of Quarantine: and if any person whatsoever after such notification or publication of any such Order or Orders in Council shall presume under any pretence whatsoever to go with any Vessel or Boat within the limits of any such station, he or she shall for every such offence forfeit and pay the sum of *Fifty Pounds* Sterling money as aforesaid.

Governor or Commander-in-Chief may, either by order in Council, by Proclamation, or publication in the Royal Gazette,—prohibit Vessels or Boats going within the limits of Quarantine station.

XVI.—*And be it further enacted*, that if any Health Officer, Superintendent of Quarantine or his Assistant, or Officer of His Majesty's Customs, or any other Officer or person whatsoever to whom it doth or shall appertain to execute any Order or Orders made or to be made concerning Quarantine or the prevention of infection, and notified as aforesaid, or to see the same put in execution, shall knowingly and wilfully embezzle any goods or articles performing Quarantine, or be guilty of any other breach or neglect of his duty in respect of the Vessels, Persons, Goods or Articles performing Quarantine, every such Officer or Person so offending shall forfeit such Colonial office or employment as he may be possessed of, and shall become from thence incapable to hold or enjoy the same or to take a new grant thereof; and every such officer and person shall forfeit and pay the sum of *Two Hundred Pounds* Sterling money as aforesaid, and if any such Officer or Person shall desert from his duty when employed as aforesaid, or shall knowingly and willingly permit any Person, Vessel, Goods or Merchandise, to depart or be conveyed out of the said Lazaretto, Vessel, or other place as aforesaid, unless by permission under an order of the Governor or Commander-in-Chief by and with the advice of His Majesty's Council, or under an order of His Majesty's Council or the Board of Health, or if any person hereby authorized and directed to give a Certificate of a Vessel having duly performed Quarantine or Airing, shall knowingly give a false Certificate thereof, every such person so offending shall be guilty of Felony; and if any such Officer or person shall knowingly or willingly damage any Goods performing Quarantine under his direction, he shall be liable to pay *One Hundred Pounds* Sterling money as aforesaid, damages and full costs of suit, to the owner of the same.

Officer of Health or Superintendent of Quarantine, &c. &c. embezzling any goods or articles performing Quarantine to forfeit office;

And subject to a fine of £200.

Officers neglecting their duty, giving a false Certificate, or wilfully damaging goods. Penalty £100.

XVII.—*And be it further enacted*, that if any Vessel arriving from the United Kingdom, or any part thereof, or from any Port on the Continent of Europe or of America, or from any Country, Colony or Place whatsoever, shall have undergone examination by the proper Health Officer, Superintendent or other Officer of Quarantine, and upon a report of such examination being made to the Board of Health or the Governor or His Majesty's Council, such Board or the Governor or the Council shall think proper to direct the release of such Vessel from the performance of Quarantine, it shall be lawful for such Officer and he is hereby required to grant to the Master or person having the charge or command of such Vessel a Certificate in writing of such examination and release, and upon the production of such Certificate to the Collector or Principal Officer of His Majesty's Customs at any Port in this Island or its Dependencies, such Vessel shall be admitted to entry without being liable to any further restraint.

Report of examination by the proper Officer to be made to the Board of Health, Governor, or His Majesty's Council.

On production of Officer's Certificate, Collector to admit Vessels to entry.

Vessels having performed Quarantine, Masters to make Oath thereof before Health Officer;

XVIII.—*And be it further enacted*, that after Quarantine shall have been duly performed by any Vessel, Person or Persons, obliged to perform Quarantine as aforesaid, according to this Act and to such Order or Orders made as aforesaid, and upon proof to be made by the Oaths of the Master or other person having charge of such Vessel or of three or more of the persons belonging thereto, or upon proof to be made by the oaths of two or more credible witnesses before the Health Officer or Principal Officer of the Customs at the Port where such Quarantine shall be performed, or at the Port nearest thereto, or before the Superintendent of Quarantine or his Assistant, at the Quarantine station, or before any Justice of the Peace living near to the Port or Place that such Vessel and all and every such person or persons respectively have duly performed Quarantine as aforesaid, and that the Vessel and all and every person and persons are free from infection, then and in the said respective cases such the Board of Health, or the Health Officer, or the Superintendent of Quarantine or his Assistant, or such Justice of the Peace, respectively, are hereby required to give a Certificate thereof, and thereupon such Vessel and all and every such Person or Persons so having performed Quarantine shall be liable to no further restraint or detention upon the same account for which such Vessel, Person or Persons shall have performed Quarantine as aforesaid.

when they will be subject to no further restraint.

Goods to be aired as shall be appointed by the Governor or Commander-in-Chief.

Proof thereof to be made on the oath of the Master, the Officers appointed for the purpose, or of two credible Witnesses serving in Lazaretto or Vessel.

Certificate to be granted on such proof by the proper Officer.

XIX.—*And be it further enacted*, that all Goods, Wares and Merchandize, Wearing Apparel, and other articles liable to Quarantine as aforesaid, shall be opened and aired in such place or places and for such time and in such manner as shall be directed by the Governor or Commander-in-Chief for the time being, by such Order or Orders to be made as aforesaid; and after such Order shall have been duly complied with, proof thereof shall be made by the oaths of the Master of the Lazaretto or Vessel in which the Goods, Wares and Merchandize, Wearing Apparel, and other articles, shall have been opened and aired, and one of the Guardians, or if there be no Guardians then one of the Officers authorized by the Governor, Council, or Board of Health, to act in the service of Quarantine in such Lazaretto or Vessel, or if there be no such Officer then by the oaths of two or more credible witnesses serving in the said Lazaretto or Vessel before the Health Officer, the Superintendent of Quarantine or his Assistant, in case such opening and airing shall be had at a Port or Place where such Health Officer, Superintendent or Assistant, shall be established, or otherwise before the Principal Officer of the Customs authorised to act in the service of Quarantine at such Port or Place, which Oath such Health Officer, Superintendent, Assistant, or Principal Officer, is hereby authorized to administer, and such Health Officer, Superintendent, Assistant or Principal Officer, as the case may be, shall grant a Certificate of such proof having been made, and upon production of such Certificate to the proper Officer of the Customs, such Goods, Wares and Merchandize, Wearing Apparel, and other articles, shall be liable to no further restraint or detention either at the Port or Place where such Quarantine shall have been performed or at any other Place whereto they may afterwards be conveyed.

Forging, &c. such Certificate, a felony.

XX.—*And be it further enacted*, that if any person shall knowingly or wilfully forge or counterfeit, interline, erase or alter, or procure to be forged, or counterfeited, interlined, erased, or altered, any Certificate directed or required to be granted by any Order of the Governor in Council now in force or hereafter to be made touching Quarantine, or shall publish any such forged, or counterfeited, interlined, erased or

altered certificate, knowing the same to be forged, counterfeited, interlined, erased or altered, or shall knowingly and wilfully utter and publish any such Certificate with intent to obtain the effect of a true Certificate to be given thereto, knowing the contents of such Certificate to be false, he or she shall be guilty of Felony.

**XXI.**—*And be it further enacted,* that if any person shall land or unship, or shall move in order to the landing or unshipping thereof, any Goods, Wares or Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other Articles, from on board any Vessel liable to perform Quarantine as aforesaid, or shall knowingly receive the same after they have been so landed or unshipped, every such person shall forfeit and pay the sum of *Three Hundred Pounds* Sterling money as aforesaid; and if any person or persons shall clandestinely convey or secrete or conceal for the purpose of conveying any Letters, Goods, Wares and Merchandize, or other Articles as aforesaid from any Vessel actually performing Quarantine or from the Lazaretto or other place where such Goods, Wares and Merchandize or other Articles as aforesaid shall be performing Quarantine every such person so offending as last aforesaid shall forfeit the sum of *One Hundred Pounds* Sterling money as aforesaid.

Landing any Goods, &c. from Vessels under Quarantine—Penalty £300.

Persons clandestinely conveying Goods, &c. from Vessels under Quarantine subject to a penalty of £100.

**XXII.**—*And be it further enacted,* that in all cases wherein by virtue of this Act or any other Act hereafter to be made touching Quarantine, any examination or answer shall be taken or made upon Oath, the person who shall be authorized and required to take such examination and answers shall and may be deemed to have full power and authority to administer such Oaths, and if any person who shall be interrogated or examined shall wilfully swear falsely to any matter concerning which such person shall depose or make Oath on such examination or in such answer, or if any person shall procure any other person so to do, he or she so swearing falsely or procuring any other person so to do, shall be deemed to be guilty of, and shall be liable to be prosecuted for, perjury or subornation of perjury, as the case may be, and shall suffer the pains, penalties and punishments of the Law in such case respectively made and provided.

Persons authorized to take examinations may administer oaths.

Persons swearing falsely or procuring others to do so, guilty of perjury.

**XXIII.**—*And be it further enacted,* that all Health Officers, Superintendents of Quarantine at the several Ports and their Assistants, shall and may be appointed by any Instrument signed by the Governor for the time being, and every thing required to be done and performed by the Health Officer, Superintendent of Quarantine or his Assistant, may in case of the absence or sickness of such Health Officer, Superintendent or Assistant, be done and performed by such Principal Officer of the Customs or other person as shall be authorized to act in that behalf.

All Appointments to be made under signature of the Governor.

In the absence of Health Officer, Officer of Customs may act for him.

**XXIV.**—*And be it further enacted,* that the publication in the *Royal Gazette* Newspaper, at St. John's, or any Order of the Governor and Council, or of His Majesty's Council, made in pursuance of this Act, or the publication of the Governor's Proclamation made in pursuance of the same, shall be deemed and taken to be sufficient notice to all persons concerned of all matters therein respectively contained.

Publication in the Royal Gazette of any Order of the Governor, &c. or of Governor's Proclamation, to be deemed a sufficient notice.

**XXV.**—*And be it further enacted,* that all forfeitures and penalties that shall be incurred by reason of any offence committed against this Act shall and may be recovered by suit in any of His Majesty's Courts of Record in this Island, or in such Ports or Places where there is no Court of Record then before one or more Justices of the Peace, residing at or near such Port or Place, and every such forfeiture and penalty

Penalties incurred may be recovered by suit in any of His Majesty's Courts of Record; and where no Court before one or more Justice of the Peace;

One moiety to the Informer, the other to His Majesty.

Persons aggrieved may appeal from Justice's decision—giving security to prosecute such appeal; to be heard in the Supreme or Circuit Courts.

Actions for the recovery of fines &c. to be entered in the name of Attorney or Solicitor General under direction of the Governor or Board of Health.

Attorney or Solicitor General may stop proceedings.

Offences against this Act, for which no specific penalty is provided may be tried before one or more Justices of the peace.

