



ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. I.

AN ACT for Granting to Her Majesty certain Duties on Goods, Wares and Merchandize, imported into this Colony and its Dependencies.

[Passed 20th April, 1859.]

MAY IT PLEASE YOUR MAJESTY ;—

WE, Your Majesty's most dutiful and loyal Subjects the Commons of Newfoundland, in General Assembly convened, towards raising the necessary Revenue to defray Your Majesty's Public Expenses in this Colony, have freely and voluntarily resolved to give and grant unto Your Majesty the Duties hereinafter-mentioned ; and do therefore beseech Your Majesty that it may be enacted :—

Preamble.

Be it therefore enacted, by the Governor, Legislative Council and Assembly, in Legislative Session convened ;—

1. That from and after the passing of this Act, and during the continuance thereof, there shall be raised, levied, collected and paid, unto Your Majesty, your Heirs and Successors, upon all Goods, Wares, and Merchandize, imported or brought into this Island and its Dependencies, the several and respective Duties inserted, described and set forth in Figures in the Table of Duties hereinafter contained, denominated " Table of Duties," opposite to and against the respective Articles in the said Table mentioned, described and enumerated, and according to the value, number or quantity, of such Articles therein specified, as follows :—

Duties Imposed.

NO. 1.

TABLE OF DUTIES.

Table of Duties.

		£	s.	d.
Ale, Porter, Cider and Perry, viz :				
In Bottles, the dozen of 2 Gallons	..	..	..	0 0 9
In Casks	..	..	the gallon	0 0 3
Bacon, Hams, Smoked Beef and Sausages	..	..	the cwt.	0 7 6
Beef, salted and cured	..	..	the brl. of 200 lbs.	0 2 0
Biscuit or Bread	..	..	the cwt.	0 0 3
Butter	..	..	"	0 3 0
Cheese	..	..	"	0 5 0
Chocolate and Cocoa	..	..	the lb.	0 0 1
Cigars	..	..	the M.	0 10 0
Coals	...	...	the ton	0 1 0
Coffee	..	..	the lb.	0 0 1
Feathers and Feather Beds	..	..	"	0 0 1
Flour	..	..	the brl.	0 1 6
Fruits, dried	..	..	the lb.	0 0 1
" other descriptions	..	..	the £100	10 0 0
Molasses	..	..	the gal.	0 0 2½
Oatmeal and Indian Meal	..	..	the brl.	0 0 6
Pork	...	..	the brl. of 200 lbs.	0 3 0
Salt	..	..	the ton	0 0 6
Shingles	..	..	the M.	0 1 0

SPIRITS, VIZ :

Brandy, Gin, Whiskey and Cordials, or other Spirits not herein defined or enumerated, not exceeding the strength of proof by Sykes's Hydrometer, and so in proportion for any greater strength than the strength of proof,	the gallon	0	4	0
Rum, not exceeding the strength of proof by Sykes's Hydrometer, and so in proportion for any greater strength than the strength of proof,	"	0	1	6

SUGAR, VIZ :

Loaf and Refined	..	..	the cwt.	0 12 0
Unrefined	..	..	"	0 7 6
Bastard	..	..	"	0 7 6
Tea	..	..	the lb.	0 0 4
Tobacco, Manufactured and Leaf	..	..	"	0 0 3
Tobacco Stems	..	..	the cwt.	0 2 0
Vinegar	..	..	the gal.	0 0 3

WINES, VIZ :

Wines of all kinds, in bottles	..	..	the gal.	0 5 0
Port, Madeira, Hock, Burgundy, Claret, in wood or other vessels, not being bottles			"	0 4 0
Sherry, 12½ per cent. <i>ad valorem</i> , and,			the gallon	0 2 6
All other Wines			"	0 2 0

	Table of Duties.		
Anchors			
Barley and Oats			
Canvass			
Cordage and Cables			
Copper and Composition Metal for Ships, viz : Sheathing, Bar, Bolt and Nails			
Corks and Corkwood			
Fishing Tackle, Indian Corn	the £100	£5	0 0
Iron, viz : Bar, Bolt, Sheathing and Sheet, Wrought Nails			
Medicines			
Oakum			
Pease			
Pitch, Tar, Turpentine and Rosin			
Poultry and Fresh Meat			
Goods, Wares and Merchandize, not otherwise enumerated, described or charged with duty in this Act, and not otherwise exempt	the £100	10	0 0
Fish, salted, dried or pickled, for every cwt. imported		0	5 0

LOCAL DISTILLATION.

Rum, not exceeding the strength of proof by Sykes's Hydrometer, and so in proportion for any greater strength than the strength of proof	the gallon	0	0 8
Brandy, Gin, or other Spirits, not here- in defined, or enumerated, not ex- ceeding the strength of proof by Sykes's Hydrometer, and so in pro- portion for any greater strength than the strength of proof	the gallon	0	1 0

II. All Articles in the following Table shall be exempt from any duty, viz :—

No. 2.

Exemptions.

TABLE OF EXEMPTIONS.

Printed Books, Pamphlets, Maps and Charts
 Coin and Bullion
 Hemp, Flax, Tow
 Plants, Trees and Shrubs
 Specimens illustrative of Natural History
 Works of Art, viz :—Engravings, Paintings, Statuary, and all Articles
 imported for Religious purposes and not intended for sale
 Manures of all kinds
 Arms, Clothing, and Provisions, for Her Majesty's Land and Sea
 Forces
 Passengers' Baggage, Household Furniture, and Working Tools and
 Implements used and in the use of Persons arriving in this Island ;
 Refuse of Rice
 Seeds for Agricultural purposes

Vegetables of all sorts
 Animals of all kinds
 Printing Paper, Royal and Demy, in use for Newspapers
 Articles of any description imported for the use of the Governor
 Donations of Clothing, specially imported for distribution gratuitously
 by any Charitable Society
 Cotton Yarn
 Pig Iron
 Coke
 Printing Presses, Type, and all other Printing Materials.

Exemptions under
 Treaty.

III. The following Articles, being the growth and produce of the United States of America, mentioned and enumerated in the Schedule to an Act made and passed in the Legislature, entitled "An Act to give effect, on the part of the Island of Newfoundland, to a certain Treaty between Her Majesty and the United States of America," shall be admitted Free of Duty; viz:—

No. 3.

TABLE OF EXEMPTIONS UNDER THE TREATY
 WITH THE UNITED STATES.

Grain, Flour and Breadstuffs, of all kinds
 Animals of all kinds
 Fresh, smoked, and salted Meats
 Cotton Wool, Seeds and Vegetables
 Undried Fruits, Dried Fruits
 Fish of all kinds
 Products of Fish, and all other creatures living in the water
 Poultry, Eggs
 Hides, Furs, Skins or Tails—undressed
 Stone or Marble, in its crude or unwrought state
 Slate
 Butter, Cheese, Tallow, Lard
 Horns, Manures
 Ores of Metals of all kinds
 Coal
 Pitch, Tar, Turpentine
 Ashes
 Timber and Lumber of all kinds
 Firewood, Plants, Shrubs and Trees
 Pelts, Wool
 Fish Oil
 Rice, Broom Corn and Bark
 Gypsum—ground or unground
 Hewn or wrought or unwrought Burr or Grindstones
 Dye Stuffs
 Flax, Hemp, Tow—unmanufactured
 Unmanufactured Tobacco
 Rags

—So long as the said Treaty between Great Britain and the United States of America, in the recited Act mentioned, shall remain in force in this Island; and similar Articles, being the growth, produce, and manufacture of the United Kingdom, British North American Provinces, or of the Island of Prince Edward, or the Channel Islands, shall be admitted Duty Free, notwithstanding any law to the contrary.

IV. It shall not be lawful for any Importer of Fish, salted, dried or pickled, not exempted from duty by any of the provisions of this Act, to Warehouse the same in any of the Ports of this Colony or its Dependencies, without the payment of the Duty hereinbefore imposed ; and the provisions of any Act of this Colony with regard to the Warehousing of Goods on the first Entry thereof, or to the allowance of Drawbacks upon Exportation, shall not in either case apply, or be construed to apply, to such Fish. Foreign Fish not to be Warehoused without payment of Duty.

V. From and after the passing of this Act, the Duty to be levied, paid and collected on Spirituous Liquors manufactured, extracted, or distilled in this Island, shall be at the rates mentioned in the Table of Duties in this Act for Local Distillation. Duty on Liquors distilled in this Island.

VI. All Sums of Money granted or imposed, either as Duties, Penalties, Forfeitures, or otherwise, by this or any Act or Acts of the General Assembly of this Island, shall be deemed, and are hereby declared to be in Sterling Money of Great Britain, and shall be received, taken and paid in such Sterling Money, or in Foreign Coins at such Rates as they are now received in payment of Colonial Duties in this Island ; and that all such Duties shall be paid and received according to Imperial Weights and Measures by law established in this Colony ; and that in all cases where such Duties are imposed according to any specific quantity or any specific value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value. Duties, &c., collected in Stg. Money, &c.

VII. All Yachts sailing under Warrant of the Lords of the Admiralty, or belonging to the Royal Yacht Club, shall be exempted, on view of the said Warrant, from payment of all Local Duties whatsoever. Yachts Exempt.

VIII. The several Duties imposed, and in the said Table of Duties mentioned in this Act, shall be paid by the Importer or Importers of such Articles respectively, and shall be collected and secured by means of and under the regulations and penalties, and in the way and manner provided by any Act or Acts of the General Assembly of this Island for collecting the Revenue of this Island and its Dependencies. Importers to pay Duties.

IX. There shall be allowed and paid to the following Officers of Her Majesty's Customs in this Colony, hereinafter mentioned, to defray all expenses of remuneration for the collection of the Colonial Revenue, and charges incidental thereto, the sums set opposite the names of the said Officers, for the period during which this Act shall be in operation, viz : Salaries to Officers.

The Assistant Collector at St. John's, Three Hundred Pounds.

The Landing and Tide Surveyor, Two Hundred and Fifty Pounds.

Two Landing Waiters at St. John's, each Two Hundred Pounds.

First Clerk and Warehouse Keeper at St. John's, Two Hundred Pounds.

Second Clerk at St. John's, One Hundred and Fifty Pounds.

Third Clerk at St. John's, One Hundred and Fifty Pounds.

Fourth Clerk and Locker at St. John's, One Hundred and Fifty Pounds.

Salaries to Officers.

One Locker at St. John's, Thirty Pounds, and Three Shillings per day when employed.

The Sub-Collector at Lamaline, One Hundred Pounds, and two and a half per cent on all duties collected.

The Sub-Collector at Fogo, One Hundred and Twenty Five Pounds, and two and a half per cent on all duties collected.

The Sub-Collector at LaPoile, One Hundred and Thirty Five Pounds, and two and a half per cent on all duties collected.

The Sub-Collector at Greenspond, One Hundred and Twenty Five Pounds, and two and a half per cent on all duties collected.

The Sub-Collector at Gaultois, One Hundred Pounds, and two and a half per cent on all duties collected.

The Sub-Collector at Trinity, One Hundred and Fifty Pounds, and two and a half per cent on all duties collected.

The Sub-Collector at Harbor Grace, One Hundred and Sixty Pounds, and two and a half per cent on all duties collected; Provided the amount of the said salary shall be equal to but not more than Two Hundred and Fifty Six Pounds.

The Sub-Collector at Carbonear, One Hundred and Twenty Five Pounds, and two and a half per cent on all duties collected.

The Sub-Collector at Brigus, One Hundred Pounds, and two and a half per cent on all duties collected.

The Sub-Collector at Placentia, One Hundred Pounds, and two and a half per cent on all duties collected.

The Sub-Collector at Burin, One Hundred Pounds, and two and a half per cent on all duties collected.

The Sub-Collector at Harbor Breton, One Hundred Pounds, and two and a half per cent on all duties collected.

The Preventive Officer at Bay Bulls, Fifty Pounds.

The Preventive Officer at Ferryland, Fifty Pounds, and ten per cent on all duties collected.

Preventive Officer at Twillingate, Fifty Pounds, and ten per cent on all duties collected.

Preventive Officer at St. Mary's, Fifty Pounds, and ten per cent on all duties collected.

Preventive Officer at Little Placentia, Fifty Pounds, and ten per cent on all duties collected.

Preventive Officer at LaManche, Fifty Pounds, and ten per cent on all duties collected.

Preventive Officer at Oderin, Fifty Pounds, and ten per cent on all duties collected.

Preventive Officer at Bay Roberts, Fifty Pounds, and ten per cent on all duties collected.

Preventive Officer at St. Lawrence, Fifty Pounds, and ten per cent on all duties collected.

Preventive Officer at Bellorem, Fifty Pounds, and ten per cent on all duties collected.

Preventive Officer at Burgeo, Fifty Pounds, and ten per cent on all duties collected.

Preventive Officer at Channel, Fifty Pounds, and ten per cent on all duties collected.

To defray the expenses of Tide Waiters and Preventive Boats and Tide Waiters, &c. Crews at St. John's, and Tide Waiters at the Out-ports, a sum not exceeding Fifteen Hundred Pounds.

To defray the expenses of Night Boat and Crew at St. John's, Three Hundred Pounds.

Stationery and Printed Forms, Postages, and other incidental expenses, One Hundred and Fifty Pounds.

Allowance to Unofficial Members of the Board of Revenue, Fifty Pounds.

The Keeper of the Custom-house at St. John's, Forty Pounds.

X. Nothing in this Act contained shall in any way affect any matter or thing contained in the hereinbefore in part recited Act. This Act not to affect recited Act.

XI. When and so soon as this Act shall come into operation, the Act of the Legislature of this Colony passed in the last Session thereof, entitled "An Act for Granting to Her Majesty certain Duties on Goods, Wares and Merchandize imported into this Colony and its Dependencies," shall be repealed, and the same shall stand repealed; Provided always that all Bonds given and Payments made for Duties under the said Act are hereby confirmed and declared valid, and nothing herein contained shall be construed to affect the same. Repeal of previous Act.

XII. This Act shall continue in force for One Year from the passing thereof, and no longer. Continuance.





ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ,

CAP. II.

AN ACT for Granting to Her Majesty a Sum of Money for Constructing and Repairing Roads, Streets, and Bridges, within this Colony.

[Passed 20th April, 1859.]

WHEREAS it is expedient to provide for the Internal Improvement of Preamble.
this Colony, by Constructing, Repairing and Improving Main and
other Roads, Streets, and Bridges, therein :

Be it therefore enacted by the Governor, Legislative Council, and Assembly, in General Session convened, as follows :—

I.—From and out of such Monies as may from time to time remain in the hands of the Receiver General, unappropriated, there be granted to Her Majesty, Her Heirs and Successors, the Sum of Fourteen Thousand and Forty Pounds, to be expended under this Act, in the Constructing, Repairing, and Improving of Main and other Roads, Streets, and Bridges in this Colony, and for defraying all expenses attendant thereon ; which said Sum shall be distributed and appropriated as follows, that is to say :— £14,040 for Roads, &c. in the Colony.

On the Main Line of Road from Cape Broyle Big Pond to Trepassey, the Main Line.
sum of seven hundred pounds, to be expended under the direction of the Board of Works ; out of which seventy-five pounds shall be expended from LaManche towards Bay Bulls, under superintendance of the Rev. Dean Cleary, and twenty-five pounds from Bay Bulls towards Burnt Marsh, under the superintendance of the Board of Commissioners.

Main Line.

On the Main Road from Topsail to Brigus, the sum of seven hundred and twenty pounds, to be expended under the direction of the Board of Works, as follows; the sum of three hundred and fourteen pounds six shillings and eleven-pence between Topsail and Upper Gullies, two hundred and five pounds thirteen shillings and one penny on the new line between Holyrood and Turks' Gut Pond, and two hundred pounds on the new line between Turks' Gut Pond and Brigus.

On the Main Road from Burin to Garnish, the sum of four hundred pounds, to be expended as follows; on the Road from Garnish to Burin, two hundred pounds, and on the Road from Burin and Dix's Bridge to Garnish, two hundred pounds.

On the Main Road from Burin to St. Lawrence and Lawn, one hundred and twenty pounds.

On the main road from Grand Bank to Lamaline, towards Burin, eighty pounds.

On the main road from Burin to Big Head, sixty pounds.

On the main road between Fortune and Hermitage Bays, two hundred pounds.

To build a new Bridge over Southern Gut, at Port-de-Grave, the sum of three hundred and forty pounds, to be expended by the Board of Works.

On the main road from Spaniard's Bay Bridge to Patrick Fitzgerald's house in Mosquitto Valley, the sum of two hundred pounds, to be expended by the Board of Works.

On the main road from Spaniard's Bay to New Harbor, the sum of one hundred pounds, to be expended by the Commissioners, equally at either place.

On the main road from Harbor Grace, South-side, to Bryant's Cove, the sum of thirty pounds.

On the main road from Upper Island Cove and Bishop's Cove to River Head, Harbor Grace, the sum of fifty pounds.

On the main road from Harbor Grace to Mosquitto North and South Points, fifty pounds.

On the main road from Fitzgerald's house, in Mosquitto Valley, to Fresh-water exclusive, the sum of one hundred pounds to be expended by the Road Commissioners as follows; seventy pounds from Mosquitto Valley to Crocker's Cove, including the repairs of Carbonear Bridge, and thirty pounds from Crocker's Cove Bridge to Freshwater, exclusive.

On the main road from Carbonear to New Perlican, the sum of one hundred and fifty pounds; the sum of sixty pounds to be expended by the Road Commissioners of Carbonear, and the sum of ninety pounds by the New Perlican Commissioners.

On the main road from Fresh-water to Bay-de-Verds, the sum of two hundred and seventy pounds, to be expended by Boards to be appointed in the following divisions of the district;—viz.—From Fresh-water inclusive to Northern Bay, the sum of one hundred and forty pounds; from Northern Bay inclusive, to Grates Cove, one hundred and thirty pounds—forty pounds of which are to be expended on road from Bay-de-Verds to Grates Cove; twenty pounds from Caplin Cove to Old Perlican; and fifteen pounds from Bay-de-Verds to Old Perlican.

On the main road from New Perlican to Grate's Cove, the sum of one hundred and seventy-seven pounds eighteen shillings and sixpence, out of which the sum of forty pounds to be expended by the Hants Harbor Commissioners and the residue by the Trinity South-side Commissioners.

The sum of two hundred and fifty pounds on the main road from North West Bridge, Trinity, to Catalina, including compensation for land near Robin Hood's Cove. Main Lines.

On the main road from Trinity to King's Cove, the sum of two hundred and seventeen pounds eighteen shillings and sixpence; one hundred and seventeen pounds eighteen shillings and six-pence to be expended by the Trinity Commissioners, and the remainder by the King's Cove Commissioners.

On the main road from Catalina to Bonavista, the sum of one hundred pounds, to be expended equally by the Commissioners at either place.

On the road from Black Head Bay to Catalina, the sum of twenty-eight pounds.

On the main road from Bonavista to King's Cove, the sum of one hundred pounds, to be expended equally by the Commissioners at either place.

The sum of fifty pounds on the main road from Catalina Road to Bird Island Cove, to be expended by the Catalina Board of Commissioners.

The sum of one hundred and thirty pounds on main road from Heart's Content towards New Harbor, to be expended in equal sums by the Commissioners at either of these places.

The sum of twenty pounds towards a Ferry Boat at Trinity; any sum not required to be expended at the option of the Trinity Commissioners.

On the main road from King's Cove to Plate Cove and Open Hall, the sum of sixty pounds, to be expended by the King's Cove Board.

On the main road from Keels to Tickle Cove, the sum of fifty pounds, to be expended by the Keels and Tickle Cove Boards.

On the main road from Cat Harbor to Ragged Harbor, a portion to be expended on the erection of Bridges at Cat Harbor, the sum of seventy pounds.