Penalty not to exceed £50 nor imprisonment to exceed six months.

shall belong and be given one moiety to the person who shall inform and sue for the same and the remainder to His Majesty, His Heirs and Successors, for the public uses of the Island; Provided always that any person or persons who shall or may consider himself or themselves aggrieved by any Judgment or decision to be given by any such Justice or Justices of the Peace as aforesaid shall and may be entitled to appeal from such Judgment or decision, and shall within three days after such Judgment or decision give notice of his appeal therefrom and on entering into sufficient security to prosecute such appeal within twelve months, and also for the payment of such Judgment with the costs thereon, execution shall be stayed, and not otherwise, it being the intent and meaning of this Act that every person or persons who shall be adjudged by any Justice or Justices of the Peace liable to any fine under this Act shall and may be permitted to have a re-hearing in the Supreme or Circuit Courts of this Island within six months after such Judgment or decision as aforesaid; And provided further, that it shall not be lawful for any person or persons whatsoever to commence, prosecute, enter or file, or cause or procure to be commenced, prosecuted, entered or filed, any Action, Bill, Complaint, Information or Prosecution, or Actions, Bills, Complaints, Informations or Prosecutions, in any of His Majesty's Courts of Record or before any Justice or Justices of the Peace as aforesaid for the recovery of any fine, penalty or forfeiture, fines, penalties or forfeitures, incurred by reason of any offence committed against this Act or against any Order or Orders made by the Governor in Council, or by His Majesty's Council as aforesaid, unless the same be commenced, prosecuted, entered or filed, in the names of His Majesty's Attorney-General, or, in his absence, the Solicitor General, of this Island, under the direction of the Governor or the Board of Health respectively: And if any Action, Bill, Complaint, Information, or Prosecution, Actions, Bills, Complaints, Informations, or Prosecutions, or any proceeding or proceedings before any Justice or Justices as aforesaid, shall be commenced, prosecuted, entered or filed, in the name or names of any other person or persons than is in that behalf beforementioned, the same shall be and are hereby declared to be null and void.

XXVI.—*Provided also and be it further enacted*, that in case any prosecution, suit, complaint, or other proceeding as aforesaid, shall be commenced or depending by any Prosecutor for the recovery of any fine, penalty or forfeiture, fines, penalties or forfeitures, incurred by reason of any offence committed against this Act, or against any Order or Orders made by the Governor in Council or by His Majesty's Council as aforesaid, it shall and may be lawful for His Majesty's Attorney-General, or in his absence His Majesty's Solicitor-General, to stop all further proceedings therein, as well with respect to the share of such fine, penalty or forfeiture, fines, penalties or forfeitures, to which any such prosecutor shall or may claim to be entitled, as to the share thereof belonging to His Majesty, if upon consideration of the circumstances under which any such fine, penalty, or forfeiture, fines, penalties or forfeitures, may be incurred, it shall appear to them respectively fit and proper so to do.

XXVII.—*And be it further enacted*, that all offences committed against any of the provisions of this Act for which no specific penalty, forfeiture or punishment is provided by this Act, shall and may be tried, heard and determined before one or more Justices of the Peace of the District or place where such offence or disobedience shall happen; and if any person shall be convicted of any such offence or disobedience, he or she shall be liable to such forfeiture or penalty, not exceeding the sum of *Fifty Pounds* Sterling money as aforesaid,

for any offence, or to such imprisonment, not exceeding six months for any one offence, as shall in the discretion of such Justice or Justices of the Peace who shall have heard and determined the same be judged proper; and such forfeiture and penalty shall be paid one moiety to the person suing or prosecuting for the same and the remainder to His Majesty, His Heirs and Successors, to be applied as the proceeds of other penalties and forfeitures are hereinbefore directed to be applied.

XXVIII.—*And be it further enacted*, that in any prosecution, suit, or other proceedings against any person or persons whatsoever, for any offence against this Act or any Act which may hereafter be passed concerning Quarantine, or for any breach or disobedience of any Order or Orders which shall be made by the Governor with the advice of His Majesty's Council concerning Quarantine and the prevention of infection, and notified or published as aforesaid, or of any Order or Orders made by His Majesty's Council as aforesaid, or the Board of Health, whatsoever, the answer or answers of the Commander, Master or other person having charge of any Vessel, to any question or interrogatory put to him by virtue and in pursuance of this Act or of any Act which may hereafter be passed concerning Quarantine, or of any such Order or Orders as aforesaid, may and shall be given and received as evidence, so far as the same relates or relate to the place from which such Vessel shall come or to the place or places at which such Vessel touched in the course of the Voyage; and where any Vessel shall be directed to perform Quarantine by the Health Officer, Superintendent of Quarantine or his Assistant, or where there is no Superintendent or Assistant, by the Principal Officer of the Customs at any Port or Place, or other Officer authorized to act in that behalf, it having been so directed to perform Quarantine, may and shall be given and received as evidence that such Vessel was liable to Quarantine, unless satisfactory proof shall be produced by the Defendant in any such prosecution, suit or other proceeding, to shew that the Vessel did not come from or touch at any such place or places as is or are stated in the said answer or answers, or that such Vessel although directed to perform Quarantine was not liable to the performance thereof, and where any such Vessel shall in fact have been put under Quarantine at any Port or Place by the Health Officer, Superintendent of Quarantine or his Assistant, or other Officer authorized as aforesaid to act in that behalf, and shall actually be performing the same, such Vessel shall, in any prosecution, suit or other proceeding against any person or persons whatsoever, for any offence against this Act or any other Act which may hereafter be passed concerning Quarantine and the prevention of infection, or any Order or Orders of the Governor in Council or His Majesty's Council as aforesaid, be deemed and taken to be liable to Quarantine without proving in what manner or from what circumstance such Vessel became liable to the performance thereof.

In any prosecution the answers of the Commander shall be received as evidence that such Vessel was liable to Quarantine;

Unless shewn that she did not come from the place or places contained in the said answers; Or that she was not liable to Quarantine.

XXIX.—*And Whereas* in the event of the introduction of the said disease, or any other infectious plague, disease or distemper, into this Island, it may be impossible, by the authority of the General Assembly, to establish with sufficient promptitude to meet the exigencies of the cases, or of any such cases as may occur, such regulations as may be necessary in the several Ports and Places of this Island and its Dependencies for averting, diminishing or preventing, so far as may be possible, the spreading of any such infectious disease therein; And whereas, also, it may become necessary to adopt more effectual measures than are now in use for preventing the introduction of the said disease called the Cholera, or other infectious or contagious dis-

Governor by and with the advice of Council, or Council in the absence of Governor to revoke, alter, &c. regulations for the prevention of disease.

tempers, into this Island and its Dependencies: *Be it further enacted*, that it shall and may be lawful for the Governor or Commander-in-Chief for the time being, by and with the advice of His Majesty's Council, and for the said Council in the absence of the Governor, by any Order or Orders in Council by him or them from time to time made, to establish, and again from time to time by any such Order or Orders to revoke, renew, alter or vary, all such rules and regulations, and to substitute any such new rules and regulations as to him or them may appear necessary or expedient, for the prevention as far as may be possible of the introduction into this Island and spreading of the said disease called the Cholera, or Spasmodic or Indian Cholera, or any other highly infectious or contagious disease or distemper within this Island and its Dependencies or any part thereof, or for the relief of any persons suffering under or likely to be afflicted by any such disease; and for the safe and speedy interment of any person or persons who may die of any such disease:

All orders and regulations so made to be certified by the Secretary or Clerk of Council and published in the Royal Gazette;

XXX.—*And be it further enacted*, that every such Order as aforesaid, shall be certified under the hand of the Secretary of the Island, or Clerk for the time being of His Majesty's Council, and shall be published in the Royal Gazette Newspaper at St. John's, and that the publication therein of any such Order as aforesaid shall for all intents and purposes be taken, admitted and received in all Courts, and before all Judges, Justices and Magistrates and others, as good and sufficient evidence of the making, and of the dates and contents of any such Order.

And kept in force so long as the Governor or Council may require:

XXXI.—*And be it further enacted*, that every such Order as aforesaid, and all rules, regulations, proceedings and measures thereby established and declared to be such as to the said Governor and Council appear of urgent necessity and indispensable and proper to be adopted for preserving the public health or preventing the introduction or arresting of any such disease as aforesaid, shall and may be continued and kept in force so long as the necessity of the case shall appear to the said Governor or Council to require, and shall and may be enforced and put in execution, in all places, and for and in respect of all Persons, Houses, Buildings, Vessels, Goods, Wares, Merchandize, Matters and Things whatsoever, and by any kind of necessary force whatsoever, which the occasion may require, and obedience to such Orders, Rules, Regulations and Directions may be enjoined and enforced under any penalties or forfeitures therein to be expressed, but not exceeding *One Hundred Pounds* Sterling money as aforesaid for any one offence; and all and every such rules, regulations, orders and directions shall be, to all intents and purposes, good, legal, valid and effective, for all the objects and purposes thereof, notwithstanding the same may exceed or appear to exceed any powers or authorities by the existing Laws vested in the Governor or Council for the preservation of the public health throughout the Island and its Dependencies, and disobedience to any such orders, rules, regulations and directions respectively shall be a misdemeanour, and subject the offender to be indicted, fined and imprisoned therefor, or to the penalties, fines and forfeitures therein to be established.

Penalties not to exceed £100;

Such orders, &c. to be binding although they may exceed the powers vested by existing laws.

Disobedience of them a misdemeanour.

Governor, with advice of Council, may appoint Health Officers,

XXXII.—*And be it further enacted*, that it shall be lawful for the Governor for the time being, by the advice of His Majesty's Council, at all times when to him or them it shall appear expedient for preventing the introduction or spreading of any contagious or infectious disease into or in this Island or its Dependencies, or necessary to make such appointments, to appoint and commission such competent

persons at the several Ports of this Island and its Dependencies, as may be required to act as Health Officers therefor respectively; and also to establish and appoint in any place or places, a Board of Health for carrying into effect and enforcing the rules, regulations and directions in any such order to be made by the Governor in Council or His Majesty's Council; contained; and also to prescribe and direct the particular duties and modes of proceeding to be executed or observed by such Health Officers, Board or Boards of Health, and to authorize and empower them; or any of them, to make, establish and cause to be observed, any rules and regulations which may be found necessary to preserve the public health, and to render effectual all measures of precaution against the introduction or spreading of such infectious disease or diseases as aforesaid; and in case of any vacancy in any such appointments, the same shall and may be supplied as the said Governor in Council or the Council shall from time to time think proper.

and Boards of Health, for carrying regulations into effect—prescribe the duties of such Health Officers, &c.—and empower them to make, rules and regulations.

Governor in Council, or Council, to fill up vacancies.

XXXIII.—*And be it further enacted*, that when and so long as any Order or Orders of the Governor in Council, or of the Council, shall be in force respecting any Vessels, arriving from any place whence any such infectious or contagious disease may probably be brought, it shall be the duty of the Health Officer appointed for any Port or Place in this Island or its Dependencies, immediately on the arrival of any such Vessel, or upon the entry thereof into the Port, to repair alongside, or on board thereof, and to make strict search and enquiry into the health of the Officers, Crew and Passengers, and into the state of the Vessel and Cargo, and without delay to report his observations and opinion thereon to the Governor, the Council, or the person or persons appointed to receive such report; and every such Health Officer shall do and perform all other duties, acts and things by the Governor, the Council or other person or persons thereto appointed, required or directed to be done in respect thereof, and make an immediate report as aforesaid of his proceedings and their result as the case may require; and every such Health Officer is hereby authorized and required, when necessary, to administer an oath to, and on oath to examine, all persons on board of any such Ship or Vessel, and put to them all questions by him deemed proper, to enable him to ascertain the state of the Vessel, Cargo, Crew and Passengers arriving as aforesaid, and such questions shall be truly answered accordingly.

Health Officer to repair alongside any Vessel entering, to make strict search and enquiry;

And report his observations to the Governor or Council, &c.

Health Officer empowered to administer Oaths.

XXXIV.—*And be it further enacted*, that no Vessel whatever, subject under any Order or Orders of the Governor in Council, or of the Council, to be examined as aforesaid, shall be admitted to entry inwards at any Custom House, or by any Officer of His Majesty's Customs in this Island or its Dependencies, until a certificate of her examination, signed by the Health Officer, shall be exhibited to the proper Officer of the Customs.

No Vessel subject to examination to be admitted to entry without a certificate from the Health Officer.

XXXV.—*And be it further enacted*, that every Vessel arriving from Sea, and inspected and reported upon by any Health Officer, as aforesaid, shall be subject to and chargeable with such Fees, and to such charges and expenses necessarily incurred in such inspection and report, as the Governor in Council, by any rate or table for that purpose, shall think fit to establish; and all such fees, charges and expenses shall be chargeable upon and paid by the Master, Owner or Consignee of such Vessel, at the Custom House, before her Entry inwards or Clearance outwards thereat; and all monies so received at the Custom-House shall by the Officers thereof be duly accounted for and paid over to the Colonial Treasurer, or other proper Officer

Vessels inspected and reported are to be subject to such fees, as the Governor in Council shall establish; which fees are to be paid by the Masters, Owners or Consignees before the Vessels are admitted to entry, and applied towards the expenses of the Quarantine establishments.

appointed for that purpose, to be applied towards the payment of the Health Officers and towards the expenses that may be incurred in carrying the provisions of this Act into execution.

Governor and Council at Saint John's and Justices of the Peace in other Districts to appoint Health Wardens,

who are to act gratuitously,

and are authorized to enter and examine, in the day-time, houses, &c.

and to ascertain and report their condition to the Governor or such person as may be appointed to receive such report.

Health Wardens with approbation of the Board of Health to give orders for the removal of nuisances, &c.

**XXXVI.**—*And be it further enacted,* that it shall be lawful for the Governor, with the advice of the Council, in St. John's, and for the Justices assigned to keep the Peace in any other District, to nominate and appoint from time to time such and so many persons as may be necessary to fill the office of Health Wardens within the Town of St. John's and other Towns within the Island and its Dependencies, who shall act gratuitously and be severally sworn to the due performance of their office pursuant to this Act; and the said Health Wardens, or any two of them, shall, and are hereby required and authorized, when and so often as they may deem it necessary so to do, to enter into and examine, in the day-time, all Houses, Buildings, Stores, Lots of Land, Wharves, Yards, Enclosures, and other places whatsoever, and all Vessels and Boats lying at any place in this Island or its Dependencies, and to ascertain and report to the Governor, or such persons as may be appointed to receive such reports, the state and condition of all such Buildings, Places, Vessels and Boats, as aforesaid, in regard to any substances, articles or animals there or therein being, or any trade, calling or business, matter or thing, there or therein used, followed or transacted, whereby or by means whereof any nuisance may be occasioned, or the public health be endangered or affected; and further to give all such orders and directions, and to adopt, enforce and put in execution such ways, means and measures as in their judgment, with the approbation of the Board of Health, may be most prompt, effectual or necessary for removing every nuisance, and cleansing and purifying every such House, Building, Store, Lot of Land, Wharf, Yard, Enclosure, or other place, Ships, Vessels or Boats, as aforesaid, and all, every, or any part or parts of such Towns as aforesaid, and for the immediate removal and carrying away therefrom respectively, of all articles, substances and animals by or by means whereof any offensive nuisance may be occasioned or the public health affected or endangered; and further to do, or cause to be done, in relation to each and every such Buildings, Places, Ships and Vessels whatsoever, and all parts of the said Towns, and in respect of all such articles, substances, animals and nuisances therein being, every matter and thing which in the opinion of such Health Wardens, or any two of them, with the approbation of the Board of Health, may be necessary to be done for preserving the public health, maintaining cleanliness, and preventing contagion or infection.

To cause Houses &c. to be white-washed, fumigated, &c.

And to order all putrid substances to be removed.

**XXXVII.**—*And be it further enacted,* that it shall and may be lawful for such Health Wardens, or any two of them, with the approbation of the Board of Health, and they are hereby empowered to order and cause any House, Warehouse, Building, Place, Ship or Boat whatsoever to be white-washed with Lime, or to be fumigated, washed or purified by and with proper disinfecting substances, or subjected to the process necessary for disinfecting or cleansing the same, and also to order and cause to be used Lime or other disinfecting substances, in all places where the same may be necessary, for the removal of offensive nuisances; and likewise to order or cause any article, substance, matter or thing whatsoever that may be putrid or otherwise dangerous to the public health in any part of any such Town, or on board of any Vessel or Boat, to be destroyed or removed when, and to such place, and in such manner, as they shall direct.

**XXXVIII.**—*And be it further enacted,* that whosoever shall violate, or wilfully and knowingly infringe the provisions of this Act, or the orders or directions of any Board of Health hereafter to be established, or of any Health Officer or Health Wardens, or shall resist, oppose, or obstruct the lawful execution of this Act, or any such orders or directions as aforesaid, or the said Officers in the execution of their duty, shall for every such offence be deemed guilty of a Misdemeanour, and shall incur and become liable to a penalty not exceeding *Ten Pounds* Sterling money as aforesaid, nor less than *Five Pounds* of like lawful money, for every such offence; to be recovered in manner hereinbefore provided.

A violation of this Act to be deemed a misdemeanor;—Penalty not to exceed 10*l.* nor be less than 5*l.*

**XXXIX.**—*And be it further enacted,* that if any Action or Suit shall be commenced against any person or persons, for any matter or thing done in pursuance or execution of this present Act, or of any order made by virtue thereof, the Defendant or Defendants, in such Action or Suit, may plead the General Issue, and give this Act and the special matter in Evidence at any trial to be had thereupon; and that the same was done in pursuance and in execution of the said Act: and if it shall appear so to have been done, then the Jury shall find for the Defendant or Defendants, and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgment shall have been given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall and may recover treble Costs, and have the like remedy for the same as the Defendant or Defendants hath or have in other cases by Law; and that no such Action or Suit shall be brought against any person for any matter or thing done in pursuance or execution of this Act, but within the space of six months after such matter or thing shall have been done.

Defendant may plead General Issue in any action taken against any person acting in pursuance of this Act.

Where Judgment shall have been given in favor of Defendant, he may recover treble costs.

Limitation of action for any thing done in pursuance of this Act—Six Months.

**XL.**—*And be it further enacted,* that this Act shall continue and be in force for one year, and from thence to the end of the then next Session of the General Assembly.

Act to continue in force one year.

*Repealed*

**XLI.**—*And be it further enacted,* that this Act may be altered, amended, or repealed, by any Act or Acts that may be passed by the General Assembly in the present Session, any usage or custom to the contrary notwithstanding.

May be altered, amended or repealed in the present Session.



*Count of Sepson  
Future Boy*



ANNO TERTIO

## GULIELMI IV. REGIS.

### CAP. II.

*An ACT to Prevent dangerous quantities of Gunpowder being kept within the Town of Saint John's.*

[27th March, 1833.]

**W**HEREAS large quantities of Gunpowder are now kept within the Town of Saint John's, to the apparent danger of the lives and fortunes of His Majesty's subjects: *Be it therefore enacted* by the Governor, Council, and Assembly, that from and after the expiration of ten 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 Saint John's, or within One 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 a Magazine situate near the Crow's Nest in the said Town, or in any other Public Magazine or Magazines which may hereafter, by lawful authority, be appointed for the safe storing of Gunpowder.

Preamble.

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

**SEC. 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 one Ship, Boat, or other Vessel, in the Harbor of Saint John's, 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 Fifty 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, residing within the Town of Saint John's, on complaint made upon Oath by any Constable, or other Person, that he has reasonable cause to suspect that any quantity or quantities of Gunpowder is or are deposited or kept in any House, Storehouse, Warehouse, or other Building or Place as

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.

aforesaid, within the said Town of Saint John's or the limits aforesaid, or on board any Ship, Boat, or other Vessel, in the Harbor of Saint John's, 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 the Proprietor or Occupant or Occupants of any such House, Storehouse, or other 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 Harbor of Saint John's, 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 Town of Saint John's, 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 said 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 Justices 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 half of the nett residue of the said proceeds shall be paid to the Informer, and the other half to His Majesty, his Heirs and Successors, to be applied towards defraying the expenses of the Fire Companies of the Town of Saint John's : *Provided always, and it is hereby enacted*, that the Constable or Constables, and 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 Complaint or Information aforesaid.

IV.—*And be it further enacted*, that if any person or persons shall after the expiration of ten 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 Saint John's, or within one mile of the same, (except as herein before excepted,) or shall have or keep any larger or greater quantity of Gunpowder than Twenty-Five Pounds, at one time, in any one Ship, Boat, or other Vessel, in the Harbour of Saint John's, 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 fifty 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 or 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 wilfully done any thing 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, Plaint, Bill or Information, at the suit of any Constable or Constables of the Town of Saint John's, or other Person or Persons, in the Supreme, Circuit, or Sessions Courts of this Island, together with full costs of suit; one half of the monies so recovered, to be paid to the Constable or other Person who shall inform and sue for the same, and the other half to His Majesty, his Heirs and Successors, to be applied towards defraying the expenses of the Fire Companies of the Town of Saint John's: *Provided always*, that such Action, Plaint, Bill, or Information, shall be commenced, sued, and prosecuted, within Twelve Months next after such forfeiture or penalty shall be incurred.

V.—And Whereas the Owners and Proprietors of a Magazine for Gunpowder which has already been constructed and erected at a place called the Crow's Nest, situate near the Eastern suburbs of the Town of Saint John's, have expressed their readiness to receive and keep in the said Magazine, to the use of the Public and the purposes of this Act, all such Gunpowder as may, under the Provisions herein before contained, be delivered at the said Magazine, (not exceeding such quantity as its space will contain,) and to receive and accept such allowance for the Storage and keeping of Gunpowder therein as shall be established by Law: *Be it further enacted*, that for all Gunpowder stored or placed in the said Magazine, and taken out of the same within One Year, the following rates and prices shall be paid, that is to say, for every Barrel, Two Shillings and Sixpence; for every Half Barrel, One Shilling and Sixpence; and for every Quarter Barrel, One Shilling, of lawful Current money of this Island; 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 Sixpence, Current money of this Island, per annum.

Rates for storing  
Gunpowder in the  
Magazine.