On the main road from Tilton Harbor to Joe Bat's Arm, the sum of fifty pounds.

On the main road from Joe Bat's Arm to Bard Islands, the sum of ten pounds.

On the main road between Seldom-come-by to Fogo, the sum of fifty pounds.

On the main road from Little Harbor to Twillingate, the sum of fifteen pounds.

On the main road from Tizzard's Harbor to Moreton's Harbor, the sum of thirty pounds.

Fortune Harbor, to Flurry's Bight, the sum of forty pounds.

On the main road from Moreton's Harbor to Western Head, the sum of fifteen pounds.

On the main road from Exploits to Sergeant's Cove, the sum of fifteen pounds.

On the main road from Black Head to St. John's, the sum of two hundred pounds, to be expended by the Board of Works.

On the main road to connect the Portugal Cove Road with the Topsail Road, the sum of one hundred and twenty-five pounds, to be expended by the Board of Works.

On the main road from Northern Arm of Holyrood towards Salmonier in St. Mary's Bay, the sum of six pounds.

District of Placentia
& St. Mary's £1,359.

In the District of Placentia and St. Mary's, the sum of thirteen hundred and fifty-nine pounds fourteen shillings and one penny, as follows :

One hundred and nine pounds and ten shillings, to be paid to the Savings' Bank for outstanding claims on the Road from Salmonier to St. Mary's, and twelve pounds to the Rev. P. Nowlan, in discharge of outstanding liabilities for roads in Red Island.

Five hundred pounds on the road from St. Mary's to Salmonier, to be expended by the Board of Works.

The sum of two hundred pounds on the road from Little Placentia to Great Placentia, to be expended by the Local Board.

The sum of two hundred pounds for Little Placentia, towards Distress, to be expended by the Local Board.

The sum of two hundred and fifty pounds to be expended on the Western Shore, in such manner as the Governor in Council shall direct.

The sum of sixty pounds on the North-side of Salmonier Arm, to be expended by the Board of Works.

The sum of twenty-eight pounds two shillings and one penny for roads in Little Placentia, to be expended by the Local Board.

Main Roads.

On the main road from Cape St. Francis to Pouch Cove, the sum of two hundred pounds, to be expended by the Board of Works.

On the main road to be called "Walsh's Road," from Island Cove to South-side Harbor Grace, the sum of seventy-five pounds.

District of St. John's
£1,269 16s. 8d.

Towards constructing, repairing and improving Roads, Streets, and Bridges within the District of St. John's, the sum of one thousand two hundred and sixty-nine pounds sixteen shillings and eight pence, to be divided as follows :

St. John's West,
£634 18s. 4d.

The sum of six hundred and thirty-four pounds eighteen shillings and fourpence, for the District of St. John's West ; to be expended as follows :

For roads in and about Petty Harbor and Maddox Cove, the sum of one hundred and fifteen pounds, and the sum of fifteen pounds to make a road from Donovan's farm towards Third Pond.

For roads and bridges in Broad Cove, the sum of fifty pounds.

To make a road from Gregory Griffin's towards Forrest Pond, the sum of twenty pounds.

To repair the bridge on the South River and the road leading through Pearl Town to the Bay Bulls road, the sum of twelve pounds ten shillings.

To repair Pokeham Path Road, and to cut down the hill on the said road opposite Reed's, the sum of twenty pounds.

To construct a drain on Pokeham Path road, near Galway's and other houses, the sum of forty pounds.

To make the road from Pasco Carter's to meet Bay Bulls road, the sum of ten pounds.

To open the Heavy Tree road to the Old Placentia road, the sum of twelve pounds ten shillings.

To widen and improve the road leading to Waterford Bridge, near George Palk's, the sum of fifty pounds.

To repair the Old Placentia road from Dunscombe's Bridge Southwardly, the sum of thirty pounds.

To make the cross road dividing Wills's and Connell's farms towards the Penny-well road, the sum of ten pounds. District of St. John's West.

(Continued.)

To repair the road from Brazil's Farm to the junction of the Pokeham Path road on the South-side of Monday Pond, the sum of twenty pounds.

To repair the road on the North-side of Monday Pond from the termination of Mullin's Contract towards Edward Nowlan's, the sum of ten pounds.

To make the road from Pasco Carter's towards the Deers' Marsh, the sum of ten pounds.

To make a road on the South-side of River-head from Thomas Dillon's Southwardly, the sum of fifteen pounds.

To make a road from Renouf's Bridge towards John Cahill's, South-side River-head, the sum of ten pounds.

To repair the road from James Farrell's towards Waterford Bridge, the sum of fifteen pounds.

To make the road leading from the Petty Harbor road towards Brennan's and Murphy's, the sum of ten pounds.

To repair the road on the West-side of Mr. John Brine's Farm to Penny-well road, the sum of ten pounds.

To repair Dreelan's Well road, the sum of fifteen pounds.

To repair the road North of Bulley's Lime Kiln towards Monday Pond, the sum of ten pounds.

To make the Black Marsh road from the termination of Quigley's Contract towards the Topsail road, the sum of twenty-eight pounds.

To make the cross-road leading by John Curran's to the Freshwater road, the sum of ten pounds.

To repair Penny-well road, the sum of fourteen pounds.

To extend Ken Mount road towards Rennie's Farm, the sum of ten pounds.

To repair Freshwater road, the sum of fifteen pounds.

To repair the Cockpit road, the sum of ten pounds.

To make the road leading from the Cockpit road to meet the road on the South-side of Monday Pond, the sum of ten pounds.

To build a bridge on the South-side of River-head leading to Kelly's and others, the sum of ten pounds.

To be expended on roads in the District, as required, seventeen pounds eighteen shillings and four-pence.

And the sum of six hundred and thirty-four pounds eighteen shillings and four pence, for the District of St. John's East, to be expended as follows :— District of St. John's East, £634 18s 4d.

From Tapper's Cove to main road, provided the Proprietors give up the land required for said road without compensation, one hundred and fifty pounds.

From Bally Haly road, by George Cooke's, to Torbay road, fifteen pounds.

From Pouch Cove road to Seal Cove, fifteen pounds.

Between Outer Cove and Middle Cove, by John Rourke's, fifteen pounds.

To Newtown, by Catholic Cemetery, fifteen pounds.

By Manning's Rock road, North side Torbay, ten pounds.

St. John's East,
(Continued.)

From Thomas Goss's, by old Battery, to the main road, fifteen pounds.

To make a road from the Torbay North road, leading from Middle Cove, thirty pounds.

Towards Fresh Water, and leading on to the Torbay settlement, thirty pounds.

To make a road from main road by Coady and McGrath's, towards North Pond, fifteen pounds.

To make a road south of Cullin's, from main road towards North Pond, fifteen pounds.

Repairing main road to Outer Cove, fifteen pounds.

Making road leading from Outer Cove to Middle Cove by Nicholas Power's and others, ten pounds.

To make a road from Samuel Tapper's and others, to main road, ten pounds.

To make a road from South side Torbay Beach to the main road by fishing rooms of Patrick Ryan and others, twenty pounds.

Making road to Croke's room Torbay, ten pounds.

To make a road at Lance Cove and Belle Isle, twenty pounds.

To make a road from Outer Cove, leading to Middle Cove Beach, fifteen pounds.

To make a road from Upper Long Pond road to connect the Fresh Water road, fifteen pounds.

To make a road from Joseph Conner's room, to join main road, ten pounds.

To make Rocky Hill road, thirty-five pounds.

To make road by Richard Roach's and others, ten pounds.

To make a road from main road from Pouch Cove to Shoe Cove Beach, fifteen pounds.

To make a road from Quidi Vidi Bridge to the White Hills, twenty pounds.

To make a road from Firth's corner to John Dwyer's bridge, twenty pounds.

To make a road from Savage's bridge to Outer Cove beach, thirty pounds.

To make a road from Rocky Hill road to the fishing rooms at Logy Bay, fifteen pounds.

Blasting and taking away cliff at Logy Bay, twenty pounds.

On other roads, as required, nineteen pounds eighteen shillings and four pence.

Provided always that it shall be lawful for the Board of Works to let or sell at public auction, or otherwise, for a period not exceeding three or five years, the repairing and keeping in repair of the roads and bridges leading from St. John's to Petty Harbor, Topsail, Portugal Cove, Torbay, Flat Rock, Pouch Cove, Bay Bulls, and the road from Petty Harbor to the Goulds, and also to keep the said roads open and clear of snow drifts in the winter season, in such lots as to the said Board may seem reasonable; and the cost of any such contracts shall be defrayed out of the amount herein appropriated for the said respective roads in the said district; and if the same should not be sufficient for the purposes aforesaid, it shall be lawful for the Governor to draw his warrant upon the Receiver General for

the yearly balance of any such contracts during the said term, who shall pay the same out of the public monies remaining unexpended in his hands, which balance shall be provided for out of such future appropriations as may be made by the Legislature for roads in the district of St. John's, provided that such balance or balances shall have been duly certified by the Chairman of the Board of Works: Provided always, that the amount to be expended on any one of the said roads shall not in any one year exceed the sum of ninety pounds.

Towards constructing roads, streets and bridges in the district of Harbor Main, the sum of two hundred and eighty-eight pounds one shilling, to be expended as follows:— District of Harbor Main, £288 1s.

On local roads between Topsail and Seal Cove, through Chamberlains, fifty pounds.

On local roads between Indian Pond and Gasters, including those in the vicinity of Holyrood, Chapel's Cove and Harbor Main, one hundred and thirty-three pounds.

On local roads in the vicinity of Salmon Cove, Cat's Cove, White Cliffs, and Bacon Cove, including O'Keefe's road, fifty-two pounds.

On local roads in the vicinity of Colliers, James's Cove, Turk's Gut and English Cove, including O'Keefe's road, fifty-three pounds one shilling.

Towards constructing, repairing, and improving roads, streets and bridges in the district of Port-de-Grave, the sum of four hundred and sixty four pounds sixteen shillings and six pence, to be expended as follows:— District of Port-de-Grave, £464 16s 6d.

In that part of the Electoral district of Port-de-Grave, North of Northern Gut bridge, one hundred and twenty-five pounds.

In the town and neighbourhood of Brigus, as follows:

From Mrs. Power's to the Newfoundland School House, ten pounds.

From Newfoundland School House to Thomas Munden's, fifteen pounds.

From Thomas Munden's to the Battery, fifteen pounds.

From Frog Marsh towards River Head, in continuation of last year's line, eight pounds.

From River Head towards Frog Marsh, eight pounds.

From the new line near Third Pond to the River Head of Brigus, twenty pounds.

From late James Percey's House to the Beach, between Stephen Newell's and James Burke's, six pounds.

From William Whelan's to Mrs. Freeman's, by Beaver Pond, ten pounds.

From English Town to the woods, seven pounds.

From Cole's bridge to the Gullies, seven pounds.

From Mr. Mandevill's towards River Head, by way of the Wesleyan Chapel, ten pounds.

From Mr. Mandevill's west by the Roman Catholic Chapel, eight pounds.

From the wooden bridge to the Episcopal Church, eight pounds.

On repairs of wooden bridge, ten pounds.

On the road across the pond by Mr. James Wilcox's, ten pounds.

Towards repairing the Drain from the Public Brook running through Mr. Munden's premises, twenty pounds.

On repairs of the bridge over Breaker's Gully leading to Cupids, seven pounds.

On roads in Bull Cove, ten pounds.

On the road from Burnt Head through Cupids, (particularly between William H. Sheppard's House and the Brigus Road) and thence to the main line, sixty pounds.

Towards completing the road through Salmon Cove, and from thence to Caplin Cove, twenty pounds.

On a wood path from Clark's beach towards Snow's pond, fourteen pounds.

On the road leading by John Hearn's, Southern Gut, towards Springfield, six pounds sixteen shillings and six-pence.

On the road from Brigus to Southern Gut, fifty pounds.

District of Harbor
Grace, £725 15s 7d.

Towards constructing, repairing, and improving roads, streets, and bridges in the district of Harbor Grace, the sum of seven hundred and twenty five pounds fifteen shillings and seven-pence, to be expended as follows :—

In and about the town of Harbor Grace, Bear's Cove and River Head, the sum of three hundred and four pounds fifteen shillings and seven-pence, including the cross road called Kelly's road, leading from Fisherman's road to Cooper's corner road ; a road to be opened between John Fitzgerald's and Richard Britt's premises towards the ridge on the south side ; and thirty-five pounds for opening and making Dungarvon road twenty-four feet wide ; and fifteen pounds for a landing place near Cody's ; a substantial public Ferry boat ; removing the rock in Victoria Street ; the road between Mulcahy's and Northern brook ; and also Martin's bridge and clearing brook.

For repairing and draining the road along the south side of Harbor Grace, the sum of sixty-five pounds.

For Bay Roberts main road ; the road back of Bay Roberts ; the road from French's Hill to Crane's brook ; the Cosh road ; Delaney's road ; opening and making a road from Bay Roberts street to Bear's Cove, and other roads and bridges, the sum of one hundred and thirty-two pounds.

For roads at Coley's point, the sum of forty-six pounds, including six pounds from Bareneed road, eastward, on the Neck road.

For roads at Spaniard's Bay, the sum of sixty pounds.

For Upper Island Cove and Bishop's Cove roads, the sum of eighty-five pounds, including a road to be opened from near Jane Barrett's house, in Bishop's Cove, to join Crane's road ; a road leading from the Island Cove road, near the old School house road, towards Harbor Grace ; and eight pounds for a road leading from the main road from James Osborne's westward about six hundred yards.

For Bryant's Cove roads the sum of thirty-three pounds, including six pounds for the road from near the late Edward Parsons's old house to the Fairy road.

District of Carbonear,
£492 1s 8d.

Towards constructing, repairing, and improving roads, streets and bridges in the district of Carbonear, four hundred and ninety-two pounds one shilling and eight pence, out of which, the sum of five pounds one shilling and eight-pence, shall be paid to compensate Martin Murphy and

John Walsh, Road Contractors, and the remainder shall be expended as follows :—

District of Carbonear.
(Continued.)

On the road from the South Side of Carbonear to Mosquito, twenty pounds.

On the road from Pinn's beach to meet the Harbor Grace main road, fifteen pounds.

On Dunnegan's road on the south side of Carbonear, eight pounds.

For repairing and extending Crowley's road, including the branch road leading to Patrick Moriarty's house, twenty pounds.

On the road from Powell's brook bridge to the Widow Walsh's house, eight pounds.

For repairing and extending the London road, twenty-five pounds.

On the road from Kielly's corner running westerly by the south side of Carbonear main river, fifteen pounds.

For the repairs of Pack's bridge, and the road round Pond head, fifteen pounds.

For repairing and extending the Valley road, thirty pounds.

For repairing and extending Flynn's hill road, fourteen pounds.

On the Gladstone road, eight pounds.

On the Battery road, fourteen pounds.

On the Chapel road, six pounds.

On the St. Patrick's road, leading to the Catholic Cemetery, ten pounds.

On Day's road, eight pounds.

On Jones's hill road, fifteen pounds.

On Dunnegan's road, to meet the Bunker's hill road, twelve pounds.

On the back street from Mrs. Behan's house to Church gate, fifteen pounds.

On Drake's hill road, eight pounds.

On Bunker's hill road, twenty-five pounds.

On Scanlan's hill road, nine pounds.

On Bemister's hill road, ten pounds.

On the road leading from the main street to the Wesleyan Chapel, ten pounds.

On the English hill road, ten pounds.

On Coxes's hill road, ten pounds.

For repairing and improving other roads, streets and bridges, in and about Carbonear, not herein-mentioned, twenty-six pounds.

For repairing and improving the roads and bridges, in and about Crocker's Cove, thirty pounds.

On the main road from Arthur Thomey's house to John Malone's house, on Mosquito North Point, fifteen pounds.

On the main road from Arthur Thomey's house, passing through the pond head of Mosquito to the Harbor Grace main road, fifteen pounds.

On the road from John Doran's corner to the Widow Ryan's house on Saddle Hill, thence on the same line to the Harbor Grace main road, ten pounds.

On the Branch road from Reardan's Tilt to Mathew Ryan's house, five pounds.

On the south side road, from Kenedy Thomey's lane running through Thomey's meadow, thence through Neagle's and Simmon's ground, towards the south point of Musquito, twenty-five pounds.

On the road from Kenedy Thomey's house running westerly to the point of junction with the north side road in Mosquito valley, six pounds.

On DesBarres' road from Pike's house on the south point of Mosquito, running in a south westerly direction to meet the Old Mosquito road, fifteen pounds.

District of Bay-de-Verds £448 10s.

Towards constructing, repairing, and improving roads, streets and bridges in the district of Bay-de-Verds; from Fresh Water inclusive to Northern Bay, two hundred and seventy-two pounds ten shillings; and from Northern Bay inclusive to Bay-de-Verds, one hundred and seventy-six pounds; to be expended by Boards of Commissioners to be appointed in said divisions of the district, viz:

Fresh Water and Clam's Cove, thirty-three pounds.

Clam's Cove to Salmon Cove Head, twenty pounds.

Salmon Cove South-side, five pounds.

Perrie's Cove, and to Spout Cove outside, thirteen pounds.

Spout Cove, two pounds

Small Point, seven pounds ten shillings.

Mully's Cove, Lower Small Point and Broad Cove, sixty pounds; twenty-five pounds of which are to be expended on road leading to Broad Cove Pond.

Black Head, fifteen pounds.

Adam's Cove and Gussett's Cove, twenty-five pounds.

Bradly's Cove, twelve pounds ten shillings.

Western Bay, on bridge at River Head, and on roads and bridges on North and South sides, forty-seven pounds ten shillings.

Ochre-pit Cove, Thirty-two pounds; half to be expended on roads leading to the farms of Carnal, Pinsent, Parsons, Tuff, and others.

Northern Bay inclusive, to Job's Cove, forty-three pounds; twenty pounds to be expended on road leading to the woods from Northern Bay.

Job's Cove droke, twenty pounds.

Redland's, five pounds.

Lower Island Cove, forty-eight pounds; ten pounds of which to be expended in completing Hauling-place if required.

Caplin Cove to main road, thirteen pounds.

Low Point, fourteen pounds.

Bay-de-Verds, thirty-three pounds; ten pounds of which to be expended on road leading thence to Old Perlican.

District of Trinity Bay £668 4s.

Towards constructing, repairing, and improving roads, streets, and bridges in the district of Trinity Bay, the sum of five hundred and sixty-eight pounds four shillings, to be expended as follows:—

Twenty-five pounds in and about Bird Island Cove and road to Bonavista.

Sixty pounds in and about Catalina, including East side of North East Arm and Western Arm South East Cove.

Ten pounds, Ragged Harbour.

Sixty pounds from the Ferry Wharf, North side Trinity, to North West Brook.

Forty-five pounds from Trinity towards British Harbour, including Old and New Bonaventure, to be expended at option of Commissioners.

Eight pounds, British Harbour.

Eight pounds, Trouty.

Sixteen pounds, from Salmon Cove Brook to main road, and for Salmon Cove West equally. District of Trinity.
(Continued.)

Eight pounds, in and about Heart's Ease.

Eight pounds, Fox Harbour.

Twenty pounds from Josiah Jones's bridge inclusive, to Dog Cove.

Sixteen pounds and two shillings, to be expended by the Trinity Commissioners, and for reimbursing past over-expenditure.

Twenty-five pounds, Grates Cove.

Thirty-three pounds, Old Perlican.

Thirty pounds Hants Harbour, and road from Jaynes's Mill.

Eleven pounds, Indian Point to Hants Harbor.

Five pounds, Turk's Cove.

Six pounds, Seal Cove.

Five pounds, Upper Shoal Harbor.