VI.—*And be it further enacted*, that all Gunpowder which, in pursuance of the Provisions of this Act, shall be carried to and removed from the said Public Magazine, or any other Public Magazine hereafter to be built and appointed under the Provisions of this Act, shall at all times be conveyed and carried by water, as far forth as the same can be water-borne.

Gunpowder to  
be water-borne.



*Court of Sessions  
Fortune Bay*



ANNO TERTIO

## GULIELMI IV. REGIS.

### CAP. III.

#### *An ACT for the Establishment and Regulation of Fire Companies in the Town of Saint John's.*

[17th April, 1833.]

**W**HEREAS, for the greater security of Houses and Property in the Town of St. John's against destructive Fires, it is deemed expedient to make provision for the establishment and regulation of Fire Companies in the said Town:

Preamble.

*Be it therefore enacted*, by the Governor, Council and Assembly, that for the purposes of this Act the said Town and Suburbs of St. John's shall be divided into four Wards, in form and manner following, that is to say—

Division of the  
Town into Four  
Wards.

*First*—the Western Ward of the said Town, which shall extend from the Western boundary thereof, as specified in the Public Chart of the said Town, to the Fire-break on the Eastern side of the Premises of Codner and Jennings, and to the nearest road from thence to the Barrens, inclusive, and comprehending all the intermediate Tenements and space of ground:

*Second*—The Western Middle Ward of the said Town, which shall extend from the Eastern side of the said Fire-break and Road to the Barrens, to the Western side of Church-hill Fire-break, and of the road from Church-hill to Fort Townshend, inclusive, and comprehending all the intermediate Tenements and space of ground:

*Third*—The Eastern Middle Ward of the said Town, which shall extend from the Eastern side of Church-hill, and the side road leading from Church-hill to Fort Townshend, and from thence to the Western side of the King's Beach and King's Road as far as the Barrens, inclusive, and comprehending all the intermediate Tenements and space of ground:

*Fourth*—The Eastern Ward of the said Town, which shall extend from the King's Beach and King's Road to the Eastern boundary of the said Town as specified in the abovementioned Chart.

**II.**—*And be it further enacted*, that each of the aforesaid Wards shall have a Public Fire Company established therein, under the Rules and Regulations hereinafter provided, and that every male Housekeeper living within any and each of the said Wards (saving and excepting the Judges, Magistrates, Public Officers, Clergymen,

Fire Company  
established in  
each Ward.

Medical Practitioners, Persons above sixty years of age, and Persons with loss of limb or other serious inability,) shall be a member of the said Fire Company for the Ward in which he shall customarily reside, and shall have his name enrolled accordingly, and shall be liable to attend at all times, and shall be subject to the Rules and Regulations hereinafter provided: *Provided always*, that every Person claiming exemption from personal service, and not being a Clergyman or Medical Practitioner, as aforesaid, and having a Son, or Clerk, or Man Servant, of or exceeding the age of Seventeen years, residing in his House, shall have such Son, or Clerk, or Man Servant, enrolled as his Substitute in the Fire Company for the Ward in which his house shall be situated, and shall be liable for the attendance at all times of such Substitute, and subject and liable on his behalf to all the Rules and Regulations herein prescribed, or which shall or may be made under or by virtue of this Act.

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

Who shall serve for a year.

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

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

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

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

Appropriation of Fines.

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

Fire Engines to be kept in each Ward in a house erected for the purpose.

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

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

An Assessment for this purpose on Landlords and others deriving a profit rent in St. John's.

Stone Buildings to be liable to half the Assessment only.

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

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

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

Exemptions from Assessment.

Assessment how to be recovered.

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

Appointment of Officers.

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

Assessments to be paid to Treasurer of Fire Companies;

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

X.—*And be it further enacted*, that the said Treasurer shall pay no Accounts or Orders for any sums of money on account of the said Fire Companies, unless a majority of the Wardens of the Ward where the expense is incurred shall sign the same; and all such Accounts shall be examined and audited by three Auditors appointed for that purpose at the annual or general meeting of the said respective Wards; and after such accounts shall be so audited, they shall be submitted to the said General Meeting for approval.

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

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

*Court of Sessions*  
*Portsmouth Bay*



ANNO TERTIO

## GULIELMI IV. REGIS.

### CAP. IV.

#### *An ACT to Establish and Regulate Fire Companies in the Town of Harbor Grace.*

[17th April, 1833.]

**W**HEREAS, for the greater security of Houses and Property in the Town of Harbour Grace, against destructive Fires, it is deemed expedient to make provision for the establishment and regulation of Fire Companies in the said Town:

Preamble:

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

Division of the  
Town into Two  
Wards.

*First*—The Western Ward of the said Town, which shall extend from the Street leading from the Water-side to the residence of Josiah Parkin, Esquire, which shall form the Eastern boundary of the said Ward, and thence to Ship's Head West, including and comprehending all Houses, Tenements and spaces of ground within half a mile of the Waterside of Harbour Grace.

*Second*—The Eastern Ward of the said Town, which shall extend from the beforementioned Street leading from the Water-side to the residence of Josiah Parkin, Esquire, and thence East to Bear's Cove Brook, including and comprehending all Houses, Tenements and spaces of ground within half a mile of high-water mark.

*II.*—*And be it further enacted*, that each of the aforesaid Wards shall have a Public Fire Company established therein, under the Rules and Regulations hereinafter provided, and that every male Housekeeper living within any and each of the said Wards (saving and excepting the Judges, Magistrates, Public Officers, Clergymen, Medical Practitioners, Persons above sixty years of age, and Persons with loss of limb or other serious inability,) shall be a member of the said Fire Company for the Ward in which he may customarily reside, and shall have his name enrolled accordingly, and shall be liable to attend at all times, and shall be subject to the Rules and Regulations

Fire Company  
established in  
each Ward.

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

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

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

Who shall serve for a year.

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

IV.—*And be it further enacted*, that the Wardens and Captains so chosen and appointed for the said Wards, shall, on the day next after the day on which they shall be so chosen and elected, all meet at some convenient place, and form themselves into a Committee and appoint a Chairman and Secretary, and such Committee of Fire Wardens and Officers; or the majority of them, shall and may and are hereby authorized to frame and adopt Rules and Regulations for the conduct and government of the said Fire Companies and to establish Fines for the non-attendance or neglect of duty of any Member or Members of the said Fire Companies and each of them; all which Rules and Regulations, being first approved by the Governor or Commander-in-Chief, and published in the Royal Gazette, shall have the force of Law, and shall be as binding on all the Members of the said Fire Companies respectively, and on all Householders and others of the Town of Harbor Grace, as though the same were specially enacted herein; and all Fines and Penalties imposed under such Rules and Regulations shall and may be sued for and recovered by the Treasurer of each of the said Fire Companies respectively, in a summary way, in any of His Majesty's Courts of Record, or before one or more Justice or Justices of the Peace; and the proceeds of all such Fines and Penalties shall be applied to the uses of the said Fire Companies.

Appropriation of Fines.

V.—*And be it further enacted*, that within each of the said Wards, there shall be a public Fire Engine, with all the necessary apparatus

and appurtenances, and the same shall be kept in a House to be erected for that purpose in the most central and convenient situation in each Ward respectively, and a Bell shall also be attached to each Engine House; and the said Engine Houses, Engines, and Appurtenances and Bells shall be under the especial charge and controul of the said Fire Wardens and Officers for the time being of the respective Fire Companies.

Fire Engines to be kept in each Ward in a house erected for the purpose.

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

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

An Assessment for this purpose on Landlords and others deriving a profit rent in Harbor-Grace.

Stone Buildings to be liable to half the Assessment only.

VII.—*And be it further enacted*, that any two or more Justices of the Peace for the District of Conception Bay, in Sessions, on the application and recommendation in writing of a majority of the Fire Wardens and Captains of Fire Companies, who shall be duly chosen as aforesaid, shall and may, and are hereby authorized and required to make an order or orders under their hands and seals, to raise and levy on the Landlords, Lessees, and other Persons aforesaid, respectively, an Assessment and rate on the appraised value of the Rents of all Houses, Stores and Buildings within the boundaries and distance aforesaid of so much in the Pound thereon, or on the estimated value thereof (where a proprietor shall occupy his own premises) as the said Fire Wardens and other Officers or a majority of them, shall recommend and require, and as shall in the aggregate, or total amount thereof, be sufficient to pay the cost and charges of and incident to the erection of the said Engine Houses, and the purchase of Fire Engines and of all other apparatus needful and proper for the said Fire Companies, which valuation shall be made by and under the direction and authority of the said Wardens and Captains, or a majority of them; and also from time to time thereafter, on such application and recommendation aforesaid, to order such further Assessment or Assessments, in manner and form aforesaid, as shall be necessary to defray the expenses of keeping and maintaining the said Engine Houses, Fire Engines, Apparatus and Appurtenances in a proper and effective state of repair: *Provided nevertheless* that no such Rates or Assessments shall extend, or be deemed or construed to extend, to any Public Building, Church, Chapel, or Place of Public Worship, nor to any

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

Exemptions from Assessment.

Public Free School, or the Building of any Charitable Institution whatsoever.

Assessment how  
to be recovered.

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

Appointment of  
Officers.

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

Assessments to  
be paid to Treas-  
urer of Fire Com-  
panies;

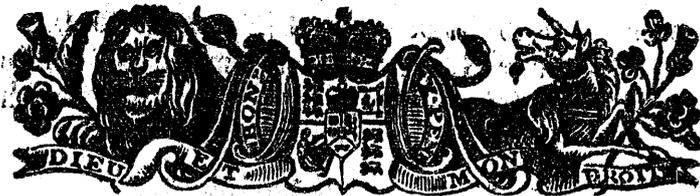
Who is to pay  
no order unless  
signed by a majori-  
ty of the Wardens.

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

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

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

Court of Sessions  
Fortune Bay



ANNO TERTIO

## GULIELMI IV. REGIS.

### CAP. V.

#### *An ACT to Regulate the Streets of the Town of Harbour Grace.*

[17th April, 1833.]

**W**HEREAS, in consequence of the destructive ravages committed by Fire in the Town of Harbour Grace, it is deemed expedient, for the future preservation of the said Town, to regulate the width of the Streets thereof, and to make provision for the opening of Fire Breaks and an additional Street in the said Town: *Be it therefore enacted*, by the Governor, Council, and Assembly, that the main or lower Street in the Town of Harbour Grace, extending from the Premises of Peter Brown, Esquire, to the Premises of James Cawley, Esquire, shall not be less than fifty feet in width in every part thereof, and shall be and remain, as nearly as may be, according to the line and plan, and metes and bounds, laid down by Messieurs Pack, Lilly, Kough, Ridley, and Anderson, Persons appointed by certain of the Inhabitants of Harbour Grace for that purpose, so far as the line and plan made by them extend; and that all and every Houses, Stores, Erections and Buildings whatsoever, built or erected since the eighteenth day of August in the year of our Lord one thousand eight hundred and thirty-two, or which shall at any time or times hereafter be erected in the said Street, whether the same be erected on any vacant spot of ground, or upon the site of any former building, shall be made to conform to the width of the said Street as the same is hereby established and directed: *Provided always*, that nothing herein contained shall extend to any House, Store, Erection or Building, which may at any time hereafter, be erected in the said Street, the same being built or made entirely of Stone or Bricks, and covered with Slates or Tiles, and always leaving a clear width in the said Street of not less than forty feet.

Preamble.

Width of the lower street.

II.—*And be it further enacted*, that the aforesaid lower or main Street of Harbour Grace, from the Dwelling House occupied by Peter Brown, Esquire, to the Premises occupied by Thorne, Hooper and Company, shall be thirty feet wide in every part thereof; and from the said Premises occupied by Thorne, Hooper and Company, to River Head, the said Street or Road shall not be less than fifty feet wide in every part thereof; and that the said Street or Road,

from the Premises of James F. Cawley, Esquire, to Bear's Cove Brook, shall not be less than fifty feet wide in every part thereof, and that all and every Houses, Stores, and Erections whatsoever, which shall hereafter be built or erected in or near to the said lower or main Street of Harbour Grace, shall be made to conform to the width of the said Street in each part respectively, as the same is hereby established.

Commissioners  
to be appointed;

III.—*And be it further enacted*, that for the regulating and making of Fire Breaks in the said Town of Harbour Grace, and also for laying down the line of a new Street, and forming the same to run in a parallel course, as near as may be, with the aforesaid main Street of Harbour Grace, and for remunerating Persons who may sustain loss of property by reason of the formation of the said Fire Breaks and Street, it shall and may be lawful for the Chief Magistrate at Harbour Grace, for the time being, on the application or requisition of twelve or more Householders of the said Town, to convene a Public Meeting of the Proprietors of Houses and Lands, or their lawful Attornies, and of the Householders of the said Town, to assemble at such time and place as the said Chief Magistrate may for such purpose publicly notify and appoint, and then and there to choose eight Persons, four of whom are to be chosen by the Proprietors or the majority of the Proprietors of such portions of ground as have been, or may be, necessary for the purposes of making and widening the said Fire Breaks and Streets or either of them, and the remaining four by the Proprietors of Houses, Tenements and Ground lying and being at Harbour Grace between Bear's Cove Brook and Ship's Head, and the Householders or Tenants residing within the said limits, or the majority of them the said Proprietors and Householders who shall be present at the said intended meeting; and which eight Persons so chosen and elected shall have power to elect a ninth Person as Umpire, and such nine Persons shall thereupon, after being duly sworn in such behalf before the Chief Magistrate of the said Town, be Commissioners of Roads and Appraisers, and such Commissioners and Appraisers, or a majority of them, are hereby authorized to mark out the line and extent of, and to form, at their discretion, if they think proper, a new Street at Harbour Grace aforesaid, to be forty feet wide, and to run and extend from the Harbour Grace and Carbonear new Road to Ship's Head, at a convenient distance from, and as nearly parallel as may be with, the main or lower Street at Harbour Grace aforesaid, and also to mark out and make and form such and so many Cross Streets or open Spaces, to serve as Fire Breaks, as the said Commissioners and Appraisers, or a majority of them, shall think or deem proper; and such Cross Streets shall be at least sixty feet wide, and shall intersect the said main Street and intended new Street, as nearly as may be, at right angles, and extend into the Harbour of Harbour Grace; and the said Commissioners and Appraisers or a majority of them, are hereby authorized to take and appropriate all such ground as may be required to form the said Streets and Fire Breaks, and also to grant to the Owner or Owners of the ground so to be taken and appropriated, such reasonable compensation for the same as they shall deem proper, under the terms and limitations herein prescribed.

With powers to  
form a new street  
and make fire-  
breaks;

and award com-  
pensation to per-  
sons whose ground  
is taken.

IV.—*And be it further enacted*, that the said Commissioners and Appraisers, or a majority of them, shall be hereby authorized, on their appointment, to proceed forthwith to mark and form the said Streets in manner aforesaid, and to appraise the value of all and every such portions of land as may be necessary to be taken for the purpose of

forming the said intended new Street, and the said intended Cross Streets or Fire Breaks, or any or either of them, always taking into account the additional value derived to the several Proprietors from the convenience and security afforded by the opening of the said Streets; and that such appraised value shall be deemed and considered the true value of the said portions of ground and shall be paid by all and every the Proprietors of Houses, Tenements, Lots and Parcels of Ground, lying and being between Bear's Cove Brook and Ship's Head, and the Tenants or Occupiers thereof, by a Rate or Assessment in equal proportions between Landlord and Tenant, and at such valuation as the said Commissioners and Appraisers, or a majority of them, shall assess, appoint or determine, and which they are hereby authorized and required to do: *Provided always*, that if the said Commissioners and Appraisers, or a majority of them, shall be of opinion that any Proprietors of the said ground so required for the Streets aforesaid, or any of them, may be indemnified at a less expense to the Proprietors in general, by having an equal portion of ground assigned to them from any ground adjoining, and that such adjoining ground may be taken without material injury to the Proprietor or Proprietors thereof, it shall be lawful, and the said Commissioners and Appraisers, or a majority of them, are required, to mark off and in like manner to appraise so much of the said adjoining ground as they may think sufficient to replace the ground required for the said Streets; and the same so marked off shall belong to the first-mentioned Proprietors, and be instead and in lieu of all and every indemnity whatsoever, and the appraised value of the same shall be paid by the Proprietors and Tenants in general, to the Proprietors or Proprietor from whom the same was respectively taken, and shall be as a full satisfaction and release of the same and of all right and title thereto.

Such compensation to be made by an assessment on landlord and tenant;

or by the substitution of other land.

V.—*And be it further enacted*, that all Rates and Assessments which shall be made and regulated by the said Commissioners and Appraisers, or a majority of them, by virtue of this Act, shall and may be sued for and recovered from any Person or Persons making default in the due payment thereof, in a summary way, in any of His Majesty's Courts of Record or before any two or more Justices of the Peace in Sessions, whose decision thereon shall be final.

Rates and assessments may be sued for in any Court of Record.

VI.—*And be it further enacted*, that if the said Commissioners of Roads and Appraisers, so to be chosen and appointed as aforesaid, or a majority of them, shall be of opinion that it would be inconvenient or inexpedient, at present, to open and make the said intended new Street or Road, from the new Carbonear Road to Ship's Head, it shall and may be lawful for them the said Commissioners and Appraisers, or a majority of them, to postpone the opening and making of the said intended new Street or Road to a future period, or to decline and altogether avoid the opening and making thereof, or otherwise to open and make a portion or part only of the said intended new Street or Road, as the said Commissioners and Appraisers, or a majority of them, shall in their discretion deem proper, any thing herein contained to the contrary thereof notwithstanding; and in the event of the said intended new Street or Road not being opened or made, the said Commissioners and Appraisers, or a majority of them, are hereby authorized to extend and continue the aforesaid intended Cross Streets, or Fire Breaks, to such sufficient distance from the aforesaid main or lower Street of Harbor Grace, as they shall deem proper and expedient.

Commissioners may postpone the opening of the new street;

or make a part only.

In case the new street is not opened, Commissioners may extend the fire-breaks.



*Court of Sessions*

*Fortune Bay*



ANNO TERTIO

**GULIELMI IV. REGIS.**

**CAP. VI.**

*An ACT to declare the qualification and character  
of Persons admitted to practise as Barristers  
and Attornies of the Supreme Court of this Island.*

[17th April, 1833.]

**W**HEREAS by a certain Act passed in the Imperial Parliament, 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 declared and enacted that it shall and may be lawful for His Majesty, his Heirs and Successors, by his Charter or Letters Patent, or by any Order or Orders to be issued by and with the advice of his and their Privy Council, to make and prescribe, or to authorize the Supreme Court of Newfoundland, as His Majesty shall deem proper, to make and prescribe such Rules and Orders touching and concerning the admission of Barristers, Attornies, and Solicitors in the said Supreme Court, as to His Majesty, His Heirs and Successors, shall seem meet, and such Rules and Orders from time to time to alter, amend or revoke, as to His Majesty his Heirs and Successors shall seem requisite: And Whereas, in and by the Charter or Letters Patent of His said late Majesty, issued under and by virtue of the said Act, bearing date at Westminster the nineteenth day of September, in the year one thousand eight hundred and twenty-five, it is declared that in case there shall not be a sufficient number of Persons having been admitted Barristers at Law or Advocates in Great Britain or Ireland, or having been admitted Writers, Attornies or Solicitors in one of His Majesty's Courts at Westminster, Dublin, or Edinburgh, or having been admitted as Proctors in any Ecclesiastical Court in England, or of Persons having served a Clerkship under Articles in writing for the term of five years at least to any Barrister, Advocate, Proctor, Attorney or Solicitor of the said Supreme Court, and admitted and enrolled as Barristers, Advocates, Proctors, Attornies or Solicitors, to act as such within the said Colony, competent and willing to appear and act for the Suitors of the said Supreme Court, that then and in that case the said Supreme Court was and is thereby

Preamble.

authorized to admit so many other fit and proper persons to appear and act as Barristers, Advocates, Proctors, Attornies, and Solicitors, as may or might be necessary, according to such general rules and qualifications as the said Supreme Court should for that purpose make and establish: And Whereas, in and by an Act of the Imperial Parliament passed in the tenth year of the Reign of his late Majesty King George the Fourth, the aforesaid recited Act was continued until the thirty-first day of December in the year one thousand eight hundred and thirty-two; And Whereas, in and by a certain Act passed in the Imperial Parliament in the second and third years of the Reign of His Most Gracious Majesty King William the Fourth, 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 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 any 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 hereafter 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 recited Act, or any part thereof, and that until so repealed, amended, altered or varied, the said recited Act shall be and continue in full force and effect: And Whereas, in pursuance of the said Act of the Imperial Parliament passed in the fifth year of the Reign of His late Majesty King George the Fourth, and of the said Royal Charter, divers Persons of the profession of the Law were, on the institution and opening of the said Supreme Court, and have been at divers times and periods since, admitted to practise in the said Courts as Barristers, Advocates, Proctors, Attornies and Solicitors of the said Supreme Court; And Whereas doubts have arisen whether the Persons so admitted, shall be deemed to be Barristers, Advocates, Proctors, Attornies and Solicitors fully admitted and enrolled, and it is necessary that all such doubts should be removed:

Barristers who have been admitted to practise in the Supreme Court declared to be Barristers-at-Law admitted and enrolled.

*Be it therefore enacted*, by the Governor, Council and Assembly, in Colonial Parliament assembled, that every person who hath been admitted to practise as a Barrister or Advocate, Proctor, Attorney or Solicitor, as aforesaid, in the said Supreme Court of Newfoundland, and hath continued to practise as such in the said Supreme Court or Circuit Courts from the period of his admission until the present time, shall be deemed to have been from the period or date of his respective admission to practise as such Barrister or Advocate, Proctor, Attorney or Solicitor, and is hereby declared to be to all intents and purposes, a Barrister at Law and Advocate, Proctor, Attorney and Solicitor of the said Supreme Court of Newfoundland, duly admitted and enrolled;—*Provided always*, that any Person who may have been admitted to practise as aforesaid, and hath been appointed to act in the capacity of Clerk in the Supreme or Circuit Courts of this Island, shall be considered a practising Barrister, Advocate, Proctor, Attorney and Solicitor, within the meaning of this Act.