Twenty-five pounds, Scilly Cove and road to Westward Pond.

Seven pounds, Dildo Cove.

Eleven pounds, New Harbor.

Eleven pounds, Hearts Delight.

Twenty-five pounds, New Perlican.

Twenty-eight pounds, Heart's Content.

Twenty-five pounds, Old Perlican towards Bay-de-Verds.

Twenty-five pounds, Old Perlican towards Island Cove.

Twelve pounds and two shillings, Grates Cove to Bay-de-Verds.

Towards constructing, repairing, and improving Roads, Streets and Bridges in the district of Twillingate and Fogo, the sum of seven hundred and one pound two shillings and five pence, to be expended as follows :— District of Twillingate and Fogo, £701, 2s. 5d.

Bluff Head Cove to Twillingate, fifteen pounds.

Twillingate North-side, seventy-five pounds.

Twillingate South-side, eighty-five pounds.

Twillingate South-side to Herring Neck, thirty-five pounds.

Portion of the foregoing to be expended in building bridge and deepening Tickle at Twillingate, if required.

Back Harbor to Wild Cove, fifteen pounds.

Tizzard's Harbour, fifteen pounds.

Moreton's Harbour, twenty-five pounds.

Black Island, fifteen pounds.

Exploits Burnt Island, thirty pounds, half to be spent on North side and half on South side.

Waldon's Cove to Fortune Harbor, ten pounds.

Webber's Bight to Fortune Harbour, ten pounds.

Indian Cove to Webber's Bight, ten pounds.

Herring Neck, thirty-five pounds.

Leading Tickles, twelve pounds.

Ward's Harbour to Cutmans Arm, ten pounds.

Little Bay Island, twelve pounds.

District of Twilling-
gate and Fogo.
(Continued.)

Three Arm Island, ten pounds.
 Jackson's Harbour, ten pounds.
 Nipper's Harbour, seven pounds.
 Hall's Bay to Pond, twenty pounds.
 Nimrod's Harbour, six pounds.
 Burying Place, six pounds.
 Round Harbour, six pounds two shillings and five pence.
 Shoe Cove, twelve pounds.
 Tilton Harbour, fifteen pounds.
 Joe Batt's Arm, twelve pounds.
 Bard Islands, seventeen pounds.
 Change Islands, twenty-six pounds.
 Seldom-come-by, ten pounds.
 Shoe Cove to La Scie, thirty pounds.
 Purcel's Harbour to Little Harbour, fifteen pounds.
 Fogo to Lion's Den, ten pounds.
 Indian Islands, ten pounds.
 New Bay, ten pounds.
 Fogo, sixty pounds.

District of Ferryland
£276 13s. 7d.

Towards constructing, repairing, and improving Roads, Streets, and Bridges in the district of Ferryland, the sum of two hundred and seventy-six pounds thirteen shillings and seven-pence to be expended as follows :—

From Balien towards Toads Cove, forty-five pounds.
 From Galiows Cove to Main Line Witless Bay, ten pounds.
 From Old Bay Bulls' road to Fortune's Beach, twenty-five pounds.
 From Main Line to Cod Seine Cove, Mobile, twelve pounds.
 (To be expended under supervision of Very Rev. Dean Cleary.)
 From the Keys to Main Line, South side Bay Bulls, twenty-five pounds.
 From Fresh Water towards Bay Bulls, fifteen pounds.
 (To be expended under Road Commissioners.)
 La Manche to main line, twenty-five pounds.
 South-side Fermeuse towards Blacksmith, twenty pounds.
 Renewse Harbor, ten pounds.
 Renewse to Fermeuse, on new line, ten pounds.
 Bridge at Brigus Island, twenty pounds.
 Brigus Harbor, five pounds.
 Cape Broyle Harbor, North and South, ten pounds.
 Admiral's Cove to main line ending at White Horse, twenty-five pounds.
 Admiral's Cove to Cape Broyle, ten pounds.
 Main line from South-side Aquaforte to Fermeuse, nine pounds thirteen shillings and seven-pence.

Towards constructing, repairing, and improving Roads, Streets and Bridges in the district of Burin, the sum of four hundred pounds, to be expended as follows :—

District of Burin
£400.

- Grand Bank and Fortune, forty pounds.
- Lamaline, forty pounds.
- Ferry at Salmon Cove near Lamaline, ten pounds.
- Lawn, eighteen pounds.
- Great and Little St. Laurence, eighteen pounds.
- Mud Cove and Spoon Cove, eight pounds.
- To open a road from Burin Bay to Collins' Cove, thirty pounds.
- Ship Cove to Burin Bay, ten pounds.
- Vanstone to Morris's Point, eight pounds.
- Main Road to Parsons's Point, five pounds.
- Olive Point to Great Burin, eight pounds.
- Whale Cove to Collins' Cove, eight pounds.
- Dixie's Bridge to Pathend, thirty-two pounds.
- Butler's Garden to Narrows, ten pounds.
- Main Line towards Kennedy's on the South West side of Mortier, six pounds.
- Main road to Fox Cove, ten pounds.
- Fox Cove to Tides Cove, twelve pounds.
- Tides Cove to Durical, eight pounds.
- Beau Bois Harbour, fifteen pounds.
- Little Bay to Johnny Green's Pond, twelve pounds.
- Road from Spanish Room to Mooring Cove, twenty-eight pounds.
- Road from Spanish Room to Rock Harbour, twenty-eight pounds.
- Burin, Repairs of Streets, Road and Bridges, thirty-one pounds.
- Herring Cove to Tides Cove, five pounds.

Towards constructing, repairing, and improving roads, streets and bridges in the district of Fortune Bay, the sum of two hundred and fifty-one pounds sixteen shillings and three pence, to be expended as follows :

District of Fortune Bay
£251 16s. 3d.

- Upon the road between Gaultois and Picaree, twenty-five pounds.
- On the road between Millar's Passage and Tickle Harbour, thirty pounds.
- On the road from Millar's Passage to Little Bay, fifty pounds.
- On the road from English Harbor to Moses Ambrose, fifty pounds.
- On the road from Jersey Harbor to Little Bay, forty pounds.
- On the road round Hermitage Cove, or between Grole and Pass, as the Board may determine, twenty-five pounds.
- On roads in Bellorem, thirty-one pounds sixteen shillings and three pence.

Towards constructing, repairing, and improving roads, streets, and bridges in the district of Burgeo and La Poile, the sum of three hundred and fifty pounds eleven shillings and seven-pence, to be expended as follows :—

District of Burgeo & La Poile
£350 11s 7d.

- On roads at Channell, fifty pounds.
- On roads at La Poile, fifty pounds.
- On roads at Pettites, fifty pounds.

On the road between Rose Blanche and Harbor Le Con, fifty pounds.

On roads at Lower and Upper Burgeo, and between these places, as may be determined by the Road Board, one hundred and fifty pounds, eleven shillings and seven-pence.

District of Bonavista Bay, £787 19s. 8d.

Towards constructing, repairing, and improving Roads, Streets and Bridges in the District of Bonavista Bay, the sum of seven hundred and eighty-seven pounds nineteen shillings and eight-pence, to be expended as follows:—

For roads and bridges in and about Keels and Tickle Cove District, the sum of one hundred and five pounds, to be expended under the Keels and Tickle Cove Board, as follows: viz.

From Keels towards Broad Cove, ten pounds.

From Tickle Cove towards Keels, twenty pounds.

From, in and about Keels, and towards Castle Cove, twenty pounds.

In and about Tickle Cove, and towards Red Cliff Island, fifteen pounds.

In and about Red Cliff Island, and towards Open Hall, ten pounds.

In and about Open Hall, and towards Plate Cove, ten pounds.

In and about Plate Cove, and towards Indian Arm, ten pounds.

In and about Indian Arm, and towards Seal Cove, or for bridges, ten pounds.

For roads and bridges in and about King's Cove District, the sum of forty-five pounds, to be expended under the King's Cove Board, viz:

From King's Cove to Broad Cove, fifteen pounds.

From King's Cove to Knight's Cove, via Stock Cove, ten pounds.

From King's Cove to Plate Cove, ten pounds.

In and about Broad Cove, and half-way towards Keels, ten pounds.

For roads and bridges in and about Bonavista District, the sum of two hundred and sixty-seven pounds nineteen shillings and eight-pence, to be expended under the Bonavista Board, viz:—

To William Little, for filling up chasm going to Cannaille Net Ground, six pounds.

From Bonavista to Newman's Cove, and for repairing road and bridging round Clark's Pond, Birchy Cove road, seventy-five pounds.

From Newman's Cove to Seal Cove bridge, fifty pounds.

For roads and bridging in and about Cannaille, and roads branching therefrom, twenty-five pounds.

For road from Bird Island road to Doctor Skelton's Surgery, seven pounds ten shillings.

For road from Lance Cove road towards Bird Islands, provided an equal amount be expended on said road by Trinity District Board, fifteen pounds.

This sum to be expended by Board of Commissioners, on roads and bridges most necessary, eighty-nine pounds nine shillings and eight-pence.

For roads and bridges in and about Greenspond District, the sum of three hundred and ten pounds, as follows :—

District of Bonavista
(Continued.)

For roads and bridges in and about Greenspond, Ship's and Newell's Islands, one hundred and seven-six pounds.

This sum to liquidate an order of 1857, fav. Richard Hounsell, for work performed, nine pounds.

Towards bridge connecting Greenspond with Ship's and Newell's Islands, in addition to seventy-five pounds otherwise granted, twenty-five pounds.

For roads and bridges at Cape Island, Cape, and Middle Cove and Cobler's Island, or for Ferries, fifteen pounds.

For roads and bridges in and about Pinchard's Island, fifteen pounds.

For roads and bridges in and about Swain's Island, ten pounds.

For roads and bridges in and about Fool's Island, twelve pounds ten shillings.

For roads and bridges in and about Deer Island, five pounds.

For roads and bridges in and about Burnt Island, five pounds.

For road at Cottle's Island, from Hayward's Cove to Brown and Bromfield's, five pounds.

For road at Cottle's Island, commenced last year, five pounds.

For roads and bridges at Gooseberry Island, fifteen pounds.

For roads and bridges at Vere or Fair Island, twelve pounds ten shillings.

For roads and bridges in and about Salvage, the sum of sixty pounds, to be expended under the Salvage Board as follows, viz :—

For roads and bridges in and about Salvage, thirty-seven pounds ten shillings.

For roads in Barrow Harbor, leading from John Holloway's to main road, &c., five pounds.

For roads in and about Barrow Harbor to continue above road, or others more necessary, five pounds.

For roads and bridges in and about Flat Island, twelve pounds ten shillings.

II.—The sums of money hereby appropriated to and for the several outport electoral districts of this Island shall be applied and expended for the purposes of this Act by the respective Boards of Road Commissioners appointed, or to be appointed, under an Act of the Legislature of this Colony, passed in the Nineteenth Year of the Reign of Her Majesty, entitled "An Act for the Establishment of a Board of Works, (except in all such cases as are otherwise provided for by this Act;) and the sums of money hereby appropriated to and for the electoral district of St. John's, shall be applied and expended therein for the purposes of this Act, by the said "Board of Works." Provided always, that it shall be lawful for the Governor in Council to authorize the expenditure of any Road appropriation, in the employment of daily or time labor, if the same should be deemed advisable.

Road appropriations—
—how to be expended.

III.—It shall not be lawful for the said respective Boards to proceed in the construction, repair, or improvement of any Roads, Streets, or

Road work to be done—
by tender.

Bridges, otherwise than by tender or contract, or by auction to the lowest bidder, in such allotments as may be marked off, after a careful examination, by the respective Boards, or under their Inspectors; and in all such cases of letting by Auction, such Boards respectively are hereby required to put up a sufficient number of notices, not less than ten days previous to such sale, in three or more of the public places in the neighbourhood where the work is to be done, which notices shall specify and describe the work to be performed, and also the place, day, and time, when and where the same will be let by auction as aforesaid; and it shall be the duty of the Inspectors of the respective Boards to attend at the time and place so appointed, and then to let out to the lowest bidder such allotments, and the purchaser shall immediately thereafter enter into written contracts with sufficient sureties for the faithful performance of the work in time and manner set forth in such contracts.

Public notice of tenders to be given.

Work may be given out in small lots.

IV. It shall be lawful for the respective Boards to divide and apportion the work to be performed on any Road, Street, or Bridge aforesaid, into small contracts or allotments, to meet the exigencies of the people of the several districts.

Security to be given for due performance of contracts.

V. The said respective Boards, before entering into any such contracts, shall take security, as is hereinbefore provided, for the due performance of the same, and that upon the production of a certificate from the Board of one half of the amount of work contracted for being completed, such contractor shall be entitled to receive a half part of the amount of his contract; and such Boards shall so frame their contracts that the same be finished within a limited time, and payment of one third of the full amount thereof respectively shall always be withheld until the work therein contracted for shall appear, by the solemn declaration in writing of the Inspector or Surveyor of such Boards respectively, specifying the particulars and measurement of such work, to have been fully completed, examined and passed agreeably to contract; and every such Inspector or Surveyor who shall knowingly make a false declaration as aforesaid, shall be subject to the same punishment in law as in case of wilful perjury.

New lines of road to be surveyed.

VI. Previously to any sum of money being expended in the opening or making of any new road, the proposed line of road shall be first surveyed by or under the directions of the respective Boards, and approved by them.

Compensation for land taken for roads—how to be made.

VII. Whenever it shall become necessary, for the opening, making, or widening of any road, street, or other work, to appropriate any piece or parcel of land being private property, it shall and may be lawful for the Board of Works, or any other Board, to pay, out of such monies as shall be at their disposal for the purpose of making such respective roads, streets or other work, a fair and reasonable compensation to every person having any interest in the land so intended to be appropriated; and also to compensate any person for any damage which may be occasioned to his property by the making, opening, or widening such roads, streets or other work; and if the said Board and the owner of such property cannot agree upon the amount of compensation to be paid, such amount shall be ascertained by the Chairman of such Board and two other Assessors, one of whom shall be nominated by the said Board, and the other by the owner of the land, and who shall assess and award the amount of compensation (if any) that shall

be paid for the value of the said land, and for the damage occasioned, together with all reasonable costs incurred by the attendance of witnesses, which award shall be final; and if the owner of the land shall neglect to nominate an Assessor within five days after being thereto required, the Chairman of such Board shall nominate an Assessor on behalf of the owner; and the said Chairman and the two Assessors shall be paid the sum of ten shillings each for their services in that behalf: Provided, that every such award shall be made in writing within ten days after any day that may be appointed for the hearing of the case; but before payment or tender to the parties interested of the sum awarded for compensation, it shall be lawful for the said Boards respectively, or any person authorized by them, to enter in and upon, and take possession of any land so to be appropriated for any road, street, or lane, as aforesaid.

VIII. In all cases where any sums of money appropriated in and by this Act to any road, street, or bridge, shall be found to be more than sufficient for making, constructing, or repairing the same, as the case may be, it shall be lawful for the said Boards respectively to appropriate and apply such surplus money to the making, constructing, or repairing any other road, street, or bridge, within the district for which such money shall have been granted: Provided always, that when any sum of money granted for any particular part of any main road shall be found more than sufficient for the purpose of such grant, the surplus thereof shall be expended on such other parts of the same line of road within the district as may require the same.

Surplus of road appropriations to be applied to other roads, &c., in the district.

IX. No road to be hereafter opened or made shall be gravelled to a greater width than seven feet, or shall have a base of less width from drain to drain than fourteen feet, when such road shall be situated more than five miles from St. John's, or four miles from Harbor Grace, Carbonear, or Brigus, respectively; and that where any land within thirty feet of the centre of any road now laid out, remains unappropriated, and where any land within thirty feet of the centre of any road hereafter to be laid out shall, at the time of any such road being laid out, be unappropriated, such shall not be granted, conveyed, or appropriated to any private purpose.

Width of road to be gravelled.

X. The Chairman of the Board of Works of this Island shall be Supervisor-General of all roads, streets and bridges therein; that all orders for the payment of monies from the said respective Boards shall be certified by the Financial Secretary of this colony, before payment, so as to confine the expenditure within the respective appropriations; and that the Chairman of each Board in the respective districts shall, on or before the first day of December, and oftener if required, transmit to the said Financial Secretary correct statements of all work done and monies paid on such roads, streets, and bridges, as may be within his said district, together with an estimate of the probable amount which may be necessary to complete the same; and such returns shall be digested and reduced into order by the said Financial Secretary, and an abstract thereof laid before the Legislature within one month after the commencement of each session.

Chairman of Board of Works to be Supervisor-general of roads, &c.

XI. For the purpose of this Act the district of St. John's shall comprehend all roads, streets, and bridges, within the electoral district of St. John's, and also the main road between St. John's and the Goulds; that the district of Conception Bay shall comprehend all roads, streets, and bridges within the electoral district of Conception Bay, including Holyrood; that the district of Trinity Bay South shall comprehend all roads, streets,

Limits of districts.

and bridges within the electoral district of Trinity Bay, from Dildo C ve to Split Point ; that the district of Trinity Bay North shall comprehend all roads, streets, and bridges, from Bonaventure to Catalina ; that the district of Bonavista shall comprehend all roads, streets, and bridges within the electoral district of Bonavista ; that the district of Fogo shall comprehend all roads, streets, and bridges within the electoral district of Fogo ; that the district of Burin shall comprehend all roads, streets, and bridges within the electoral district of Burin ; that the district of Fortune Bay shall comprehend all roads, streets, and bridges within the electoral district of Fortune Bay ; that the district of Burgeo and LaPoile shall comprehend all roads, streets, and bridges within the electoral district of Burgeo and LaPoile ; that the district of Placentia and St. Mary's shall comprehend all roads, streets, and bridges within the electoral district of Placentia and St. Mary's ; and that the district of Ferryland shall comprehend all roads, streets, and bridges within the electoral district of Ferryland, South of the Goulds, and inclusive thereof.

Ten per cent of grant to defray expenses.

XII. Out of the amount of fourteen thousand and forty pounds hereinbefore granted, the sum of one thousand four hundred and four pounds, being ten per centum thereon, shall be appropriated to the defrayal of all charges and expenses attendant upon the expenditure of the monies aforesaid, in the constructing, repairing, and improving of all roads, streets, and bridges within the several districts aforesaid, including all expenses of surveying, inspecting, overseeing, the remuneration of Chairmen, Secretaries, and all other necessary officers ; Printing, Stationery, and Postage.

Limitation of time to bring action.

XIII. No action shall be commenced against any Board, Commissioners, Surveyors, or Contractors, or other person, for anything done by him or them in pursuance of the provisions of this Act, until one calendar month next after notice in writing shall have been delivered to him or them, or left at his or their usual place of abode, by the party who intends to institute such action, his attorney or agent, in which notice shall be clearly and explicitly contained the cause of action, the name, place of abode of the person who is to bring the same, and the name and place of abode of his attorney or agent.

Tender of amends.

XIV. It shall be lawful for any such Board, Commissioners, Surveyors, or Contractors, or other persons, at any time within one calendar month after such notice shall have been given, to tender amends to the party complaining, or to his agent or attorney ; and in case such amends be not accepted, or in case no tender has been made, to plead the general issue to any action to be hereafter brought, and to give such tender, if any, or any other special matter, in evidence ; and if the plaintiff in any such action shall not at the trial thereof recover a verdict for more than the amount of such tender, if any, the defendant in such action shall be entitled to his costs of suit, and to the like remedy for the recovery thereof as though a verdict had passed against the plaintiff.

Party omitting to make tender to pay money into Court after action.