Court of Sessions

St. John's Bay



ANNO TERTIO

GULIELMI IV. REGIS.

CAP. VII.

*An ACT for the Regulation of Pilots and the Pilotage of Vessels at the Port of Saint John's.*

[17th April, 1833.]

**BE IT ENACTED**, by the Governor, Council, and Assembly, that it shall and may be lawful for the Governor or Commander-in-Chief for the time being, by and with the advice of His Majesty's Council, to appoint and commission during pleasure, Five Persons (three of whom to be a quorum) to examine and select Pilots for the Port of Saint John's, and that vacancies in such Commission shall be filled up by the same authority of the Governor or Commander-in-Chief and Council, that may from time to time occur by the death, resignation or removal of any such Commissioner or Commissioners as aforesaid; and that before any such Commissioner shall act under such appointment, he shall take the Oath contained in the Schedule annexed to this Act, marked A. before one of the Judges of the Supreme Court or a Magistrate,—such Commissioners to act gratuitously.

Governor, with advice of Council, to appoint Commissioners to select Pilots.

Commissioners to take oaths,

II.—*And be it further enacted*, that the said Commissioners shall from time to time license as many fit persons by them examined, as they shall think necessary, to act as Pilots for the Port of St. John's, and grant to each licensed Pilot a Certificate annually in the form contained in the Schedule hereto annexed, marked B, for which Certificate the Person receiving it shall pay the sum of Twenty Shillings, and in case of loss or defacing of the same, a sum not above Ten Shillings for a new Certificate; and the Certificate so granted shall be numbered and registered in a book to be kept for that purpose.

to license Pilots,

and grant Certificates.

III.—*And be it further enacted*, that the rates of Pilotage into and from the Harbour of St. John's, to which such licensed Pilot shall be entitled, shall be according to the Table of Rates contained in the Schedule annexed to this Act marked C, when boarded by a licensed Pilot, to the Southward or Eastward of Cape Spear or to the Northward of Sugar Loaf, and two thirds of the said Rates when boarded inside of Cape Spear and to the Southward of Sugar Loaf; and in all cases a

Rates of Pilotage.

5 per cent. to be paid to the Pilots' Fund.

sum at and after the rate of Five Pounds per centum of and upon the Pilotage received, shall be paid by the Pilot or Pilots receiving the same to the Secretary of the Commissioners appointed under this Act, for the benefit of the Pilots' fund agreeable to the Tenth Section of this Act: *Provided always* that it shall be imperative upon all Vessels, except His Majesty's Ships of War and Vessels employed in the Coasting Trade and Fisheries, to take Pilots when they shall offer their services.

Unlicensed Pilots to give up charge of Vessels to licensed Pilots.

IV.—*And be it further enacted*, that any Person taking charge of any Vessel as Pilot, not being licensed, shall be bound to give up the guidance of the said Vessel to the first licensed Pilot who shall board such Vessel to the Eastward of Small Point, under a penalty of Forty Shillings.

No Pilot shall be taken to sea against his will.

V.—*And be it further enacted*, that no licensed Pilot shall be taken off to Sea against his will, by any Master or Commander of any Vessel, under a penalty of Fifty Pounds; except when through stress of weather the taking a Pilot off to Sea shall be inevitable; and in all cases where any Person acting as Pilot shall be taken to Sea, he shall be entitled to receive from the Master or Owners of such Vessel, a compensation for loss of time at the rate of Three Pounds Ten Shillings Sterling Money of Great Britain per month, and the usual allowance of Meat and Drink, and be provided with a Passage home at their expense.

Licensed Pilots to carry a Flag, &c.

Others carrying such Flag liable to a penalty of £3.

VI.—*And be it further enacted*, that every Pilot so licensed shall be bound to carry such Flag, and to have his Boat so marked and rigged, as shall be directed by the said Commissioners, under a penalty of Three Pounds; and that any unlicensed Person carrying such Flag, and having his Boat so marked and rigged, shall be liable to a penalty of Three Pounds; and that a Pilot taking charge of any Vessel, shall in all cases behave himself civilly, and be strictly orderly and sober, while in discharge of his duty, and use his utmost care and diligence for the safety of the Vessel, and to prevent her doing damage to others, under a penalty of a sum not exceeding Three Pounds for the first offence, and also to suspension, for a certain time, or dismissal, if the Commissioners think proper; and on a second conviction for a similar offence, the said Pilot shall lose his license and be no more capable of being licensed.

Certificate not to be lent or transferred.

No larger or less sum than is allowed by this Act, to be taken.

VII.—*And be it further enacted*, that no licensed Pilot shall lend or transfer his Certificate under the penalty of Five Pounds for the first offence, and for a second offence shall lose his Certificate and be no more capable of being licensed; and that any Pilot exacting a larger sum for his Services, or taking a lesser sum than is allowed by Law, shall forfeit for such offence the sum of Forty Shillings; and when he has exacted more, shall refund the excess by him received.

Commissioners may establish bye-laws.

VIII.—*And be it further enacted*, that it shall be lawful for the said Commissioners, from time to time to establish Bye-Laws for the further regulation of Pilots and for extra remuneration in cases of an extraordinary kind, and for the adjustment and decision of questions arising between Masters of Vessels and Pilots and others respecting Pilotage, and also respecting the Salvage of Anchors and Cables, and to enforce such Bye-Laws by reasonable penalties to be thereto annexed; *Provided always*, that all such Bye-Laws shall first be submitted to, and be approved of by, the Governor or Commander-in-Chief for the time being, such approval being certified under his hand.

Salvage.

IX.—*And be it further enacted*, that nothing herein contained shall extend, or be construed to extend, to deprive any other Person who

may act as Pilot, in the absence of licensed Pilots, from receiving payment for his services according to the said Table of Rates, or to relieve any licensed or other Pilot from his responsibility to answer for the amount of any loss sustained through his improper conduct in a Civil Action at the suit of the party injured.

In the absence of licenced Pilots other persons may receive payment for their services.

X.—*And be it further enacted*, that all penalties imposed by this Act, or hereafter to be imposed by any Bye-Laws made by virtue hereof, shall be sued for and recovered before any Two of His Majesty's Justices of the Peace for the town of Saint John's, and shall be levied, with Costs, by Warrant of Distress, under the hands and seals of such Justices, on the Goods of the Offender; and for want of Goods, the said Justices shall order such Offender to be imprisoned for a term not exceeding One Day for every Five Shillings in the said penalty or penalties, or until the said penalty be paid; and that One Third of such Penalties shall go to the use of the Informer, and the remainder, together with the Fees received for Certificates, shall form a fund in the hands of the Commissioners to defray the Salary of a Secretary and other Contingent Expenses attending the execution of this Act; and the surplus, if any, to be appropriated by them for the benefit of infirm and disabled Pilots; *Provided always* that any Person who may think himself aggrieved, may Appeal from the decision of such Justices to any of His Majesty's Courts of Record in this Island when the Penalty shall exceed the sum of Three Pounds.

Penalties, how recovered,

and applied.

Parties may Appeal.

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

Act to be in force for 2 years.

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**SCHEDULES.**

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**A**

I, A. B., do swear that I will act diligently, faithfully and impartially, in the selection and examination of Pilots for the Port of Saint John's.

Commissioner's Oath.

So help me God.

**B**

Island of Newfoundland, }  
 Port of St. John's. }

No. I, C. D., Chairman of the Board of Commissioners, appointed by a Law of this Colony to examine and select Pilots for the Port of St. John's, do hereby Certify that E. F., of St. John's, was by them adjudged a fit and proper Person to undertake the Pilotage of Vessels of every description into and out of the said Port

Certificate.

*3d William IV. Cap. 7.*

of St. John's; and on the            day of            18            was by them  
Licensed to act in that capacity.

Given under my hand and seal at St. John's, this            day  
of            A. D. 18

C. D., Chairman of Commissioners of Pilotage,  
Saint John's.

Entered in the Register of Pilots' Licenses,  
this            day of            18

G. H., Secretary.

N. B.—This License cannot be lent or transferred.

DESCRIPTION OF E. F., PILOT, No.

Age.	Height.	Complexion.	Color of Hair and Eyes.	Remarks.

**C**

TABLE OF RATES OF PILOTAGE OF VESSELS INTO AND OUT  
OF THE HARBOUR OF ST. JOHN'S.

	CURRENCY.
On Vessels under One Hundred Tons.....	£ 2 0 0
Rates of Pilotage. On Vessels from One Hundred Tons to One Hundred and Fifty Tons .....	2 10 0
On Vessels from One Hundred and Fifty to Two Hundred Tons .....	3 0 0
On Vessels from Two Hundred to Two Hundred and Fifty Tons .....	3 5 0
On Vessels from Two Hundred and Fifty to Three Hundred Tons.....	3 10 0
On Vessels of Three Hundred Tons and upwards.....	4 0 0
On His Majesty's Ships under Sixth Rates.....	2 0 0
On His Majesty's Ships of Fourth, Fifth, and Sixth Rates	2 10 0
On His Majesty's Ships of the Line.....	4 0 0

All Coasting Vessels to pay One Half of the above Rates of  
Pilotage, in proportion to their tonnage.

Magistrates - Future Bay.

M. E.



ANNO TERTIO

# GULIELMI IV. REGIS.

## CAP. VIII.

*An ACT for the more speedy abatement of Nuisances.*

[31st May, 1833.]

**W**HEREAS it is deemed requisite to empower the Courts of Sessions, or any one or more of His Majesty's Justices of the Peace, within their respective Districts in this Island, or any place within the Government thereof, in a summary way, to abate all Nuisances and to punish all and every Offender or Offenders, for any Offence or Offences concerning or relating to such Nuisances as are herein specified, according to the means and powers of this Act: *Be it therefore enacted*, by the Governor, Council and Assembly, that from and after the passing of this Act, it shall and may be lawful for the Courts of Sessions, or one or more Justice or Justices of the Peace, in a summary way, within their respective Districts in this Island, or any place within the Government thereof, to hear and determine all Informations and Complaints touching or concerning any Nuisance or Nuisances, or any Offence or Offences relating to such Nuisances, as are hereinafter specified, which may be brought or made against any Person or Persons before the said Courts of Sessions or such Justice or Justices respectively, and upon due conviction to punish all and every Offender or Offenders, by awarding against him, her, or them, such Fine or Fines as are hereinafter imposed by this Act, and all such Costs and Expenses as may attend the same.

Preamble.

Courts of Sessions empowered to hear Informations and Complaints;

II.—*And be it further enacted*, that from and after the passing of this Act it shall and may be lawful for the said Courts of Sessions, or any one or more Justice or Justices of the Peace, and they are hereby authorized and empowered, within their respective Districts, to cause to be Sold or Let to any Person or Persons who will contract or agree for the same, and thereupon enter into security for the immediate removal thereof, all the Filth, Rubbish, other offensive matter or things, which may have been deposited in any Street or Streets, Lane or Lanes, Cove or Coves, Place or Places, or which may hereafter collect in any or either of the said Streets, Lanes, Coves or

to contract for the sale of manure deposited in the streets.

Contractors to give security for its removal;

and to have the exclusive right of taking it.

Places, within any Town or Settlement, or which may have been deposited, or may hereafter collect, in or by any Road leading into any Town or Settlement within this Island, or any Place within the Government thereof; and any Person or Persons who shall have contracted and agreed, and entered into security with the said Justice or Justices, for the removal of all such Filth and Rubbish, or any part thereof, from all or either of the said Streets, Lanes, Coves or Places, and after the same shall have been notified to the Public by such Justice or Justices, such Person or Persons shall be entitled to the sole and exclusive right of taking and removing all such Filth, Rubbish, other offensive matter or things, any custom or usage to the contrary notwithstanding: *Provided always*, that any Person or Persons who may have entered into the Security required for the fulfilment of any such Contract or Agreement as aforesaid, and who shall become negligent in the performance of the terms thereof, he, she, or they shall Forfeit such sum or sums of Money for which he, she, or they may have become bound, or such part thereof as shall seem meet to the said Courts of Sessions, or such Justice or Justices respectively.

Obstructing Contractor in the removal of filth, &c. — penalty 40s.

Notice to be given by Courts of Sessions to persons claiming filth, &c.

III.—*And be it further enacted*, that any Person or Persons who shall hereafter interrupt, hinder, molest, or obstruct any Person or Persons who may have agreed or contracted with such Justice or Justices for the removal of such Filth, Rubbish, other offensive matter or things, from off or out of any of the said Streets, Lanes, Coves, or Places aforesaid, he, she, or they, shall forfeit and pay for every such offence the sum of Forty Shillings to His Majesty, his Heirs and Successors: *Provided always*, that before any such Person or Persons who may have contracted as aforesaid shall proceed to take possession of any such Filth or Rubbish, or other offensive matter or things, due notice shall first be given by such Courts of Sessions, or by such Justice or Justices as aforesaid, to any Person or Persons claiming the same, or who may have deposited such Filth or Rubbish in any such Street, Lane, Cove or Place aforesaid, immediately to remove the same.

If no contractor, parties are to remove filth, &c. from the front of their premises.

IV.—*And be it further enacted*, that if no Person or Persons should be induced to contract or agree for the removal of such Filth, Rubbish, or other offensive matter or things, from off or out of the said Streets, Lanes, Coves, or Places, aforesaid, then and in such case the Occupier or Occupiers of any House, Building, or other Premises, in any of the said Streets, Lanes, Coves, or Places, aforesaid, within such Town or Settlement aforesaid, or the Occupier or Occupiers of any Lands or Tenements by the side of any Road leading into any such Town or Settlement, after notice to that effect from any Justice or Justices as aforesaid, shall be obliged to remove all such Filth, Rubbish, or other offensive matter or things, if placed or deposited there by his, her, or their orders or directions, to the full extent in front of his, her, or their House or Premises, and to the centre of the Street, Lane, Cove, or Place aforesaid, and upon failure thereof, in every such case, he, she, or they shall, for every such offence, forfeit and pay a Fine of Twenty Shillings to His Majesty, his Heirs and Successors, and all costs and expenses incurred in removing such Filth, Rubbish, other offensive matter or things.

Persons depositing filth in the streets, &c. liable to a penalty of 5s. and costs of suit.

V.—*And be it further enacted*, that any Person or Persons who shall, after the said Streets, Lanes, Coves, Places or Roads have been cleared of all such Filth, Rubbish, other offensive matter or things aforesaid, deposit, or be instrumental in any way to any Filth, Rubbish, or other offensive matter or things being deposited, in any of the said

Streets, Lanes, Coves, Places or Roads, he, she, or they shall forfeit and pay for every such offence the sum of Five Shillings to His Majesty, his Heirs and Successors, and all costs and expenses incurred in the removal thereof.

VI.—*And be it further enacted*, that it shall be the duty of all and every Constable or Constables, within their several Districts, to report to the nearest Justice of the Peace the name or names of any Person or Persons who may, within the observation of such Constable or Constables, place or deposit any Filth, Rubbish, or other offensive matter or things, or have caused the same to be deposited in any such Street, Lane, Cove, Place or Road as aforesaid, and every such Constable or Constables so neglecting to report such offence or offences shall forfeit and pay the sum of Forty Shillings to His Majesty his Heirs and Successors.

Constables to report such deposit to a Justice of the Peace—Penalty for refusing to do so, 40s.

VII.—*And be it further enacted*, that all Carts used or employed in the removal of Night Soil, or other such offensive matter, shall be tight and covered, and shall call at the House or Houses of any such Occupier or Occupiers of Houses or Premises as aforesaid after the hour of ten of the clock at night and before the hour of five of the clock in the morning.

Removal of Night Soil.

VIII.—*And be it further enacted*, that it shall not be lawful for any Person or Persons to bring into or carry through any of the said Streets, Lanes or Places, in any of the populous Towns in this Island, any putrid substance, or any other offensive matter, unless the same be carried in Carts, tight, close, and covered; and any Person or Persons so offending shall forfeit and pay for every such offence the sum of Five Shillings to His Majesty his Heirs and Successors.

Carrriage of Putrid substances.

IX.—*And be it further enacted*, that the Justices in their General Sessions of the Peace, in the several Districts within this Island, shall be empowered and are hereby directed to make regulations for preventing trespasses by Entire Horses going at large or astray, and also for preventing all Dogs and Goats from going at large unless properly logged or yoked, in manner as shall be most agreeable to the circumstances of the said Districts respectively, or unless such Dogs have around their necks collars with their owners' names thereon, and if any Person or Persons shall transgress any regulation or regulations made by the Justices in Sessions as aforesaid, he, she, or they shall forfeit and pay for every such offence, a sum not exceeding Forty Shillings to His Majesty his Heirs and Successors.

Justices in General Sessions to make regulations respecting Entire Horses, Goats and Dogs.

X.—*And be it further enacted*, that in all cases where any Dog shall be allowed to run or go at large, contrary to the provisions of this Act, and the Owner or Owners thereof cannot be found, it shall and may be lawful for any one of His Majesty's Justices of the Peace to cause such Dog to be shot; and it shall and may be lawful for any Person whatsoever to take and seize all Swine going at large in the Streets of any Town or Settlement in this Island, or within One Mile thereof; and upon proof thereof, on the oath of one credible Witness, before any one of His Majesty's Justices of the Peace, the same shall be by him declared Forfeited, and shall be Sold—one half of the value of which shall be paid to the Person or Persons who shall seize and take such Swine, and the remainder shall be paid to His Majesty his Heirs and Successors.

Dogs going at large whose owners cannot be found, may be shot,—and Swine sold.

XI.—*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 Highway, Stones, Bricks, Timber, or other Materials, for the purpose of Building or Repairing any House or Houses, or other work, to the

One third of a street may be used for building materials—Provided room be left for the passage of a cart.

extent of not more than One Third of the breadth of such Street, Lane, or Highway; *Provided always*, that such Materials shall not occupy so much of any such Street, Lane or Highway, through which a Cart can now pass, as to prevent the passage of such Cart.

Penalties—how  
to be disposed of.

XII.—*And be it further enacted*, that one moiety of the proceeds of all Fines and Penalties recovered by the means and under the powers of this Act, shall be paid to the Person or Persons who shall inform and sue for the same; and the other moiety shall be paid into the hands of the Treasurer of the Colony, for the general purposes of this Island, as the Legislature may direct.

*Court of Sessions  
Antigua Bay*



ANNO TERTIO

**GULIELMI IV. REGIS.**

**CAP. IX.**

*An ACT for Opening a Public Street and Fire-Break in the Town of Saint John's.*

[31st May, 1833.]

**BE IT ENACTED**, by the Governor, Council, and Assembly, in Colonial Parliament assembled, that there shall be opened, formed, and made, in the Town of Saint John's, in this Island of Newfoundland an additional Public Street or Highway, to serve as a Fire-Break, which shall be Sixty Feet in width, and shall extend from the Military Road near to and in front of the Government-House, and shall intersect and cross Gower Street and Duckworth Street, and continue and extend down to Water Street, in the said Town of Saint John's, according to the line and course and in the manner prescribed and laid down in a certain Schedule or Plan marked A to this Act annexed, or according to such Plan as may hereafter be agreed upon by and between the Commissioners hereinafter mentioned, and the Proprietors or Owners of Ground through which the said Street or Highway may be made, such Plan to be approved of by the Governor and Council.

New Street to be formed;

as described in Schedule A

II.—*And be it further enacted*, that it shall and may be lawful for His Excellency the Governor, by and with the advice and consent of His Majesty's Council, to appoint Five Commissioners from among the respectable Inhabitants or Freeholders of the said Town, which said Five Commissioners shall have full power and authority to regulate and superintend the formation and making of the said intended Public Street or Highway, and in the event of such appointments, or any of them, becoming vacant, to supply and renew the same when necessary.

Commissioners to be appointed;

III.—*And be it further enacted*, that the said Commissioners shall and are hereby authorized and empowered to enter upon and take, use, and appropriate, for the making and forming of the said Public Street or Highway, all and every such pieces and parcels of Ground and Land as shall, in the opinion of the said Commissioners, be

who are hereby authorized to take Land, remove Houses, &c.

required for such purpose ; and also to take down and remove, or cause to be taken down and removed, all and any House or Houses, Building or Buildings, Erection or Erections, which are or may be situate in or upon the line of the said intended Street or Highway, or which the said Commissioners shall deem to obstruct the same.

Such Land, &c. to be appraised by them.

IV.—*And be it further enacted*, that the said Commissioners shall and they are hereby further authorized to value and appraise all such Land or Ground as shall be required for the said Public Street or Highway, and also to value and appraise all Houses, Buildings and Erections, respectively, which it shall by them be deemed necessary to take down and remove, and to award such sum or sums of money in compensation to the Proprietors or Owners and Occupants thereof, as the said Commissioners, or the major part of them, shall consider adequate and commensurate with the loss which such Proprietors or Owners and Occupants, respectively, shall or may sustain : *Provided nevertheless* that the said Commissioners, and also all such Arbitrators as shall be appointed in the manner hereinafter prescribed, shall, in awarding compensation, always take into account the additional value derived to the several Owners and Proprietors of such Ground, respectively, from the convenience and security afforded by the opening and making of the said intended Public Street.