XV. If in any case such Board, Commissioners, Surveyors, Contractors, or other persons, shall neglect to tender any amends, or shall have tendered insufficient amends, before action brought, it shall be lawful for him or them respectively, by leave of the Court wherein such action shall be brought, at any time before the trial thereof, to pay into Court such money as he shall see fit, whereupon such proceedings, orders, and judgments, shall be had, made, or given, in and by such Court, as in other actions where the defendant is allowed to pay money into Court.

XVI. Within six days after any contractor for any road, street, or bridge, shall give notice to any Road Surveyor, or Inspector, in the district where such road, street, or bridge, may be situated, of the completion of his contract therein, it shall be the duty of such Surveyor or Inspector to inspect such road, street, or bridge, and if the contract be completed, forthwith to grant a negociable certificate accordingly; and it shall be lawful for the Chairman of the said respective Boards, on receiving such certificate, to grant a negociable order under his hand to the contractor to receive payment by warrant of the Governor on the Receiver General.

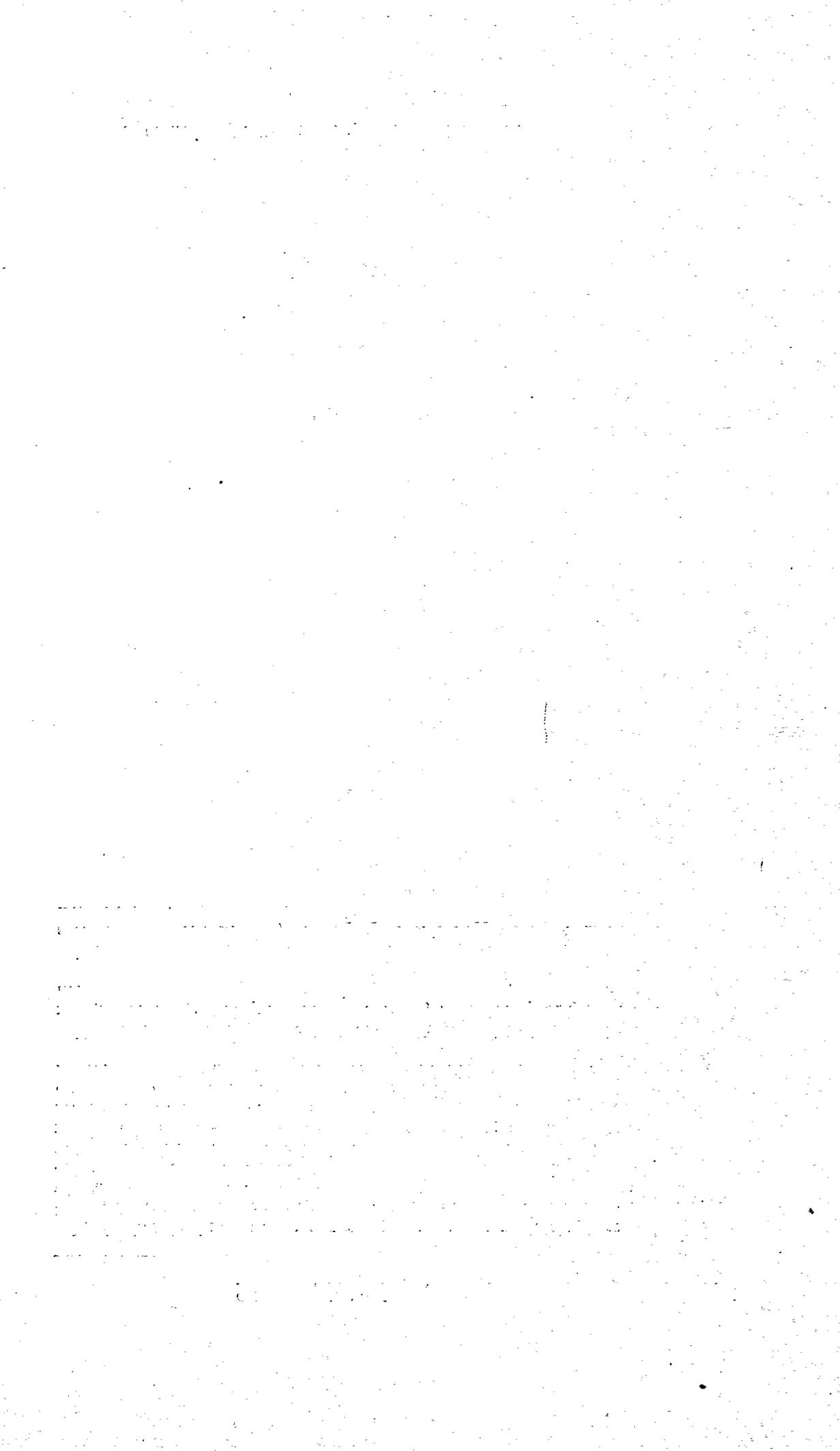
After contract performed certificate thereof to be given.

XVII. It shall be lawful for the Governor in Council to increase the number of members on any Road Board to seven, where it may be deemed necessary.

Governor may increase Members on Road Board.

XVIII. The Governor in Council shall be at liberty to sub-divide the several districts of the Island, for the purpose of the appointment of Road Boards therein.

Sub-division of road districts.





ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. III.

*AN ACT to Remove Doubts respecting the
Constitution of the Supreme Court.*

[Passed 20th April, 1859.]

WHEREAS by an Act passed in the Parliament of the United Kingdom in the Fifth Year of the Reign of His Majesty King George the Fourth, entitled "An Act for the better administration of Justice in Newfoundland, and for other purposes," and by the Royal Charter of Justice issued thereupon, it is declared and provided, that the Supreme Court of the said Island shall be holden by and be composed of a Chief Judge and two Assistant Judges: And whereas doubts have arisen as to the necessity of the said Three Judges being actually present on the Trial of Issues and the transaction of other business in the said Court. Preamble.

Be it Enacted by the Governor, Legislative Council and Assembly, in Legislative Session convened, That in the event of the temporary illness of any of the said Judges, or sitting apart for the assessment of damages and other matters hereinafter provided, all Actions, Suits and other Proceedings, of what nature or kind soever, which now are or hereafter may be pending in the said Supreme Court, may be tried, heard, and determined, before the remaining Judge or Judges, as fully and effectually, to all intents and purposes, as if the Three Judges were actually present; except in cases of Treason and Capital Felony, when Three Judges shall be present; and on the hearing of rules for new trials, motions in arrest of judgment, and of appeals, and re-hearing in Suits in Equity, when Two Judges shall be present. Provided

Actions and other proceedings may be heard, tried and determined in the event of the temporary illness, &c. of any of the Judges, before the remaining Judge or Judges.

that nothing herein contained shall prevent or incapacitate any of the said Three Judges from performing any act or transacting any business which a single Judge of the said Court might, before the passing of this Act, lawfully perform or transact.

One Judge may sit apart from the rest for the assessment of damages, &c.

II.—When a pressure of business in the said Supreme Court shall require, and the same can with convenience be done, it shall be lawful for any one of the Judges, during term, to sit apart from the rest for the assessment of damages, and to hear and determine ordinary motions and other interlocutory and summary suits and matters pending in the said Court.

Supreme Court may issue original process returnable into either the Northern or Southern Circuit Courts in certain cases.

III.—That it shall be lawful for the Supreme Court to issue Original Process directed to any of the Sheriffs in the said Island, and returnable before the Northern or Southern Circuit Courts respectively, when the defendant resides or has a place of business within the jurisdiction of the Court into which said Process shall be returnable; and such Process shall be executed in the same manner, and shall be duly returned into the Court where it is made returnable, and shall have the same force and effect, as if the same had been issued by the Court before which it is made returnable.





ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. IV.

AN ACT to regulate the Practice on the Equity Side of the Supreme and Circuit Courts.

[Passed 20th April, 1859.]

WHEREAS it is expedient to diminish the expense and delay, and Preamble.
simplify the proceedings, on the Equity Side of the Supreme and
Circuit Courts.

Be it therefore Enacted, by the Governor, Legislative Council and Assembly, in Legislative Session convened, as follows :

I.—A Suit in Equity in the said Courts shall be commenced by filing therein a Bill, in form of a Petition, setting forth briefly and concisely the complainant's case, putting such interrogatories as may be thought necessary, and praying such relief as may be suitable ; on which bill shall be endorsed one or other of the notices in the Schedule annexed. Suit to commence by Bill in form of Petition.

II.—A copy of such bill and notice shall be served either personally upon the defendant, or upon the agent or partner (if any such within the colony) of any absent or non-resident defendant, or personally, abroad, upon any absent or non-resident defendant who shall not have an agent or partner within the Colony, or in such manner as a Judge or the Court may direct in the case of an absent or non-resident defendant not having an agent or partner in this Colony, and whose residence cannot be discovered. Copy of Bill, how served.

III. The defendant shall, within the period of ten days after such service, if made within the Central District, and within fourteen days if such service be made in any other part of the Colony, and within such time as Defendant within ten or fourteen days to file answer.

may be fixed by a Judge if such service be made abroad, put in an appearance and file and serve a plea, demurrer or answer to such bill ; and unless the defendant shall appear and plead, answer or demur, as aforesaid, within such time, or within such further time, if any, as may be allowed by a Judge or the Court in that behalf, the complainant may, upon filing proof on oath of such service, enter an appearance for such defendant, and take an order of course that such bill be taken as confessed.

Non-resident defendant not appearing by Attorney, subsequent proceedings to be served on agent or partner.

IV. In case of any absent or non-resident defendant having an agent or partner in the Colony, not appearing by Attorney, service, where necessary, of all subsequent proceedings shall be made on such agent or partner ; and in case of any absent or non-resident defendant not having an agent or partner within the Colony, neglecting to appear by Attorney to a bill served in manner aforesaid, service of all subsequent proceedings, when necessary, shall be made upon the Clerk of the Court for him.

Exceptions to answer for insufficiency allowed only in case of absent defendant.

V. Exceptions to an answer, for insufficiency, shall be allowed only to the answer of an absent or non-resident defendant ; and in such case they shall be filed and served within four days after the answer shall have been put in.

Exceptions to be set down for argument.

VI. If such exceptions are not submitted to within four days, they may be set down for argument by either party before the Court or a Judge.

Defendant to have four days to put in further answer.

VII. If such exceptions are submitted to within four days, or if upon argument as aforesaid they are in whole or in part sustained, the defendant shall have four days in which to put in a further answer.

Further exceptions allowed.

VIII. Exceptions to such further answer may be taken and submitted to, or demurred to, within the times and in manner aforesaid ; and if such exceptions are in whole or in part submitted to or sustained, upon argument, by a Court or a Judge as aforesaid, the complainant may have an order of course, that in the particulars rightly excepted to his bill shall be taken as confessed, unless the Court or a Judge, upon special application, shall otherwise order.

Complainant to file Replication within two days.

IX. Where exceptions are not or cannot be taken, or are overruled, or where, in the matter of any exceptions taken, a part of the bill only is taken as confessed, the complainant shall, within two days from the last step in the cause, put in a general replication, otherwise the cause shall stand for hearing on bill and answer.

Examination of witnesses, how taken

X. On a general replication being put in, the cause shall be deemed at issue, and the parties may proceed to examine their witnesses before an examiner to be appointed either by consent or on motion to the Court or a Judge, and such examination shall, except when the Court or a Judge shall direct a commission to issue, be viva voce, in presence of parties or their attorneys, before such examiner, or, if the Court or a Judge shall so order, in open Court.

Publication of evidence.

XI. Publication of evidence shall pass upon rules or Judge's orders nisi and absolute, upon motion of either party ; and after publication the cause may be set down for hearing by either party to the cause.

Brief to be furnished Judges.

XII. At the hearing of the cause, unless the parties can agree on a case to be submitted to the Court, each party shall furnish the Judges and the opposite party with a brief setting forth the substance of the proceedings, and proof and the decree sought to be obtained by him.

XIII. When defendant pleads or demurs to a bill, the complainant shall have four days to reply or to amend his bill, unless further time be granted ; and if he does not take issue on such plea, or amend his bill within that time, either party may set down the plea or demurrer for argument at the next or any subsequent sitting of the Court.

Course of proceeding on defendant pleading or demurring.

XIV. If a plea or demurrer be overruled on argument, or if upon issue joined thereon a plea be found to be untrue, the complainant may have an order of course that the defendant do file and serve an answer within four days, otherwise that the bill, or so much thereof as may be covered by such plea or demurrer, be taken as confessed.

Proceedings when plea or demurrer overruled.

XV. When issue is taken upon a plea, the proceedings for proof, publication and hearing, shall be as in case of an answer and replication.

Proceedings where issue taken on plea.

XVI. All bills shall be verified by affidavit, and all pleas in bar in matters in pais, and all answers, shall be upon oath of the party, unless the Court or a Judge shall, upon cause shewn, otherwise order.

Bills to be verified by affidavit.

XVII. It shall be lawful for the said Courts respectively, or any Judge thereof, upon special cause to be shewn upon affidavit, to order a writ of attachment or *capias* to issue at any stage of the cause, in the form prescribed in the schedule, and such attachment or *capias* shall not be discharged except by like order of the Court, or a Judge, until the defendant shall have given bail to the satisfaction of the Court or a Judge, or a Commissioner of such Court, to abide by and perform the orders and decrees of the Court to be from time to time made in such cause.

Attachment or *Capias* may issue.

XVIII. When any matter is referred to a Master to examine and report upon, the Master shall proceed therein at the instance of either party upon a notice of two days, adjourning from time to time as may be necessary.

Master to proceed upon receiving two days notice.

XIX. The Master shall be at liberty, upon the application of any party interested, to make a separate report or reports from time to time as he shall deem expedient, the costs of such separate reports to be in the discretion of the Courts.

Master may make separate reports.

XX. When the Master has prepared the draft of his report, he shall, upon matters of importance, deliver copies thereof to any party applying for the same, and shall assign a time and place for the parties to bring in objections and hear arguments thereon ; and the Master shall settle and sign his report, and cause it to be filed in the office of the Registrar of the Court, within four days after the argument on such objections is closed. If no objections are made to the draft the Master shall sign and file it forthwith.

Master shall deliver copies of his report to any party applying for the same.

XXI. After the report is filed, either party may have an order of course to confirm the same, unless cause to the contrary thereof be shown in four days ; and if no exceptions are served and filed within that time, the order may be made absolute of course, upon filing an affidavit of service of the order nisi ; or either party may file exceptions to part, and have such order nisi to confirm the report so far as the same is not excepted to, and with the like effect.

Four days order to confirm report.

Hearing exceptions to Master's report.

XXII. Exceptions to a Master's report may be set down for hearing by either party, and after such report shall have been confirmed, either party may, from time to time, as may be necessary, bring the cause on for further directions.

Course to be pursued on Suit abating by death or marriage of any party.

XXIII. If any suit shall abate in whole or in part by the death or marriage of any party thereto, it shall be lawful for the representative or husband of such party, if a complainant, and for the complainant if the party deceased is defendant, to apply to the Court by petition (to be verified, filed and served, in the manner aforesaid,) that such representative or husband be made a party to such suit; and thereupon, unless an answer shall be put in within the times aforesaid, denying the matters upon which such petition is founded, in which case the points at issue shall be tried and determined as upon enquiry into the truth of a plea, and such order made thereon as may be just, the petitioner may have an order of course that such petition be taken as confessed, and that such suit, as respects such husband or representative, do stand revised in like manner and to the effect as in case of a decree for revivor.

Mode of obtaining opinion and judgment of the Court in special cases.

XXIV. It shall be lawful for any parties (the direction of the Court or a Judge thereof in case of persons under disability, as hereinafter mentioned, being first obtained) to present a petition to any of the said Courts, stating any documents, facts or circumstances, relating to any matter falling within the equity jurisdiction of the Court, by way of special case, and praying for the opinion of the Court thereon; and it shall be lawful for the Court to give judgment upon such petition accordingly, and such judgment shall bind all such persons as the Court shall direct, and in default of such direction shall bind all such persons as presented the same, and shall have the same effect as a declaration made by decree, in a suit to which such persons were parties, would have had, and shall be subject to rehearing, in the same manner as herein provided in case of other petitions under this Act; and where the opinion of the Court is desired in any matter in which any infant, idiot, lunatic, or married woman, is interested, it shall be lawful for the Court, or a Judge thereof, to direct the presenting of such petition by way of special case, on behalf of the infant, idiot, lunatic, or married woman, and such directions shall be conclusive to all intents and purposes.

Re-hearing may be had within twenty days after judgment pronounced.

XXV. Any party in the cause may have a rehearing upon any judgment, order or decree therein, upon applying for the same by petition to the Court, or a Judge, within twenty days after the same shall have been pronounced, and upon notice to the adverse party, on such terms, as to costs, as to the payment into Court of any money, as to the doing or not doing any particular act, or as to giving security for the performance of such judgment, order or decree, as such Court or a Judge shall direct.

Re-hearing of judgment obtained in Circuit Court may be heard in Supreme Court.

XXVI. It shall be lawful for the Court or Judge by whom a rehearing of any judgment, order or decree, of a Circuit Court, may have been allowed, upon application of either party, to direct that such rehearing shall be had before the Supreme Court, and thereupon the said Supreme Court shall have full power to rescind, confirm or alter such judgment, order or decree, as may be just and equitable; and in the same manner, and with the like effect, and with the like incidents as regards the power of appeal from such judgment of the Supreme

Court to the Queen in Council, as if such suit had been originally commenced therein; and the same proceedings shall be subsequently had in the said Circuit Court as if such rehearing had taken place therein.

XXVII. All rules to take effect nisi, unless otherwise specially directed, shall be four days, and the time on all proceedings shall be taken to be one day inclusive and the other exclusive; but if the time expire on a Sunday, the whole of the succeeding day shall be included; four days' notice shall be given of all hearings and special motions, and a copy of the petition, affidavit or certificate, on which any special application is founded, shall be served on the adverse party, with a notice thereof.

Rules nisi shall have four days to run.

XXVIII. The Court, or a Judge, upon cause shewn, may extend the time for any proceeding required by this Act or by any rule of Court to be done within a limited time, and may set aside any order or decree obtained by default, upon such terms as may be equitable.

Time may be extended for any proceeding.

XXIX. The final decree in any cause shall be made up in the manner, and enforced by one or more of the writs of execution, prescribed in the schedule.

Final decree, how made up and enforced.

XXX. Under fieri facias issued upon any such decree, it shall be lawful for the Sheriff to levy on monies, bank notes, bills of exchange, cheques, bonds, or other securities for money, to attach and sell any interest of the party against whom such process shall have issued, as well equitable and contingent as legal and vested, in any lands, and to attach, by warrant, debts and effects due or belonging to such party; and for the purpose of realising any chose in action or other property levied on or attached as aforesaid, or under an attachment for bail, it shall be lawful for the Court or a Judge to examine upon oath, and viva voce, any garnishee in whose hands money or property may be attached, and to direct and (if necessary) to enforce by process of contempt, the payment or delivery over to the complainant or the Sheriff of so much of such money or property as may be sufficient to satisfy such execution; and it shall be lawful for the Sheriff, when he shall have levied or attached any bill, note, cheque, bond, or other security, to recover by action the amount thereof from the debtor, in the name of the Sheriff, and to appropriate the same, or so much as may be necessary, in manner aforesaid, (the party issuing such process first indemnifying the said Sheriff against all costs by reason of such action), and to sell any property delivered to him as aforesaid for the like purpose.

Under Fieri Facias Sheriff may levy on monies, bank notes, &c., &c.

XXXI. Upon fieri facias or capias for money or costs, it shall be lawful for the Sheriff to levy for the costs of such writ and levy, in addition to the money or costs ordered to be paid.

Costs on Fieri Facias or Capias may be levied for.