In cases of dispute Arbitrators to be appointed ;

V.—*And be it further enacted*, that in case any of the Owners or Proprietors, or other Persons, possessing a valuable Interest in any Land or Ground which shall or may be taken and appropriated by the said Commissioners for the purpose of forming or making the aforesaid Public Street, or if any of the Owners or other Persons possessing a valuable Interest in any Houses, Buildings or Erections, which the said Commissioners may remove, shall refuse the compensation which may be offered to them by the said Commissioners, as being insufficient in amount for the loss or injury he or they may incur, such difference shall be finally arranged and settled by Arbitrators ; and it shall and may be lawful for the Owners or Possessors of such Lands, Houses or Buildings, respectively, to appoint two Persons as Arbitrators, and for the said Commissioners to appoint two other Persons as Arbitrators, and such four Arbitrators shall elect a fifth person as Umpire, and such five persons so chosen and elected shall thereupon, after being duly sworn in such behalf, proceed to appraise the value of such respective Lands, Houses, or Buildings ; and such appraisement of the said Arbitrators, and their award, order and determination therein, shall be final and binding upon the said Parties, and upon all other Persons interested in such Lands, Houses, or Buildings respectively

whose decision shall be final.

*Ex. J. H. .*  
*5/29/88*



ANNO TERTIO

## GULIELMI IV. REGIS.

### CAP. X.

*An ACT to repeal the Laws now in force concerning the celebration of Marriages, and to regulate the future celebration of Marriages in this Island.*

[8th July, 1833.]

**W**HEREAS a certain Act was passed in the Imperial Parliament Preamble. in the fifth year of the Reign of His late Majesty King George the Fourth, entitled "An Act to repeal an Act passed in the fifty seventh year of the Reign of His late Majesty King George the Third, entitled "An Act to regulate the celebration of Marriages in Newfoundland, and to make further provision for the celebration of Marriages in the said Colony and its Dependencies," which said Act has been continued by two certain other Acts of the said Imperial Parliament, passed respectively in the Tenth year of the Reign of His said late Majesty King George the Fourth, and in the second and third years of the Reign of Our Sovereign Lord William the Fourth: And whereas in and by the said last mentioned Act, the said recited Act, passed in fifth year of the Reign of His said late Majesty King George the Fourth, is further continued until His Majesty, or the Governor, Lieutenant Governor or Officer Administering the Government of Newfoundland, in pursuance of any 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 thereafter may 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, shall repeal in whole or in part, or amend, alter or vary the said recited Act or any part thereof: And Whereas it is expedient to repeal the said Act passed in the fifth year of the Reign of His said late Majesty King George the Fourth, save and except certain parts thereof hereinafter reserved and excepted, and to make further and more effectual provision for the celebration of Marriages in Newfoundland and its Dependencies: *Be it therefore enacted*, by the Governor, Council and Assembly, in Colonial Parliament assembled, that from and after the passing of this Act, the said recited Act, passed in the fifth year of the Reign

Act 5th Geo. 4th, in part repealed.

of His said late Majesty King George the Fourth, except in so far as the said Act repeals a certain other Act passed in the Fifty-seventh year of the Reign of His said late Majesty King George the Third, and except in so far as it legalizes all Marriages in Newfoundland had within a certain period, and declares them to be good and valid, shall be, and the same is, hereby repealed.

Marriages, by whom to be celebrated.

II.—*And be it further enacted*, that all Marriages which may hereafter be had in Newfoundland and its Dependencies, shall be celebrated by Persons in Holy Orders or by any resident Minister publicly recognized as the Pastor and Teacher of any Congregation having a Church or Chapel, or by any Persons employed to discharge the duties of Teachers or Preachers of Religion, such Teachers or Preachers being duly licensed to celebrate Marriage by the Governor or Commander in Chief for the time being of the said Colony or its Dependencies, except in the cases hereinafter especially excepted and provided for.

Two credible Witnesses to be present.

III.—*And be it further enacted*, that no Person in Holy Orders, nor any such Preacher or Teacher of Religion as aforesaid, nor any other Person authorized to celebrate Marriage by this Act, shall celebrate or perform Marriage between any Persons in Newfoundland, or its Dependencies, except in the presence of two credible Witnesses; and if any such Person in Holy Orders, or Teacher or Preacher of Religion as aforesaid, or any other Person authorized to celebrate Marriage by this Act, shall hereafter celebrate or perform any Marriage between any Persons in Newfoundland or its Dependencies, except in the presence of two credible Witnesses, he shall incur and become liable to the payment of a fine of Fifty Pounds Sterling Money of Great Britain, but the want of such Witnesses shall not invalidate the Marriage.

Penalty.

Where parties are under age, banns to be published, or consent of parties obtained.

IV.—*And be it further enacted*, that if any Person or Persons duly authorized and licensed as aforesaid to perform or celebrate Marriage in Newfoundland and its Dependencies, shall so perform or celebrate any Marriage between any two persons either of whom shall be under Age, without having first duly published the Banns thereof on three successive Sundays, in some Church or Chapel, or where there is no Church or Chapel, then, after notice of such intended Marriage shall have been placarded in some conspicuous place of public resort for the space of three weeks immediately preceding the day appointed for the celebration of such proposed Marriage, or without having first obtained the consent of the Parents or Guardians of such Person or Persons under age, he or they shall be taken and deemed to be guilty of a high misdemeanour, and shall, on conviction thereof before the Judges of the Supreme Court or the presiding Judge of any Circuit Court of this Island, suffer such penalty as the said Court in its discretion shall award, not exceeding the sum of Fifty Pounds Sterling.

All Marriages to be registered.

V.—*And be it further enacted*, that every Person in Holy Orders, and every Teacher or Preacher of Religion as aforesaid, by whom any Marriage shall be performed or celebrated in Newfoundland or its Dependencies from and after the first day of August next, shall, under the penalty of Five Pounds, immediately after the performance or celebration of any such Marriage, enter in a Register or Book to be kept for that purpose in the Church or Chapel in which he performs Divine Service, a Certificate or Record of such Marriage, subscribed with his own name, and comprising and containing the names and signatures or marks of the Parties married, the day and year when and the place where the Marriage was performed, and the names and signatures of two credible Witnesses present at such Marriage, and such Register

Register to be kept at Church or Chapel.

or Book shall be kept and remain at such Church or Chapel, and shall be open to the inspection of any Person or Persons requiring to consult or examine the same, at all convenient hours; and every Clergyman, and Teacher or Preacher of Religion licensed as aforesaid, shall make and deliver to any and every Person who shall demand the same, a true copy, attested by him, of any Entry or Record contained or made in the said Book or Register of Marriages, on payment to him, by the person who shall require such attested copy, of a fee of Two Shillings and Sixpence.

VI.—*And be it further enacted*, that any such Book or Register of Marriages, or such attested copy as aforesaid of any Entry or Record made in any such Book or Register of Marriages, the hand writing of the attesting Minister being duly proved, shall be deemed and taken to be and shall for all purposes be received as good and sufficient evidence of the due celebration of any Marriage in Newfoundland and its Dependencies, which by such Book or Register or by such attested copy shall appear or purport to have been celebrated; and every such Marriage shall, upon the production of every such Book or Register, or of such attested copy and proof as aforesaid, be deemed and taken to have been duly performed and celebrated.

Register to be proof of the due celebration of Marriage.

VII.—*And be it further enacted*, that if any Person or Persons shall wilfully deface or destroy, or procure to be defaced or destroyed, any Book or Register of any Marriage, or of any part thereof, as aforesaid, with intent to avoid, cancel or annul such Marriage, such Offender or Offenders shall, on conviction thereof, be taken and deemed to be guilty of Felony.

Persons defacing or destroying Register, guilty of Felony.

VIII.—*And whereas*, by reason of the great extent of this Island of Newfoundland and its Dependencies, and from the want of internal communication between the different parts of the said Colony, great difficulties have arisen with respect to the solemnization of Marriages in various Settlements and Stations, and it is expedient that temporary provision be made for the legal solemnization of Marriages in such Settlements or Stations: *Be it therefore further enacted*, that when the residence of any Woman about to be married shall be distant ten miles from the residence of the nearest Clergyman, or Teacher or Preacher of Religion, licensed as aforesaid, it shall and may be lawful for any Magistrate or Conservator of the Peace, being first duly licensed for such purpose by the Governor or Commander in Chief for the time being, to celebrate such Marriage or Marriages;—and if there be no such Teacher or Preacher of Religion, nor any Magistrate or Conservator of the Peace, licensed as aforesaid, residing within fifteen miles of the Woman about to be married as aforesaid, then and in such case it shall be lawful for any Layman or Person duly licensed for such purpose by the Governor or Commander-in-Chief for the time being, to celebrate Marriage between any Persons resident in such place as aforesaid, anything in this Act contained to the contrary thereof notwithstanding.

Magistrates and other Laymen, when duly licensed, authorized to celebrate Marriages.

IX.—*And be it further enacted*, that every Teacher and Preacher so licensed, who shall not have a Church or Chapel in which he performs Divine Service, and every Magistrate, Conservator of the Peace, or other Layman, so celebrating any Marriage as aforesaid, shall within twelve months from the time of the celebration of any such Marriage, cause a Certificate thereof to be registered in the Office of the Colonial Secretary of the Island under a penalty of Five Pounds Sterling; and whenever such Certificate of a Marriage shall be produced and delivered to the Colonial Secretary, duly proved, he shall, within seven days next after the receipt of every such Certificate, and upon payment or tender to him of One Shilling and no more, enter or cause to be entered

Persons celebrating Marriages, where there is no Church or Chapel, to transmit a Certificate thereof to the Colonial Secretary within 12 months.

Penalty £5.

a true and correct Copy thereof in a public Book or Register of Marriages to be by him kept for that purpose; and such public Book or Register shall be kept and remain at the Office of such Secretary, and shall be open to the inspection of any Person or Persons requiring to consult the same, at the usual Office hours; and the said Secretary shall make and deliver to any and every Person who shall demand the same, upon payment or tender to him of Two Shillings and Sixpence and no more, a true and correct Copy of any entry made in the said public Book or Register of Marriages, attested by him in form following, that is to say,

A true Copy, extracted from the public Register of Marriages.

C. D. Secretary.

Register to be evidence of Marriage.

X.—*And be it further enacted*, that any such public Book or Register of Marriages in Newfoundland and its Dependencies, or such attested Copy as aforesaid of any entry in any such public Book or Register of Marriages, the hand-writing of the said Secretary being duly proved, shall be deemed and taken to be, and shall for all purposes be received as good and sufficient evidence of the due celebration of any Marriage in Newfoundland, or its Dependencies, which by such Book or Register, or by such attested Copy, shall appear or purport to have been celebrated; and every such Marriage shall, upon production of such Book or Register, or of such attested Copy and proof as aforesaid, be deemed and taken to have been duly performed and celebrated.

Penalties may be sued for in any Court of Record.

their appropriation.

XI.—*And be it further enacted*, that all Fines, Forfeitures and Penalties imposed by this Act, shall and may be sued for and recovered in any of His Majesty's Courts of Record in this Island, and one moiety thereof shall be paid to the Person who shall inform and sue for the same, and the remaining moiety thereof shall be paid to Our Sovereign Lord the King His Heirs and Successors, for the general purposes of the Colony, as the Legislature of the Island shall or may from time to time direct.

Ex 9/2/08.

J. J. J.