XXXII. No attachment for contempt shall issue against a defendant or other party for breach of an injunction in any decree commanding or restraining the performance of any act, other than the payment of money, except upon a rule of Court or a Judge's order to be issued upon affidavit of service upon such defendant, or party, or his attorney, partner or agent, or upon the Clerk of the Court, as aforesaid, of a copy of such injunction, and upon sufficient proof of such breach having been committed.

Attachment for contempt, when to be issued.

Judges of Supreme Court may make rules.

XXXIII. It shall be lawful for the Judges of the Supreme Court, by rules to be by them from time to time made and published for three months in the "Royal Gazette," to regulate the Equity practice of the Supreme and Circuit Courts in matters not herein provided for; and in matters not provided for by the said rules, or by this Act, the practice of the High Court of Chancery in England, for the time being, shall, so far as the same may be applicable, be the practice of the said Courts.

Equity Rules of Supreme Court repealed.

XXXIV. The present Equity Rules of the Supreme Court, from number one to forty-four, inclusive, are hereby repealed; and cases now pending shall be brought to conclusion under the provisions of this Act.

Clerk of Court to give security for safe keeping of monies.

XXXV. The Chief Clerk and Registrar of the Supreme and Central Circuit Courts shall give such security as shall be approved of by the Supreme Court, for the safe keeping of and accounting for all monies paid into his hands by order of the Court.

SCHEDULE.

Schedule.

Form of notice to be endorsed on Bills where Defendant is resident in, or has a Partner or Agent in the Colony.

A. B. Complainant
and
C. D. Defendant.

Supreme Court,
In Equity.

To the above named Defendant.

You are required to appear and to plead, demur, or to answer, to this bill within (ten days) after service thereof on you (or as ordered,) and in default of your so doing, the matter therein set forth will be taken to be confessed by you, and judgment will be delivered against you accordingly. St. John's
1859 E. S. Complainant's Solicitor.

If the bill be served abroad, add, after the word "accordingly," "you are also required, unless you appear by Attorney, to appoint some person resident in St. John's, as your agent in this suit, and to notify such appointment to the Complainant's Solicitor; in default whereof service of all subsequent proceedings therein will be made on the Chief Clerk of this Court to serve in your behalf."

Form of Capias or Attachment for Bail:

Schedule.

Newfoundland, }
S.S. }

VICTORIA, *by the Grace of God, &c.*

To the Sheriff, &c.

Attach C. D. of &c., (so that you have his body before us in our Court) or (by his lands, chattels, goods, debts and effects) and hold the same (or him safely keep) until he shall have given bail to perform the orders and decrees of this Court, in a cause on the Equity Side of the said Court, wherein A. B. is complainant, and the said C. D. is defendant, or until discharged by due course of law; and make return of what you shall have done under this writ immediately after the execution thereof.
Witness the Honorable Chief Justice of the Supreme Court,
at St. John's, this (day of issue)

By the Court,

G. H. Chief Clerk and Registrar.

E. S. Complainant's Solicitor.

Form of Attachment for non-payment of Money or Costs, for breach or non-performance of an Order or Decree.

Newfoundland, }
St. John's, S.S. }

To the Sheriff, &c.,

We command you that you attach E. D. of &c., and him commit to safe custody until (he shall have paid A. B. the sum of £ which by our Court were ordered to be paid by the said E. D. to the said A. B., by a decree dated and made in a cause on the Equity Side of the said Court wherein the said A. B. is complainant, and the said C. D. is defendant, or until (he shall have conformed to the said decree, reciting it as above) unless the said C. D. shall be sooner discharged from your custody by due course of law; and make return of what you shall have done under this writ immediately after the execution thereof.
Witness the Honorable Chief Justice of our Supreme Court, at St. John's, Newfoundland, this (date of issue).

By order of the Court.

G. H., C. C. and Registrar.

E. S., Complainant's Solicitor.

Schedule.

*Form of Fieri Facias for Money ordered to be paid, or Costs.*Newfoundland, }
St. John's, S.S. }

VICTORIA, by the Grace of God, &c

To the Sheriff, &c.

We command you, that of the goods and chattels, debts, property, and effects of C. D. of &c., you cause to be made and paid over to A. B. the sum of £ which by a decree made on the Equity Side of our Court and dated in cause wherein the said A. B. is Plaintiff and the said C. D. is Defendant, was ordered by our said Court to be paid by the said C. D. to the said A. B., and make return of what you shall have done under this writ immediately after the execution thereof. Witness the as before, and the date of issue.

By the Court,

G. H., C. C. and Registrar.

E. S., Complainant's Solicitor.

*Form of Writ of Possession.*Newfoundland, }
St. John's, S.S. }

VICTORIA, by the Grace of God, &c.

To the Sheriff, &c.

We command you, that [by notifying all parties legally in occupation in that behalf] you put A. B. into possession of the rents and profits of all those lands situate, &c., [as in decree] which by a decree dated and made on the Equity Side of our Court, wherein the said A. B. is complainant and the said C. D. is defendant, the said C. D. was ordered to deliver up, or assign over (as the case may be) to the said A. B. and that you levy of the goods and chattels of the said C. D. the sum of £ the costs of the execution of this writ, and make return of what you shall have done under this writ immediately after the execution thereof. Witness the Honorable the Chief Justice of our Supreme Court, at St. John's, Newfoundland, this (date of issue).

By order of the Court,

C. C. and Registrar.

E. F. Claimant's Solicitor.

Form of Final Decree.

Schedule.

Supreme Court,
In Equity.

Newfoundland

St. John's, S. S.

day of A.D. 18

A. B. of St. John's, Yeoman, filed his bill in this Court against C. D. of &c., and therein, after alleging (substance of bill as briefly as possible) prayed (here set forth substantially the prayer of the bill) and (on this day of 18 the said C. D. filed his answer to the said bill (or if the fact be so, say) by order dated the said bill being taken as confessed; and on this day of 18 the said A. B. filed a general replication to the said answer.) If a reference has been had, say, afterwards on &c., the Master having made a report in conformity with said decree, and the same having been by order dated confirmed, the cause came on for further directions, whereupon after debate and hearing the said report and the matter aforesaid, &c. &c. &c.) Afterwards on the day of 18 the evidence having been taken in the cause, and publication having passed, the cause came on for hearing. Whereupon, after debate and hearing the said bill, answer and replication, and the evidence aforesaid, the Court took time to consider thereof, and afterwards, on the day of 18 did order and decree that (vide the decretal order verbatim) and that the said do have writs of execution necessary in that behalf.

By order of the Court,

G. H. Chief Clerk and Registrar.

E. S. Solicitor of party having decree.

If other proceedings, such as the trial of an issue, an attachment, and the like, be had in the cause, let them be shortly stated in order.

The following Fees shall be taxed as between party and party on the Equity side of the said Courts.

S O L I C I T O R .

Warrants and instructions to sue or defend	£0 13 4
Drawing every bill, petition, or answer	1 1 0

And an additional fee not exceeding £2 2 0 may be allowed where the proceedings are voluminous or difficult.

Copies of such to file and serve, each	0 7 0
Drawing demurrer, exception, plea, or other special matter	0 6 8
Copies to file and serve, each	0 3 4
Suing out every process, final as well as mesne ..	0 5 0
Copy for each defendant	0 1 8
Instructions for drawing interrogatories, when witnesses shall be examined in writing	0 3 4
Drawing interrogatories for the examination of every necessary witness	0 6 8
Drawing every affidavit	0 3 4
An additional fee, not exceeding 21s., to be allowed where the statements are voluminous	
Copy of same and service, per folio of 100 words ..	0 1 0
Every summons to attend the Court, or Judge, or Master ..	0 3 4
Copy and service, each	0 2 0
Every necessary attendance before Court, Judge, Master or Examiner	0 6 8
Drawing necessary exception to Master's Report ..	0 6 8
Copies to file and serve, each	0 3 4
Every Subpcena	0 1 0
Service	0 1 0
Preparing abstract of case for the Court on final hearing ..	1 1 0
Copies for the Judges, each	0 7 0
Fee with brief on every special argument	1 1 0
An additional fee, not exceeding £2 2 0, to be allowed when the argument or case is important.	
Every rule of Court	0 3 4
Copy and service, each	0 2 0
Making up final decree	0 13 4
Fee on ordinary motions	0 10 6
Fee with brief on final hearing, to be taxed by the Master, subject to increase or reduction by the Court.	
Preparing deeds which shall be ordered by the Court to be executed, or which shall be necessary in consequence of any decree or order, from 1 to 3 guineas each, according to their character, to be taxed by the Master.	
Settling the issue, when issue shall be directed to be tried by a Jury	0 10 6
And all other costs as allowed at common law, on proceedings and trial of an issue.	
Every notice of action, and every necessary notice of motion or notice of other matter including service ..	0 3 4
Making up interlocutory decrees	0 10 6
Expenses of witnesses or other outlays necessarily incurred in the progress of a suit to be allowed on verification and production of proper vouchers.	
Examiner's fees, each witness	0 10 6
M A S T E R .	
Every attendance upon an ordinary reference ..	0 6 8
Report thereon	0 6 8
Attendance on every special reference	1 1 0
And if occupied thereon more than one day, 10s. 6d. each day after the first	
Report thereon	0 10 6
Every summons	0 1 0

Every certificate of facts	0 2 6	Schedule.
Taxing costs	0 6 8	
Poundage on sales where ordered, one per centum on the first £100, and one-half per centum on the residue of purchase-money, to be in full for all charges except advertisements.		
For allowing and signing every notice for Gazette ..	0 2 6	
Upon money paid into Court to be paid by the party paying in the same, 2 per cent. on all sums under £100, and at the rate of one per cent. on every hundred beyond the first hundred.		

S H E R I F F .

For every arrest	0 10 6
Every warrant of attachment	0 1 0
Execution of every writ of possession	0 10 6
Poundage on levies actually taken into his custody, $2\frac{1}{2}$ per cent. on first £100, and 1 per cent. on every £100 beyond the first hundred, to include all expenses of sale,	



ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. V.

AN ACT to Amend and Simplify the Practice of the Northern and Southern Circuit Courts of this Island.

[Passed 20th April, 1859.]

WHEREAS it is expedient to amend and simplify the Practice of the Northern and Southern Circuit Courts of Island ;

Proembla

Be it therefore Enacted, by the Governor, Legislative Council and Assembly, in Legislative Session convened—

I. That the Chief Judge and Assistant Judges of the Supreme Court of this Island shall, unless they shall otherwise arrange their Circuits, respectively hold the Central, Northern or Southern Circuit Courts, in rotation ; the Royal Charter, or any Act to the contrary, notwithstanding. Provided always, that this section shall not take effect during the incumbency of the present Chief Justice.

Chief Judge and Assistant Judges to hold Circuit Courts in rotation.

II. The Sheriffs for the Northern and Southern Judicial Districts, respectively, shall, and they are hereby required, immediately upon the passing of this Act, and from time to time thereafter, to appoint and duly authorise, under their respective hands and seals, in the principal place within each Electoral District within their respective Judicial Districts, a Deputy or Deputies for the service and execution of all Writs, Rules, Orders and other Process of the said Courts respectively ; which Deputy or Deputies shall possess, exercise and discharge therein, the same powers and duties as the Sheriff if personally present ; and for the acts of such

Sheriffs of Northern and Southern Districts, in the principal place within each Electoral District, to appoint a Deputy or Deputies for the service and execution of all writs, &c.

Deputy or Deputies, where the Process passes through the hands of the Sheriff, and not otherwise, the Sheriff making such appointment shall be responsible; and it shall be sufficient in all cases to deliver or cause to be delivered, any Writ, Rule or other Process as aforesaid, to the Deputy Sheriff of the District where the same is required to be executed, without transmitting the same through the Sheriff; and the said respective Sheriffs are hereby required, within one month after the passing of this Act, to furnish the Sheriff of the Central District, for the information of all persons requiring the same, the names and additions of the Deputies so to be appointed by them respectively, and from time to time, in like manner, to furnish the names and additions of any further or other Deputies to be appointed by them within one month after the appointment of the same respectively; and the Sheriff of the Central District, as well as the Sheriffs of the said Northern and Southern Districts, shall keep hung up, in their respective offices, a list of such persons.

Chief Justice to appoint Commissioners to take affidavits, &c.

III. It shall be lawful for the Chief Justice of the Supreme Court of this Island, for the time being, to appoint in the said Northern and Southern Districts respectively, and in all other places he may deem advisable, fit and proper persons to be and act as Commissioners for taking Affidavits and issuing Mesne and Final Process and Subpœnas, returnable into the said respective Courts or into the Supreme Court.

Chief or other Judge may authorize Commissioners to take order for the examination of any Garnishee, &c.

IV. That it shall be lawful for the Chief Justice, or other Judges respectively, to authorise one or more Commissioners to take order for the examination of any Garnishee residing in any of the Outports, in whose hands a Warrant of Attachment shall be placed or Process of Attachment or Execution issuing out of any of said Courts, in such manner as the said Chief Justice or other Judge shall direct; and upon receipt of such examination, the said Chief Justice or other Judge shall make such order or orders as may appear to them respectively to be proper, and to enforce the same in the same manner as if such examination had been taken before either of them.

Proceedings to be summary, and commenced by Writ of Summons, Attachment, or Capias ad Respondendum.

V. The Proceedings, Forms of Process and Pleadings, in all causes arising in the said Northern and Southern Circuit Courts, shall be summary, and be commenced by Writ of Summons, Attachment or Capias ad Respondendum, without making any distinction as to the form of action; which Writs of Summons and Attachment shall be according to the form (mutatis mutandis) set forth in the Schedule to this Act marked A, and that the said Writ of Capias ad Respondendum shall also be according to the form prescribed in the Schedule to this Act marked B; and that the said Writs shall be respectively tested on the day of the issuing thereof.

Writs to have attached a notice of cause of action—all causes to be heard and determined in a summary manner without appearance, plea, issue, or default roll.

VI. Such Writs, together with the copies thereof to be served, shall respectively have annexed thereto a notice containing the particulars of the Plaintiff's cause of Action for which such Writs may be issued; and that it shall and may be lawful for the Judges of the said Courts respectively, to hear and determine all such causes in a summary manner; and it shall not be necessary for the Plaintiff or Defendant to file any formal Appearance, Plea, Issue or Default Roll, or to enter up any Postea or Judgment therein; but the Clerk of the said respective Courts shall make an entry in his memorandum book of the Defendant's appearance and the grounds of his defence; and that all causes shall proceed upon the Original Writ as filed in Court, and the notice of the particulars of the Plaintiff's demand thereto annexed; and that a memorandum of the Judgment shall be entered on the record book of the proceedings thereof: Provided that

in all causes it shall be lawful for the Plaintiff or Defendant to have a Jury for the Trial thereof if he shall require the same, or for the Court to direct that the cause shall be tried by a Jury; and such Trial by Jury shall be upon the Original Writ, and the said notice of particulars thereto annexed, in the manner hereinbefore provided; the cost of such Jury to abide the event of the verdict.

VII. Such Writs may be made returnable on any day during the sitting of the said Courts respectively, and all causes shall be tried on the day of the return of the Writ, unless the Court or Judge shall otherwise order, or unless the service of the Writ shall be made on the day of the return thereof.

Writs returnable on any day in term, and causes to be tried on day of return.

VIII. In all actions that shall be commenced by Capias ad Respondendum, the Defendant shall, within twenty-four hours after the return thereof, put in and justify bail to the action, without exception to such bail.

Bail to be put in within twenty-four hours after return of writ.

IX. In cases of default it shall not be necessary for the Plaintiff to enter an appearance in writing for the Defendant, and that no judgment by default shall be given against the Defendant unless upon satisfactory evidence of the service of the writ or process on him or on his accredited or known agent; and before the Plaintiff shall be entitled to obtain such judgment by default, he, or some person on his behalf, shall make oath, in open Court, to the amount due to such Plaintiff, or other cause of action: Whereupon judgment by default for the sum awarded by the Court or Jury, if the Court should see fit to refer it to a Jury, shall be entered up in the manner hereinbefore provided; and in no case shall it be required to serve the Defendant with notice of assessment of damages; but on the copy of the writ or process to be served on the Defendant, notice shall be given him that if he shall neglect to appear on the return day thereof, the Plaintiff will sign judgment by default, and proceed to the assessment of damages as soon thereafter as the Court can attend to the same and enter up final judgment accordingly.

Not necessary for plaintiff to enter appearance for defendant in cases of default.

X. When it shall appear to the Court that the party in default, from remoteness of residence from the place where the Court is sitting, or any other cause, has had not sufficient time given him to appear, the trial of the cause shall be postponed for such time as the Court shall deem reasonable.

Where party in default has not had sufficient time to appear, trial of cause may be postponed.

XI. Execution may issue immediately after judgment, unless the Court shall stay the same for sufficient cause; which execution, if against the goods and chattels, lands and tenements, of the Defendant, shall be in the form marked D. in the Schedule to this Act annexed, and if against the person of the Defendant, in the form marked E. in the said Schedule, the test of which execution shall be the day of the issue thereof.

When execution to issue.

XII. From and after the passing of this Act, when and so often as any person shall claim possession of lands, tenements or hereditaments, in either of the said Northern or Southern Districts, and shall be desirous of proceeding by action in the Northern or Southern Circuit Court for the recovery of the same, such person shall commence such action by a writ of summons, in the form hereinafter provided, which shall have a notice annexed thereto, and to the copy thereof to be served on the defendant, containing the description of the property sought to be recovered, and the town, settlement, or district, in which the same may be situated; and

Mode of proceedings in cases of ejectment.

such writ may be served personally on the tenant in the actual possession of such lands, tenements or hereditaments, in any of the said respective districts, by the Sheriff, or his Deputy therein, or in such other manner as declarations may now be served in actions of ejectment; and which writ shall be made returnable in the same manner as is prescribed for the return of such other writs or summons as may be hereafter issued under and by virtue of this Act; and that all proceedings in such action, with reference to the appearance, pleadings, trial and judgment, in the said several Courts, on the part of the Plaintiff and Defendant, shall be the same as are hereinbefore provided in other actions that shall or may be brought or prosecuted therein: Provided always, that in all cases of default, or when the Defendant shall neglect or refuse to appear in such action, the said respective Courts shall thereupon proceed to hear and determine the same in the manner hereinbefore provided for the trial of other cases of default, without notice of such trial or rule for judgment.

Any person not named in the suit may appear and defend.

XIII. Any other person not named in the suit shall, by leave of the Court, be allowed to appear and defend on filing an affidavit stating that he is in possession of the premises either by himself or his tenant.

On trials had under the 12th Vic. Plaintiff may recover mesne profits.

XIV. On any trial to be had under the provisions of the 12th Section of this Act, whether the Defendant shall appear on such trial or not, the Court may permit the Plaintiff, after proof of his right to recover possession of the whole or of any part of the said premises mentioned in the notice annexed to the writ, to give evidence of the mesne profits thereof which shall or might have accrued from the time of the Plaintiff's right of entry or recovery down to the time of the judgment or verdict given in the cause, or to some preceding day to be specially mentioned therein, and the Judge or the Jury on the trial finding for the Plaintiff, shall in such case give the judgment or verdict upon the whole matter, both as to the recovery of the whole or any part of the premises, and also to the amount of damages to be paid for such mesne profits; provided that nothing herein contained shall prevent the Plaintiff from bringing an action for the mesne profits which shall accrue from the judgment or verdict on the day specified therein down to the day of the delivery of the possession of the premises recovered as aforesaid.

Former mode of proceedings in ejectment abolished.

XV. The present mode of proceeding in the Northern and Southern Circuit Courts, by declaration in actions in ejectment, and all fictions and fictitious names and forms now used therein, shall be, and the same are hereby abolished.

When Writ of possession may issue.

XVI. In all such actions the plaintiff shall, after obtaining final judgment, be at liberty to issue out a writ of possession according to such form prescribed in and by the Schedule to this Act marked C.

Circuit Courts may commit to any Gaol within the Colony.

XVII. The said Circuit Courts, respectively, shall have power and are hereby authorised, in criminal as well as civil proceedings, to commit and imprison in any common gaol in the Colony, in the same manner as if such gaol were within their respective districts.

Schedule to be deemed part of Act.

XVIII. The Schedule to this Act annexed, and all matters directed and mentioned therein, shall be deemed and taken to be a part of this Act.

SCHEDULE A.

Schedule.

Newfoundland, }
District, }
L. S. }

VICTORIA, by the Grace of God,
of the United Kingdom of Great
Britain and Ireland, Queen, De-
fender of the Faith, &c., &c.

Summons and Attachment.

To the Sheriff of District, Greeting : Summon (or
Attach, as the case may be, by lands, chattels, goods, debts, and
effects) of that he be before our Circuit
Court at on the day of A.D.
18 to answer to the complaint of contained in the
notice hereunto annexed to the damage of the Plaintiff of
pounds, as it is said.

Witness the Honorable Justice day of
in the Year of Our Lord One Thousand Eight Hundred and

By the Court, Court.
Plaintiff's Attorney. If Attachment, Oath for £

SCHEDULE B.

Newfoundland, }
District, }
L. S. }

VICTORIA, by the Grace of God, &c.

To the Sheriff of the District of Newfoundland, and
Deputies, Greeting :

Capias ad Respondendum.

We command that you take of in the District
of in the Island aforesaid and safely
keep so that you have body before our Justice in our
Circuit Court at in the said District, on the day of
A.D. 18 then and there to answer to the complaint of
contained in notice hereunto annexed, to the damage
of the said Plaintiff of pounds as it is said ; and have you then
there this Writ.

Witness the Honorable Justice at aforesaid
the day of in the Year of Our Lord 18

By the Court, Clerk Court.
Attorney for Plaintiff.

Schedule.

(Notice Endorsed on Mesne Process.)

In the Circuit Court, Plaintiff.
versus Defendant.

The Defendant is served with this Process to the intent that
may either in person or by Attorney appear and plead to
this action in this Court at on the day of
A.D., 18 otherwise judgment will be given against
by default, and the Plaintiff will thereupon proceed to assess the dam-
ages in this action without further notice to the said Defendant.

(Signed) Plaintiff's Attorney.

(Affidavit Endorsed on Mesne Process.)

Plaintiff
and Defendant.
District Circuit Court.

C. D. of maketh oath and saith that he did on the
day of personally serve the above named
with a true copy of the within Writ, whereupon was endorsed a notice
of the true intent of such service and a copy of the particulars hereunto
annexed, and that he necessarily travelled miles to make such service.

Sworn before me at }
this day of }
A.D., 18 } C. D.

SCHEDULE C.

VICTORIA, by the Grace of God, &c.

Newfoundland, }
District of }

To the Sheriff of the District of Newfoundland and his
Deputies, Greeting :

Whereas lately in our Circuit Court before us at
in the District of this Island,
by our Writ and Judgment of the same Court recovered
against the possession of a certain piece of land and pre-

A.D. 18
 day of
Writ of Possession with Fi. Fa., issued

mises belonging to him in the said District, situated and bounded as ^{Schedule}
 follows, that is to say, (here take the description from minutes of judg-
 ment, and insert the same) from which piece of land and premises the
 said ejected the said whereof the said
 stands convicted as appears to us of record: Therefore we command
 you that without delay you cause the said to have
 possession of the said land, tenements, and premises; and in what
 manner you shall have executed this our writ, make appear on the first
 day of the next term of our said Court in the said District. We also
 command you that of the goods and chattels, lands and tenements, of
 the said in your Bailiwick, you cause to be made the sum
 of which the said lately
 in our said Court before us at in the said District
 recovered against the said for his damages, which he
 has sustained as well on occasion of the said ejection as for his costs
 and charges by him about his suit in that behalf expended, whereof the
 said is also convicted as appears to us of record;
 and have you the said monies before us on the return day aforesaid, at
 the time and place aforesaid, and have you then there this Writ.

Witness the Honorable Justice of at
 aforesaid, the day of
 in the Year of Our Lord 18
 By the Court, Clerk Court.
 Attorney for Plaintiff.

SCHEDULE D.

VICTORIA, by the Grace of God, of the
 United Kingdom of Great Britain
 and Ireland, Queen, Defender of the
 Faith, &c., &c.

To the Sheriff of the District of Newfoundland, Greeting:

Fieri Facias.

We command you, that of the goods and chattels, lands and tenements,
 of within your Bailiwick, you cause to be made
 pounds shillings and pence sterling, which
 lately in our Court before us at recovered against
 before for damages and costs, and have that money
 on the first day of next term, to be rendered to the said
 and have you then there this Writ.

Witness the this in the
 year of our Reign. By the Court, Clerk Court.

Schedule.

SCHEDULE E.

Newfoundland, }
S.S. }

VICTORIA, *by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c.*

To the Sheriff of the District of Newfoundland, Greeting :

Capias ad Satisfaciendum.

We command that you take _____ if he shall be found in your Bailiwick, and him safely keep, so that you may have his body before us at _____ in our Court on the _____ day of _____ next, to satisfy _____ of a certain debt and costs of _____ pounds _____ shillings and _____ pence which the said _____ lately in our Court before us at _____ recovered against him for his damages which he had sustained, as well on occasion of the detention ; and have you then there this Writ.

Witness the _____ the _____ day of _____ in the _____ Year of our Reign.

By the Court,

Chief Clerk

Court.



ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. VI.

AN ACT to amend the Practice and Mode of Procedure in Granting Probates and Letters of Administration, and for other purposes.

[Passed 20th April, 1859.]

WHEREAS it is expedient to amend the Law in relation to the granting and revocation of Probates of Wills and of Letters of Administration. Preamble.

Be it Enacted, by the Governor, Legislative Council and Assembly, in Legislative Session convened :

I. That Letters of Administration or Probates of Wills may be granted in common form upon rule of the Supreme Court or of the Northern or Southern Circuit Courts, or a Judge's fiat, to be made upon Petition and Affidavit, notice of the application therefor being put up in the Clerk's Office three days before making the same, where the application is made to the Supreme Court or a Judge in St. John's, and two days' notice on the door of the Court House, when made to either of the Northern or Southern Circuit Courts. Mode of granting Letters of Administration and Probate of Wills in Supreme, Northern or Southern Circuit Courts, or by Judge.

II. No administration shall be issued, or guardian or receiver of property appointed, until sufficient security, to the satisfaction of the Court or Judge, shall be given by such administrator, guardian, or receiver, for the faithful discharge of his duty. When sufficient security to be given.

III. Where a caveat to such application shall be entered in the Clerk's Office before the expiration of the said three days, or before Mode of proceeding where caveat entered.

rule or fiat shall be made, or when in the opinion of the Court or a Judge objection shall appear against a grant of Letters of Administration or Probate, before granting the same all parties concerned therein shall be cited to show cause before such Court or Judge why Administration or Probate should not be granted to the applicant; and such parties shall, on a day to be named in the citation, file an answer setting forth succinctly the grounds of their objection, and shall at the same time serve a copy of such answer on the Petitioner, his Attorney or Agent; after which, on a day to be fixed by the Court or Judge, the witnesses for both parties shall be brought before the said Court or Judge, or Examiner to be appointed for that purpose, and examined and cross-examined *viva voce*, or by commission on interrogatories and cross-interrogatories when so ordered; and the said Court or Judge, after hearing all such evidence, and the parties or their Counsel, shall make such order touching the premises as to justice shall appertain.

When proceedings may be heard and determined *ex parte*.

IV. When any of the parties do not appear and answer (due proof of service of such citation on them having been made to the Court or Judge), the proceedings may be heard and determined *ex parte*, or such further time given for such appearance and answer, and on such terms, as the Court or Judge may direct.

When proof of Will may be had in solemn form by party interested therein.

V. It shall be competent for any party interested in a Will to compel proof thereof in solemn form, by serving on the Executor or party having execution of such Will, or praying therefor, a citation; whereupon such Executor or party shall, within ten days after such service, file in the Clerk's Office a petition verified by affidavit praying that such Will may be proved in solemn form, and such further proceedings shall thereupon be had for such proof, and, if required, for contestation of such Will, as are herein-before directed in case of the validity of such Will being contested on the first application for Probate.

Mode of proceeding by Executor or other party to have Will proved in solemn form.

VI. It shall be lawful for any Executor or party desiring or having execution of a Will to have the same proved in solemn form at any time before any such Court or Judge, by filing a petition therefor in the Clerk's Office, verified as aforesaid, and by giving, at the same time, four days' previous notice of such application to the parties interested therein, and to the next of kin of the Testator in this Colony, when such further proceedings shall be taken for such proof, and if required for contestation of such Will, as are herein-before mentioned in cases where the validity of Wills may be contested in manner aforesaid.

When order or decree obtained on default may be set aside.

VII. Any of the said Courts or a Judge, upon sufficient cause shown, may set aside any order or decree obtained on a default, upon such terms, as to the payment of costs or otherwise, as may be equitable.

Powers of a Judge in all matters brought before him under the provisions of this Act.

VIII. In all matters brought before any Judge, under the provisions of this Act, the said Judge shall have the like powers, jurisdiction and authority for enforcing the attendance of persons and witnesses, and for punishing persons and witnesses failing, neglecting, or refusing to produce deeds, evidences or writings, or refusing to appear or to be sworn, or make affirmation or declaration, or to give evidence, or guilty of contempt, and generally for enforcing all orders, decrees, and judgments made or given by the said Judge under this Act, and otherwise in relation to the matters to be enquired into and done under the order of the said Judge under this Act, as are vested in the Supreme Court

of Newfoundland for such purposes in relation to any matter depending in such Court.

IX. Neither the Northern or Southern Circuit Court shall grant Letters of Administration or Probate of a Will, unless the application therefor shall be supported by an affidavit stating, among other things, that the testator or intestate at the time of his decease had a fixed place of abode within the jurisdiction of the said Court. And where a caveat shall be entered against the granting of Letters of Administration or Probate of a Will by such Court, or when, in the opinion of said Court, objection against the granting thereof shall appear, all subsequent proceedings thereon shall be heard and determined before the Supreme Court, to which Court the petition, affidavit, caveat, and all other documents relating to such application, shall be transferred by the Clerk of said Circuit Court.

Terms upon which Northern and Southern Circuit Courts are at liberty to grant Letters of Administration and Probates of Wills.

X. All Letters of Administration and Probates of Wills granted by either the Northern or Southern Circuit Courts shall be issued in the name of the Supreme Court of Newfoundland, and the seal to be used by the said Court for such purposes and attached to the said Letters of Administration or Probate shall be the private seal of the Judge presiding in the Court directing the issue thereof; and where by virtue of this Act any proceedings may be had or done by or before a Judge, the term Judge shall be construed to mean a Judge sitting in St. John's, and not elsewhere.

Name of Court in which Letters of Administration, &c., granted by the Northern and Southern Circuit Courts shall be issued.

XI. The respective Clerks and Registrars of the said Northern and Southern Circuit Courts shall, at the close of each term of such Courts respectively, return to the office of the Chief Clerk and Registrar of the Supreme Court a list of Probates and Letters of Administration granted by such Circuit Courts respectively during such term, together with the original Wills of which Probate or Administration *cum testamento annexo* may have been granted, and the several administration bonds which may have been taken by such Clerks during said terms—the said Clerks and Registrars having taken and filed correct copies of said original Wills—which returns shall be entered in the book of Acts of the Supreme Court of this Island by the said Chief Clerk and Registrar, and when so entered, shall be as effectual in evidence, and for all other purposes, as if the Probate or Administration had been granted by the said Supreme Court; and in case of the loss of any original Will in course of transmission to the Chief Clerk and Registrar at St. John's or otherwise, the copy of such Will, to be taken and filed in manner aforesaid, shall be of equal avail for entering in the book of Acts, and for all other purposes, as the original.

Clerks of Northern and Southern Circuit Courts to return a list, &c., of Probates and Letters of Administration granted by said Courts, to the office of the Chief Clerk and Registrar of Supreme Court on the close of each term of the said Courts.

XII. That when an Executor or Administrator to whom Probate or Administration has been or may be granted, shall depart from and remain absent from this Colony for the period of one year without having appointed an Attorney to act for and represent him in either case, it shall be lawful for the Supreme Court, or a Judge thereof, on petition verified by oath shewing to the satisfaction of the said Court, or a Judge, that the interests of parties concerned in the estate are or will be prejudiced by the absence of such Executor or Administrator, to appoint an Administrator with the Will annexed, or Administrator *de bonis non*, as the case may be, who shall respectively, during the absence of such Executor or Administrator, on giving security to the

Mode of proceeding when an Executor or Administrator absent from the Colony for the period of one year.

satisfaction of the said Court or Judge, have, possess and exercise, all and singular the same power and authority as the Executor or Administrator so absent as aforesaid, if personally present.

Court or Judge may appoint Administrator where Will does not name an Executor, or where Executor resides out of the Colony, when the said Court or Judge shall deem it necessary.

XIII. Where a person has died or shall die Intestate, or leaving a Will without appointing an Executor thereof willing and competent to take Probate, or where the Executor shall at the time of the death of such person be resident out of this Colony, and it shall appear to the Court or Judge to be necessary or convenient in any such case, by reason of the Insolvency of the estate of the deceased, or other special circumstances, to appoint some person to be the Administrator of the personal estate of the deceased, or of any part of such estate, other than the person who, if this Act had not been passed, would by law have been entitled to a grant of administration of such estate, it shall not be obligatory upon the Court or Judge to grant administration of the estate of such deceased person to the person who, if this Act had not passed, would by law have been entitled to a grant thereof; but it shall be lawful for the Court or Judge, in its discretion, to appoint such person as the Court or Judge shall think fit to be such administrator, upon his giving such security (if any) as the Court or Judge shall direct, and every such administration may be limited as the Court or Judge shall think fit.

Supreme Court may order production of paper testamentary upon its being shown to be in the possession of any party.

XIV. The Supreme Court may, on motion or petition, or otherwise in a summary way, whether any suit or other proceeding shall or shall not be pending in the Court with respect to any Probate or Administration, order any person to produce and bring into the office of the Chief Clerk and Registrar of the respective Judicial Districts of this Colony, or otherwise as the Court may direct, any paper or writing being or purporting to be testamentary, which may be shewn to be in possession or under the control of such person: and if it be not shewn that any such paper or writing is in the possession or under the control of such person, but it shall appear that there are reasonable grounds for believing that he has the knowledge of any such paper or writing, the Court may direct such person to attend for the purpose of being examined in open Court, or upon interrogatories respecting the same, and such person shall be bound to answer such questions or interrogatories, and, if so ordered, to produce and bring in such paper or writing, and shall be subject to the like process of contempt in case of default in not attending or in not answering such questions or interrogatories, or not bringing in such paper or writing, as he would have been subject to in case he had been a party to a suit in the Court and had made such default; and the costs of any such motion, petition, or other proceeding, shall be in the discretion of the Court.

Mode of proceeding in the Supreme, Central, Northern and Southern Circuit Courts to obtain an account of an intestate estate, &c.

XV. Application may be made to the Supreme Court, or to either the Central, Northern or Southern Circuit Courts, for any of the following purposes, that is to say; for an account of an intestate estate, or for the distribution of such estate, or for the payment or delivery of a legacy, or for the appointment of a receiver or of a guardian to the person or property of an infant or of a natural fool, or of such as are or shall be deprived of their reason or understanding, or for any matter or thing concerning the execution of the trusts or provisions of any Will, or for the removal of any executor, administrator, receiver, guardian or trustee, or for the revocation of Letters of Administration or Probate, or for the appointment of a Trustee to the property of a married

woman, or of new Trustees in the place of Trustees appointed by any Will, Conveyance or otherwise, in the event of the death or absence of such former Trustees, or their refusal to act, or being desirous of being relieved of such trust, or acting improperly, or becoming disqualified for any cause; such application shall be made to such Court by petition, filed in the Clerk's office, verified by affidavit and supported by such other affidavits as may be thought necessary, setting forth succinctly the facts and circumstances of the case; and thereupon the said Court may grant a rule on the opposite party, returnable on a day to be specified therein, to answer such petition; and on hearing said parties or their Counsel, and the affidavits by them respectively produced, shall grant or refuse the prayer of such petition, or make such other order or orders in the premises as justice shall require. Provided always, that it shall be lawful for such Court to direct the evidence to be taken viva voce in open Court, or viva voce upon interrogatories and cross-interrogatories, before a Commissioner or Examiner.

XVI. Service of Citations shall be made personally upon the party to whom the same shall be directed, unless in cases where, for sufficient cause, the Court or a Judge shall otherwise order.

Mode of service of citations.

XVII. It shall be lawful for the Judges of the Supreme Court, by rules to be by them from time to time made and published for three months in the *Royal Gazette*, to regulate the practice on the Probate side of the said Court, in matters not herein provided for.

Power to the Judges of the Supreme Court to make rules.

XVIII. The costs of contested suits shall be the same as those on the Equity side of the said Court.

Costs of contested suits.

XIX. Any person feeling himself aggrieved by the decision or judgment of a Judge, or of the Central, Northern or Southern Circuit Courts exercising jurisdiction under the provisions of this Act, may, within thirty days from the pronouncing of such decision or judgment, appeal therefrom to the Supreme Court upon giving sufficient security, subject to the approval of such Judge or Court, to obey such order or decree thereon as may be made by the said Supreme Court, and costs.

Appeal may be had from decision of a Judge, Central, Northern or Southern Circuit Courts, to the Supreme Court.

XX. That the forty-eighth rule of the Supreme Court be repealed, and that the fees (and none other) in the following Table, for the services therein mentioned, be received by the Clerks of the Supreme, Northern and Southern Circuit Courts, that is to say: In all cases, where the value of the Estate of any person deceased, in which application shall be made for Administration, shall not exceed Fifty pounds, the sum of Ten shillings and six-pence, in lieu of all other fees; and between Fifty and up to One Hundred pounds, Fifteen shillings, in lieu of all other fees; and in cases of Probate or Administration with the Will annexed, where the value of the Estate shall be as aforesaid, the fee in addition, in the scale following, for fair copying and registering Will; and if the value of the Estate shall exceed One Hundred pounds, the following fees:—

Fees to be taken by Clerks of the several Courts.

For taking Proof of Will in Office.....	£0	6	8
Registering the Will, every folio of 100 words.....	0	1	0
Taking Proof by Dedimus Potestatem, where necessary ..	0	6	8
Issuing Probate or Letters of Administration	0	10	6
Taking Bond from Administrator and Sureties, Affidavits, &c.	0	6	8

Copy of Will to be annexed to Probate or Administration, every folio	0	1	0
Entry and Record of Probate or Administration	0	5	0
Every Search.....	0	1	0
Every Affidavit	0	1	0
Every Citation	0	1	0
Letters of Guardianship	0	10	6
Exemplification of Probate or Letters of Administration	0	10	6

Forms to be a part of Act.

XXI. The forms in the Schedule to this Act annexed, and all matters directed and mentioned therein, shall be deemed and taken to be a part of this Act.

Schedule.

SCHEDULE.

Form of Caveat.

In the Court,
Probate Side,

Let nothing be done in the Estate of A. B., late of deceased,
who died on the day of at unknown

Signature of the party or
his Attorney opposing
Letters of Administra-
tion or Probate.

To

Citation where Caveat entered or where ordered by Court or Judge.

In the Supreme Court,
Probate Side.

In the Estate of A. B. of &c. deceased at
the instance of C. D. of &c., claiming (as the next of kin, or as Execu-
tor, as the case may be) of the said A. B. It is ordered that E. F., of
&c. do show cause, if any he have, or why (Administration or Probate
to the Will of, or Probate in solemn form, as the case may be) the said
A. B. should not be granted to the said C. D., by filing in the Regis-
trar's office and serving on the said C. D. an answer containing the
grounds on which he resists such grant within six days after service of
this Citation; otherwise the claim of the said C. D. will be taken to
be admitted by him.

By the Court,
August

M. N.
Proctor for C. D.

18
G.H.
Clerk and Registrar.

Form of Citation to compel proof of a Will in solemn form.

Schedule.

Supreme Court,
Probate Side.

In the Estate of A. B. of &c., at the instance of C. D.
of &c. claiming &c It is ordered
that E. F. Executor of the alleged last Will of the said A. B. (or Ad-
ministrators, with the Will annexed, as the case may be,) do, within ten
days after service hereof, proceed according to law to prove the said
Will in solemn form, otherwise the Probate thereof (or Administration
and Probate) heretofore granted will be revoked.

By the Court.

August

18

M. N.
Proctor for C. D.

G. H.
C. C. and Registrar

Notice of Executor or other party to have Will proved in solemn form.

Supreme Court
Probate Side.

In the Estate of }
deceased. }

I, Executor (as the case may be,) hereby give you
notice, that after expiration of four days from the date hereof, I (as the
case may be) will apply to the Supreme Court to prove the Will of the
said deceased in solemn form.

Signature of Executor or other
party or Proctor of other
party.

To (parties interested.)



ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. VII.

AN ACT to Incorporate the General Water Company.

[Passed 20th April, 1859.]

WHEREAS it is expedient to provide for a sufficient supply of Preamble.
Water to the Town of Saint John's, by the Incorporation of a Company formed for that purpose upon the conditions hereinafter mentioned.

Be it therefore Enacted, by the Governor, Legislative Council and Assembly, in Session convened, as follows :

I. The Right Reverend Dr. Mullock, Walter Grieve, McBride & Kerr, Job Brothers, J. & W. Stewart, John Power, Robert Kent, Ambrose Shea, Edward Morris, Hugh W. Hoyles, and Robert Pack, and all such other persons as may have associated with them for the purpose aforesaid, or may hereafter become Stockholders in the said Company, and their respective Successors, Executors, Administrators and Assigns, shall be and they are hereby united into a Company for the purpose aforesaid, and shall be a Body Corporate and Politic, in law, in fact, and in name, by the style of "The General Water Company;" and by that name shall have perpetual succession and a common Seal, with power to alter the same, and shall be capable in law of suing and being sued, impleading and being impleaded, in all Courts and places whatsoever, and shall and may purchase, hold, receive, and assign, lands and chattels, and do all such other matters and things as may be necessary for the business of the said Corporation, and as to them as such Body Politic and Corporate shall pertain to do.

The Right Rev. Dr. Mullock and others united into a company for the purposes of this Act.

Capital Stock of the Company £30,000 in Six Thousand Shares of £5 each.

II. The Capital Stock of the said Company shall consist of Thirty Thousand Pounds, being in Six Thousand Shares of Five Pounds each, payable at such times as the Directors of the Company for the time being may appoint; and such sum, or so much thereof as may be necessary, shall be applied to the purpose of constructing, completing, and maintaining the Water Works of the said Company, and for carrying into effect the purposes of this Act: Provided that if the instalments payable by any Stockholder shall not be paid at the time appointed by the Directors, or within Ten Days thereafter, the amount paid up by such defaulter shall be forfeited, and his share in the said Company sold on his account for the highest price that can be had for the same.

Plans and Estimates to be laid before Governor in Council for approval.

III. The said Company shall, before definitely deciding upon the site or place from which the water for the purposes of this Act shall be obtained, lay before the Governor in Council the Engineer's plans and estimates, and receive in writing the approval of the Governor in Council for the adoption of such site or place, plans and estimates.

Capital Stock may be extended to £50,000.

IV. If found necessary for the purposes of this Act, it shall be competent for the Company, at a general meeting of Stockholders to be called in manner hereinafter directed, to extend their capital stock to the amount, in the whole, of Fifty Thousand Pounds, or of such proportion thereof as may be requisite; such further stock to be distributed in shares of the like amount, and to be payable as before directed, and to have the like advantages in all respects as are hereinafter provided with respect to the stock first subscribed, but such extension shall not take place without the assent of the Governor and Council of the Colony.

By whom Certificates of Stock issued by Company shall be signed, amount of interest payable thereon, when and by whom paid.

V. All certificates of Stock issued by the said Company shall be signed by the President, and counter-signed by the Secretary, and certified by the Colonial Secretary; and the holders thereof shall, on the production thereof to the President of the said Company, be entitled to receive, out of the funds at the disposal of the said Company, interest upon the amount of such stock at the rate of five per cent. per annum; and in default of payment by the said Company, the said holders, upon production thereof at the office of the Receiver General, shall be entitled to receive from the funds of the Colony the said interest, which interest, whether paid by the Company or Colony as aforesaid, shall be payable on the first days of February and August in each year.

When first General Meeting of Stockholders to be held, and how summoned.

VI. As soon as the necessary amount of capital shall be subscribed, the first general meeting of stockholders shall be held in St. John's, at a time and place to be appointed by the provisional committee, upon fourteen days' notice in at least two local papers, of which the "Royal Gazette" shall be one, and such meeting shall appoint seven persons, being each a proprietor of sixty shares, to be Directors of the Company for the then ensuing year; and upon the first Monday of July in each succeeding year during the existence of the Company, a like general meeting for the like purposes, and upon the like notice, shall be held at the place aforesaid.

When Meetings may be held for special purposes.

VII. The Directors may, at any time, of their own accord or upon the requisition of the holders of Five Hundred Shares, call a general meeting of the stockholders for any special purpose, notice being given in manner aforesaid.

VIII. At all general and annual meetings the stockholders shall vote by ballot, the holders of five shares being entitled to one vote, and so on for every five shares ; holders of less than five shares shall not be entitled to vote at such annual and general meetings ; rules and bye-laws may be passed for the government of the Company and the management of its business, and absent shareholders may vote by agents duly constituted for such purpose by written authority ; Provided that such agent shall be a shareholder in the said Company.

Mode of voting at meetings of stockholders.

IX. Of the Directors to be elected as aforesaid, four shall form a quorum ; they shall elect a President from amongst their number, and in case a vacancy shall arise on the Board by the death, resignation, or absence from the Colony, of any member, the remaining Directors shall fill up such vacancy from amongst the Stockholders, the persons so appointed holding office until the next annual meeting. At every annual meeting the Directors shall lay before the meeting a full and unreserved statement of the affairs of the Company ; they shall have power to appoint such officers, and at such salaries, as they may consider necessary, and shall have and exercise all such other powers as may be necessary for the general management of the Company's affairs and business ; but such salaries shall, before being finally adopted by the Company, receive the approval of the Governor and Council.

Four Directors to form a quorum—mode of electing a President—statement of affairs of Company to be laid before them at annual meeting.

X. The shares in the stock of the said Company shall be assignable by endorsement, but under and subject to such rules as may be provided in that behalf ; and no assignment of any share shall be valid unless the assigner shall have paid off all his liabilities actually due to the Company, nor until such assignment shall be entered in a book to be kept for that purpose.

Shares in the Stock assignable.

XI. The shares of any stockholders in the said Company shall be liable to attachment and execution by service of a warrant of attachment on the President or Secretary of the Company, and such service shall bind the shares of such stockholder for all beyond the amount of his liabilities actually due to the Company ; and upon the production of a bill of sale from the Sheriff, of such shares, or upon an order of Court to such effect, the Directors shall so register a transfer of such shares to the purchasers thereof by virtue of the provisions of this Act.

Shares liable to attachment.

XII. It shall be lawful for the Company to break, dig, and trench, the streets, squares, public places, and lands, in and near the town of St. John's, as may be necessary, observing all proper precautions for the safety and convenience of the public ; and for the purposes of this Act, from time to time, after compensation made or tendered to the owner in that behalf, to enter upon, excavate, trench, possess and hold, as the property of the Company, the lands of private parties in or near the said town.

Company may dig trenches in streets, &c.

XIII. Should any person whose land shall have been so entered upon, excavated, or taken as aforesaid, deem the amount tendered to him by the Company insufficient compensation for any injury sustained by him by any act of the Company or their agents or servants, or for any portion of his land, tenements, or premises, appropriated or used by the Company, it shall be competent for such person to appoint one arbitrator, and the said Company another, and such two arbitrators shall appoint a third, and the award of any two of them, signed by them after hearing both parties and their witnesses, as to such compensation, shall be final and binding. Should either party neglect or refuse, upon being required by the other, to appoint

Mode of compensating parties for lands taken or damaged.

an arbitrator within ten days after being so required, or should the two arbitrators when so appointed not agree to the appointment of a third within ten days after their appointment, it shall be lawful for the Supreme Court of this Island, upon the application of either party, to appoint an arbitrator for the party refusing, omitting, or neglecting to make such appointment, and that the arbitrator when so appointed shall have the same power in all respects as if appointed by either party or the said two arbitrators.

Penalty of using water without consent of Company.

XIV. If any person shall in any way obtain or use the water of the said Company without the consent of its proper officers, or shall wrongfully waste the same, such offender shall forfeit a sum not exceeding ten pounds, to be recovered with costs in an action at the suit of the Company in any Court of Record: Provided that this section shall not extend to parties taking water from the public pumps hereinafter mentioned, nor to any use of the said water in case of a fire occurring in the said town.

Penalty for obstructing Company in the exercise of the powers vested in them by Act.

XV. If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the contractors, servants, agents, or workmen of the Company, in the exercise of any of the powers and authorities within this Act authorized and contained, or if any person shall wilfully or maliciously put out of order, injure or destroy, any pipe-work or material of the Corporation, such offender, on conviction in a summary manner before a Justice of the Peace, shall forfeit a sum not exceeding five pounds, with costs of suit, and shall pay upon the order of such Justice, a sum equal to the amount of damage so occasioned by him, and in default of such payment shall be imprisoned for a period not exceeding three calendar months; and it shall be lawful for any person who may witness the commission of such offence, to apprehend, without warrant, and for any other person to assist in apprehending, such offender, and to convey him before a Justice to be dealt with in manner aforesaid.

Annual Statement to be transmitted to Colonial Secretary—Power of Government to inspect Books of Company, &c.

XVI. Copies of the annual statement of the Company's affairs shall be transmitted to the Colonial Secretary within five days after the annual meeting; the Government shall have power at all times to inspect the books of the said Company; and all the net profits of the Company, after the payment of the interest upon the stock and all incidental expenses, shall, within ten days after each annual meeting, be paid to the Receiver General, to be applied in the repair of the said water works, and the formation of a sinking fund for the purchase of the capital stock hereinafter provided.

After the expiration of twenty years Government may purchase the works of the Company.

XVII. If at any time after twenty years from the passing of this Act, it shall be deemed advisable by the Governor in Council, with the assent of the Legislature, that the water works, and other property of the said Company, shall be transferred to and vested in the Government of this colony, it shall be lawful for the Governor to cause a written notice to be given to the said Company, which shall be issued upon the President, Secretary, Director or Manager of the said Company in this Colony, which notice shall state that the Government has decided upon becoming the holder of the said water-works and other property, and is prepared to pay to the shareholders in the said Company, upon production of their certificates as aforesaid, the amount of stock they may hold in said Company, as shown by said certificates, together with six per cent from the time of the last payment of interest upon the amount of such stock; and after the expiration of one year from the service of such notice, and the payment or

tender of payment of principal and interest to the stockholders as aforesaid, all and singular the said Water-Works, and other property of the said Company, shall become the property of Her Majesty for the benefit and public use of the Colony, and shall be thenceforth held free and discharged from all claims of the said Company or stockholders thereof or any person whomsoever; and the Government shall draw warrants on the Receiver General of this Colony for the payment to the several stockholders in the said Company of the principal and interest aforesaid.

XVIII. It shall be obligatory upon the said Company to cause a sufficient supply of pure and wholesome water to be conveyed in pipes and mains throughout the several Streets of the said town, as follows, namely: from Job's Bridge South, and down the South Side; in Water Street, from a point at River Head, to be determined upon, to Magotty Cove Fire Break; New Gower Street, Gower Street and Duckworth Street, throughout the whole length of the said Streets, along Queen's Road, from its junction with Gower Street, at the head of Nurse's Lane, to the head of Prescott Street; along the Military Road from Garrison Hill to Fort William; and to erect in such places within the said limits as the Governor in Council may direct, fountains for supply of water to the poor, and to establish hydrants throughout the said town, as the Governor and Council may think necessary; and to extend the said supply of water in pipes or mains throughout such other streets and within such other limits as the Governor in Council shall at any time direct.

Streets through which water in pipes and mains must be conveyed.

XIX. The Company shall purchase from the St. John's Water Company their water privileges, pipes, mains and water-works, with their appurtenances; and for the purpose of determining the amount to be paid for the same, it shall be competent for each Company to appoint two arbitrators, and such four arbitrators shall appoint a fifth, and the award of a majority of such arbitrators, to be made and signed by them after hearing both parties upon the matters aforesaid, shall be final and binding. Should either Company neglect or refuse, upon being so required by the other, to appoint its arbitrators, within ten days after being notified of the appointment of arbitrators by the other Company, it shall be lawful for the Governor and Council to appoint two arbitrators for the Company so refusing, whose powers shall be the same in all respects as if they were appointed by the said Company. Should the said arbitrators not agree upon the choice of a fifth arbitrator, it shall be lawful for the Judges of the Supreme Court, upon petition of either Company, to appoint a fifth arbitrator for the purposes aforesaid.

Company to purchase the works of the St. John's Water Company.

XX. Upon the fulfilment by the General Water Company of the terms of such award, on their parts, such fulfilment to be certified by the arbitrators, or any three of them, all and singular the water privileges, water-works, pipes, mains, and other the fixed property of the said St. John's Water Company, shall be absolutely vested in and become the sole property of the General Water Company.

Water Works, &c. of St. John's Water Company to vest in the Company.

XXI. As soon as the water works shall be in operation, the owners of all houses and other buildings along which pipes shall have been laid, and within two hundred yards of any such pipes, shall pay annually, in manner hereinafter provided, a sum not exceeding one and three quarters per cent.; Provided that government buildings, churches, public school houses, and buildings belonging to charitable bodies, shall be exempt from this assessment.

Owners of all houses to pay one and three quarters per cent.

Meaning of term Owners.

XXII. The term "owners" shall, for the purposes of this Act, mean all persons who at the time of such assessment have any insurable interest, either present or in reversion, in the houses and other buildings aforesaid; the assessment upon such present interest shall be estimated by the yearly rent value of such houses or other buildings, or the profit rent thereof, as the case may be; and the assessment upon reversionary interests shall be estimated on the appraised annual interest of the lessor in the buildings for the unexpired term; provided that nothing in this Act contained shall affect mortgages; but in case of mortgaged property coming within the operation of this section, the assessment chargeable thereon shall be paid by the mortgagor.

Governor in Council to appoint one or more Appraisers and a Collector.

XXIII. For the purpose of ascertaining the amount of such assessment, and of collecting and recovering the same, it shall be lawful for the Governor in Council to appoint one or more appraisers who shall be sworn before a Justice of the Peace faithfully to discharge the duties of their office, and a collector who shall give sufficient security to the like effect; such appraisers shall annually appraise all such houses and other buildings as aforesaid, and shall deposit the books of such appraisement, when completed, with the Clerk of the Peace for the Central District.

Court of Sessions for the Central District to hold a Court for revision of Appraisers' return.

XXIV. Such return shall be open to the examination of all parties interested therein; and after the expiration of One Calendar Month after it shall have been so deposited, the Court of Sessions for the Central District shall at certain times, within One Month thence following, to be notified by advertisement published in the public Newspapers in St. John's, hold a court for the revision of such return. It shall be competent for any party named in such return, by a notice in writing to be filed in the office of the said Court, and served on the said appraiser, to object to the amount of the assessment imposed on him, which objection the said Court shall hear and determine, and amend or confirm the return accordingly; and after the expiration of the times fixed for the holding of such Court, the said return shall be final and binding on all parties for the then ensuing year.

Duties of Collector.

XXV. The Collector to be appointed as aforesaid shall, as soon as possible after such appraisement shall have been completed, collect from the parties respectively liable in that behalf, their contribution towards such assessment; and in case any person so liable shall neglect or refuse to pay such contribution, the same may be recovered, with costs, in a summary manner, by a suit in the Court of Sessions for the Central District, to be brought in the name of the Collector: Provided that service of process upon the agent or any absent or non-resident defendant, shall be service upon the principal.

Appraisers and Collector, how paid.

XXVI. The Appraisers and Collector to be appointed under the provisions of this Act shall be paid, out of the funds of the said Company, such sum as the Governor in Council shall determine upon.

Company with assent of Governor in Council to fix a scale of rates.

XXVII. As soon as the said Company are prepared to supply Water, and shall have introduced the necessary branch pipes for supplying the houses and other buildings subject to assessment, they shall, with the assent of the Governor and Council, fix a scale of rates to be paid by consumers yearly or half-yearly as the Company shall decide, and any occupier into whose house or premises the necessary branch pipes shall have been introduced, who shall refuse to take the water, shall nevertheless be liable for

the rate applicable to his case : Provided that the payment of the occupier's water rates shall not exempt the party from the owner's assessment where he is the owner of the premises on which he resides.

XXVIII. Occupiers of houses or tenements of a less annual value than Twelve Pounds currency, shall be exempt from the provisions of the 27th Section when they do not take the water. Parties exempt from Water rates.

XXIX. Until the said Water Works shall be completed, the said Company shall borrow a sum of money, to pay off the interest upon the principal stock upon such terms as the Governor in Council shall assent to, and the re-payment of such interest to the lenders thereof is hereby guaranteed by the Government of this Colony. Company may borrow money to pay interest.





ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. VIII.

AN ACT to provide for the payment of the Owners' Assessment to be levied under the Provisions of an Act to Incorporate the General Water Company.

[Passed 20th April, 1859.]

WHEREAS by the operation of the said recited Act, Owners, within the meaning of the said Act, are subject to a certain Assessment to provide for a supply of Water for the Town of St. John's, and Tenants are subject to a certain Water-rate, to be fixed by the Directors of the said Incorporation, with the assent of the Governor in Council. And whereas it is not just that the Owners' Assessment should be paid by the Tenant. Preamble.

Be it Enacted, by the Governor, Legislative Council and House of Assembly, in Legislative Session convened :—

That the Tenant or Occupier of any House or Building shall not be liable to pay the Owner's or Landlord's Water Assessment, to be levied under and by the provisions of the said recited Act of Incorporation, notwithstanding any provisions, covenants, conditions or terms, contained in any lease, agreement or demise, to the contrary. Tenant or Occupier of House exempt from Landlord's Assessment.

This Act shall not come into operation until Her Majesty's pleasure be known thereon. Suspending clause.



ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. IX.

*AN ACT to amend the Acts Incorporating the
Union Bank of Newfoundland.*

[Passed 20th April, 1859.]

WHEREAS it is expedient to amend an Act passed in the Eighteenth Preamble.
Year of the Reign of Her present Majesty, entitled "An Act to
Incorporate the Union Bank of Newfoundland," and an Act passed in the
Eighteenth and Nineteenth Years of Her Majesty's Reign, entitled "An
Act to amend the Act for the Incorporation of the Union Bank of New-
foundland."

Be it therefore Enacted by the Governor, Legislative Council, and
Assembly, in Legislative Session convened, as follows :

I. The third, fourth, seventh, twelfth, and twenty-seventh sections of
the first recited of the said Acts, are hereby repealed. 3, 4, 7, 12, 27 Secs.
of 18 Vic. repealed.

II. An Annual Meeting of the Stockholders of the said Company shall
be held in the month of June in each year at such time and place in St.
John's as may be from time to time appointed by the Directors, ten days'
notice of such meeting being previously given by advertisement in three
local newspapers, of which the "Royal Gazette" shall be one, and at such
meeting Directors shall be elected for the ensuing year, Bye-laws shall be
submitted for approval, the accounts for the past year shall be examined
and considered, and such other business shall be transacted as may be
brought before the meeting. Annual Meeting of
Stockholders to be
held in the month of
June in each year,
and mode of sum-
moning such meeting.

Board to consist of five Directors of whom three shall be a quorum.

Directors to appoint President and Vice-President and other Officers.

Shares assignable, subject to regulations established by by-laws.

No fractional part of a Share assignable.

Shares liable to Attachment.

Mode of service of Warrant of Attachment.

Mode of ascertaining number of Shares held by Stockholder against whom Attachment may have issued.

Mode of Election of Directors to be taken place on the day named, and take place at another meeting.

III. The Bank shall be managed by a Board to consist of the Manager and Five Directors, of which Directors each shall be either the holder of ten shares in his own right, or partner in a firm holding ten shares in their own right; and such Directors shall be elected in the manner provided by the first recited Act; of such Board three Directors shall form a quorum, and they shall have power to elect from amongst themselves a President and Vice-President, and to appoint such other officers, and at such salaries, as may be necessary; to make such Rules and Bye-laws (subject to the approval of a general meeting) as may be necessary, and generally to transact the business of the Bank; Provided that the Manager shall not be subject to removal by the Directors, except for sufficient cause, to be afterwards approved by a general meeting of the Stockholders. Provided also that two members of the same firm shall not be eligible to be Directors at the same time. And provided further, that where the votes for and against any question before the Board shall be equal, the chairman shall have a casting vote.

IV. The shares in the Capital Stock of the said Bank shall be assignable and transferable, subject and according to such regulations as may be established in that behalf by the bye-laws; but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall first be approved by the Board of Directors, and entered and registered in a book to be kept for that purpose; nor (unless with the sanction of the Directors) until the party making the same shall first discharge all his then existing liabilities actually due to the Bank. In no case shall any fractional part of a share be assignable or transferable; and whenever any stockholder shall assign or transfer, in manner aforesaid, all his stock or shares in the said Bank, such stockholder shall cease to be a member of the said corporation. In case of the transfer of a share by the bankruptcy or insolvency of the holder, such share shall be subject to the same liabilities in the hands of his trustees or assigns, as if it remained the property of the original holder.

V. The shares in the Capital Stock of the said Bank shall be liable to attachment and execution, in like manner as other personal property now is; and the warrant or notice in such cases respectively shall be served on the Manager of the said Bank, and such service shall bind the shares of such stockholder for all beyond the amount of his then existing liabilities to the Bank, direct and collateral, and whether the same shall be payable then or at a future time, but not farther, to the extent of such attachment or execution; and for the purpose of ascertaining the number of shares held by any shareholder against whom process of attachment or execution may have issued, the said Manager or any Directors or Officers of the said Bank may be examined in like manner as any third person having in his or her or their possession any monies, goods, debts, or effects, of any defendant, may now be examined; and upon sale by the Sheriff of any such shares under any execution or order of Court, the Manager of the said Bank shall, on production of a bill of sale from the Sheriff certifying to whom the sale had been made, and upon payment of all such liabilities as aforesaid, execute the transfer of the share or shares so sold to the purchaser, and such transfer being duly accepted, shall be to all intents and purposes as valid and effectual in law as if it had been made by the original holder of the said shares.

VI. If at any time it shall happen that an election of Directors shall not be made or take effect on the days fixed by this Act, the said Corporation shall not be deemed or taken to be thereby dissolved; but it shall be

lawful at any subsequent time to make such election at a general meeting of the shareholders to be duly called for that purpose.

VII. Any vacancy that may be occasioned in the Board of Directors, by the death, resignation, or absence from the colony for six months, of any member, or by such member becoming disqualified under the twenty-sixth section of the said first-recited Act, shall be filled up by the remaining members of the Board, and the person so chosen shall serve until the next annual meeting; any vacancy arising from the temporary absence from the colony of a Director, shall, if the number of remaining Directors be less than two, but not otherwise, be filled up by the Directors; but the person elected shall hold office only until the return of the Director for whom he shall have been substituted.

Mode of filling up vacancy in Directorship.

VIII. It shall be competent for the Board of Directors, from time to time, as they shall see fit, to empower one of the Accountants of the Bank to countersign and attest all Bills or Notes issued by the said Bank, instead of having such Bills or Notes countersigned and attested by one or more Directors, as provided by the Eighteenth section of the first-recited Act; and Bills or Notes so countersigned and attested shall be of the like effect as if countersigned and attested by one or more Directors.

Accountant may countersign and attest all Bills and Notes.



ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. X.

AN ACT to provide for the erection of a Light House on or near Ferryland Head, on the Southern Coast of this Island.

[Passed 20th April, 1859.]

WHEREAS it is considered necessary that a Light House should be erected on or near Ferryland Head, on the Southern Coast of this Island. Preamble.

Be it therefore Enacted, by the Governor, Legislative Council and Assembly, in Legislative Session convened, that it shall be lawful for the Governor in Council to expend, out of such Light Dues as shall remain in the hands of the Receiver-General, from time to time unappropriated, such sums of Money as shall be necessary and available towards the erection and support of a Light House on or near Ferryland Head, on the said Coast, Governor in Council to expend money necessary for the erection of Light House.



ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. XI.

AN ACT to provide for the erection of a Light House on or near Brunette Island, on the Western Coast of this Island.

[Passed 20th April, 1859.]

WHEREAS it is considered necessary that a Light House should Pres.mble.
be erected on or near Brunette Island, on the Western Coast
of this Island.

Be it therefore Enacted, by the Governor, Legislative Council and Assembly, in Legislative Session convened, that it shall be lawful for the Governor in Council to expend, out of such Light Dues as shall remain in the hands of the Receiver-General, from time to time unappropriated, such sums of Money as shall be necessary and available towards the erection and support of a Light House on or near the said Island of Brunette. Governor in Council to expend money necessary for the erection of Light House.



ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. XII.

AN ACT to amend an Act passed in the Twenty-first Year of the Reign of Her Majesty, entitled "An Act to provide for the performance of Contracts between Masters and Servants in this Colony."

[Passed 20th April, 1859.]

WHEREAS it is expedient to amend an Act passed in the Twenty-first Year of the Reign of Her Majesty, entitled "An Act for the performance of Contracts between Masters and Servants in this Colony." Preamble.

Be it therefore Enacted, by the Governor, Legislative Council and Assembly, in Session convened, That so much of the First Section of the said Act which requires that there shall be two parts of Agreement between Masters and Servants, one to be in the possession of the Employer, and the other in possession of the Servant, shall not apply to Sealing Crews; and it shall be a sufficient compliance with the said Act, that in all Agreements with Sealing Crews aforesaid, there shall be two parts, respectively signed by the Master and the Crew; and one part shall remain with the Master or Owner, and the other part shall be left with any one of the Crew who shall be selected by them or a majority of them for that purpose. First Section of recited Act as respects agreements not to apply to Sealing Crews. How Sealing agreements to be executed, and with whom deposited.

J. C. WITHERS, Printer to the Queen's Most Excellent Majesty.





ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. XIII.

AN ACT to Incorporate sundry Persons by the name of the "Newfoundland Fire Insurance Company."

[Passed 20th April, 1859.]

WHEREAS the establishment of a Company at St. John's for Preamble.
Insuring, against loss or damage by Fire, Buildings, Erections, Ships in Harbor or on the Stocks, Merchandize, Household Furniture, Farming Stock, and other property, is desirable; and whereas the several persons hereinafter named, with others, have entered into a subscription to raise in Shares such sum as may be sufficient for a joint stock or fund for the said purpose, and have prayed to be Incorporated:

Be it therefore enacted, by the Governor, Legislative Council, and Assembly, in Legislative Session convened, and by the authority of the same, as follows:

That Walter Grieve, John MacGregor, Eugenius Harvey, John Fox, Henry K. Dickenson, Samuel Carson, Hugh W. Hoyles, Robert Pack, John Munn, William Donnelly, W. H. Ridley, Philip Duggan, William F. Wilson, Robert Brown, John W. Smith, Edward Morris, John Kent, Charles Simms, Nicholas Stabb, Nicholas Mudge, Gustav Ehlers, Robert H. Prowse, Alan Goodridge, William Kelligrew, Jeffery Lash, George Lash, Robert L. Muir, Thomas Avery, Edward St. John, Denis V. Reardon, Nathan R. Vail, John Power, James Shannon Clift, Robert Hunt, John Little, William V. Whiteway, Walter Grieve and others incorporated by the name of the "Newfoundland Fire Insurance Company."

Matthew W. Walbank, Richard O'Dwyer, Ambrose Shea, Charles H. Renouf, Peter G. Tessier, John Boyd, James O. Fraser, John Kavanagh, and Edward L. Jarvis, and all such other persons as may hereafter become Stockholders in the said Company, their respective successors, executors, administrators and assigns, shall be and they are hereby united into a Company, and declared to be a body politic and corporate, by the name of the "Newfoundland Fire Insurance Company," and by that name shall have perpetual succession and a common seal, with power to alter the same, and by that name also shall and may sue and be sued, plead and be impleaded, at Law or in Equity; and also shall and may, from time to time, and at all times, have full power and authority to ordain, make and establish, all such Rules and Bye-laws, and to do and perform all such other acts, deeds, matters and things whatsoever, as may be necessary for the good government and management of the business of the said Corporation, and as to them as such body politic and corporate shall appertain to do; Provided always, that such Rules and Bye-laws shall not be inconsistent with the true intent and meaning of this Act, nor repugnant to the laws of the Colony.

Capital £100,000, in
2,000 Shares of £5
each.

Shares, how payable.

Profits, how disposed
of.

Governor in Council
to appoint Commis-
sioners. Duties of
Commissioners.

II. That the capital or the joint stock of the said Corporation shall consist of the sum of One Hundred Thousand Pounds, in Two Thousand Shares of Fifty Pounds currency each, to be paid in dollars at Five Shillings each, or in other coins of equivalent values,—payable as follows: Five Pounds per share upon One Thousand Shares within twelve calendar months after the passing of this Act; Five Pounds per share upon the remaining One Thousand Shares, from time to time as the same may be taken up; and the remaining Forty-five Pounds per share upon either or both the first and second thousand shares to be paid to the Trustees or Directors of the Company, for the time being, in such proportions and at such times as shall be determined by any general meeting or meetings of the proprietors; Provided always, that no one call shall exceed the sum of five pounds per share, and that a notice of thirty days shall be given to each Shareholder, his Executors, Administrators and Assigns, of such call: That all the profits of the Company, after paying all losses and current expenses, shall constitute a reserved fund until such fund, together with the payments advanced by the proprietors on account of their shares, amount to Twenty-five Thousand Pounds, after which the Directors shall be at liberty to declare and pay dividends not exceeding six per centum per annum upon all the reserved funds of the Company, until the said funds shall amount to One Hundred Thousand Pounds, whereby the whole capital of the Company shall be paid up, and after which the full annual profits may be divided: That His Excellency the Governor or Administrator of the Government, for the time being, is hereby authorized, by and with the advice of Her Majesty's Council, to appoint Commissioners, not being Stockholders, whose duty it shall be to examine and certify to His Excellency that the Five Pounds per centum on one moiety of said Capital Stock are in the vaults or office of the said Corporation or in an incorporated Bank of Newfoundland, and also to ascertain by the oath of the Secretary or Agent (which oath any one of Her Majesty's Justices of the Peace for the District of St. John's is hereby authorised to administer) that the aforesaid deposit on the Capital Stock of the Corporation has been paid in by the Stockholders towards the payment of their respective shares, and not for any other purpose whatsoever.

III. That all subscribers for Stock or Shares in the said Corporation shall, previous to the day of the first general meeting of the members and shareholders of the said Corporation, to be called as hereafter mentioned, pay into the hands of such person or persons as the persons mentioned by name in and by the first section of this Act, or the major part of them, may direct, a deposit of Ten Shillings upon each Share subscribed for by the Shareholders respectively; and the said deposit shall be taken and allowed to every subscriber who shall pay the same, as part and parcel of the first instalment of Five Pounds per Share required to be paid in under and by virtue of this Act; and no subscriber shall, upon any pretence whatsoever, vote at the first general meeting of the Company in respect of any Share or Shares upon which he shall not have paid the said deposit,—all which deposits shall be forfeited to the Company in every instance in which any Shareholder or Shareholders shall refuse to comply with the further requirements of this Act.

Deposit on shares, when and how payable.

IV. That so soon after the passing of this Act as One Thousand Shares shall be subscribed, and Ten Shillings upon each Share paid as aforesaid, it shall be lawful for any five of the persons named in the first section of this Act to call a general meeting of the Shareholders, to be held at St. John's, fourteen days' notice thereof having been given in two or more of the Public Newspapers published there, for the purpose of making, ordaining, and establishing such bye-laws, ordinances, and regulations, for the good order and management of the affairs of the said Corporation, as they shall deem necessary, and also for the purpose of choosing, by ballot, nine Directors, being Members and Shareholders, holding not less than Ten Shares each in the said Corporation, which Directors shall, as soon thereafter as may be convenient, meet together and choose by ballot, out of their number, a President, and shall also at the same time, or at any future meeting, appoint a Secretary, and so many and such other officers, clerks, servants, and agents, for carrying on the said business, as they shall deem requisite and necessary, and shall at the same time, or at any future meeting, accept and receive what remains due of the first instalment of Five Pounds on each Shareholder's or Subscriber's share or subscription, and shall take from such subscribers severally their individual or joint bonds or such other securities for the remainder of their subscription as they (the said Directors) shall think meet and advisable, and shall commence the operations of the said Insurance Company, subject to the rules and regulations as hereinafter provided, and shall continue to serve as Directors aforesaid until the first annual meeting for the choice of Directors, as hereinafter provided, or until others are chosen in their room.

When a general meeting of the Company may be had, and by whom called.

For what purposes meeting to be holden.

V. That there shall be a General Annual Meeting of the Shareholders and Members of the said Corporation held on the Third Thursday in January in each and every year after the present year One Thousand Eight Hundred and Fifty Nine, at St. John's, which meeting may be continued from day to day by adjournment, and at which Annual Meeting the Shareholders then present, or represented by proxy, shall first elect by ballot Five Directors for the ensuing year out of the Nine Directors who shall have served for the preceding year, of which Five Directors the President shall always be one (subject nevertheless to removal from his said office of President in manner hereinafter provided); and the said Shareholders shall then elect by ballot Four other Directors from the Shareholders of the Company, qualified to become Directors: Provided always, that it shall be competent for the said Shareholders to re-elect the Four persons who were Directors

Annual Meeting to be held in each year on the third Thursday in January.

Objects of Meeting.

for the preceding year, if they shall think fit to do so; and at the Annual Meeting to be held at the time aforesaid, the Directors shall lay before the Shareholders, in duplicate, an exact and particular statement of the affairs of the Company to the last day of December then preceding, showing its debts, the particulars of its current risks and other liabilities, and its assets; which statement shall be transmitted in duplicate to the Executive of the Colony for the information of His Excellency the Governor and the Legislature.

Powers of Directors.

VI. That the Directors for the time being of the said Corporation shall have power to transact all business appertaining to a Fire Insurance Company, and to do and execute all the matters and things contained in the preceding sections of this Act as far as the same may be left unexecuted by the Directors therein mentioned, and they shall manage the whole concerns of the said Corporation, agreeably to this Act, and such Bye-Laws, Rules and Regulations as the Shareholders and Members thereof may from time to time establish, and also do and execute all other matters and things that may be necessary and requisite for the benefit of the said Corporation; and also shall have power to appoint and remove at pleasure a Secretary and such other Officers, Clerks and Agents, as they or the major part of them shall think necessary for executing the business of the said Corporation; and shall allow the said Secretary, Officers and Clerks, Agents and Servants, such compensation for their respective services as to them the said Directors shall appear reasonable and proper, subject to the approval of the Stockholders; all which, together with the expenses of buildings, house or office rent, and other contingencies, shall be defrayed out of the funds of the said Corporation; and it shall be competent for the Directors, by resolution to be made from time to time at any meeting of their Board, to authorize such of the officers of the said Company as they may approve of, to accept risks, fix the rates of Insurance, and transact any other business of the Company.

Three Directors to constitute Board for the transaction of Business.

VII. That not less than Three Directors shall constitute a Board for the transaction of business, of which the President shall always be one, except in case of sickness or necessary absence, in which case the Directors present may choose one of their Board as a Chairman for the time being; that all questions relating to any business to be transacted at the Board shall be decided by a majority of the votes of the Directors then present; and that no Director shall have more than one vote except the President or Chairman so chosen as aforesaid, who shall vote at the Board as a Director and shall also have a casting vote in all questions when the votes shall happen to be equal.

Questions how decided by Board, and number of votes of each member of Board.

Qualification of Directors.

VIII. That no person shall be eligible as a Director unless such person is a Shareholder, and holds not less than Ten Shares of the Capital Stock of the said Corporation in his own right; and in case the President or any other Director should disqualify himself by the sale, disposal or transfer of his Shares, or any of them, so as to reduce his interest in the said Capital Stock to less than the Ten Shares required for the qualification of a Director, or in case of the removal of the President, or any other Director, by the Shareholders, for misconduct or mal-administration, or in case of any vacancy among the Directors by death, resignation, or absence from the Colony for three months, the said Directors for the time being shall and may, if they shall think fit, fill up each and every such vacancy by choosing one of

Mode of filling up vacancy in Directorship.

the Shareholders, duly qualified, and the person so chosen shall serve until another be chosen in his room. And each Director shall be entitled to receive reasonable compensation, not exceeding Seven Shillings and Sixpence currency, for each day's attendance at the meetings of the Board.

IX. That on every occasion when, in conformity with the provisions of this Act, the votes of the Shareholders are to be given, every Shareholder may vote by proxy, provided such proxy be a Shareholder, and produces a sufficient authority in writing from his constituent or constituents so to act; that all questions be decided by a majority of the votes of all the Shareholders then present or represented by proxy; and that the number of votes which each Shareholder shall be entitled to give, shall be one vote for each Share he may hold in the Capital Stock of the said Corporation; provided that no Shareholder shall be allowed to give more than One Hundred and Fifty Votes upon any question, either in respect of his own Shares or in respect of any proxy or proxies of which he may be the holder.

When Shareholders may vote by proxy.

Number of votes each Shareholder entitled to.

X. That so soon as one half of the Capital Stock of the said Company shall have been subscribed, and instalments amounting to Five Thousand Pounds shall have been actually paid in manner and form as is hereinbefore provided, and good and satisfactory security for the sum of Forty-five Thousand Pounds of the said subscribed Stock shall have been given on account of the subscriptions to the said Capital Stock, notice thereof shall be given in two or more of the Newspapers published in this Colony, and the Directors shall commence with the business and operations of the said Corporation: Provided always, that no Insurance shall be effected, nor shall any policy be assigned in manner hereinafter provided, until the said sum of Five Thousand Pounds shall be actually paid in and received on account of the subscriptions to the Capital Stock of the said Corporation.

When Directors may commence with the business and operations of the Company.

XI. That the said Corporation shall have power and authority to make Insurance against loss or damage by fire, on houses or other buildings and erections, ships in harbor, in dock or on the stocks, merchandize, household furniture, farming stock and other property, and to fix the premiums, rates, provisions, and terms of payment; and all policies of Insurance made by the said Corporation shall be subscribed by the President, or in case of his death, absence, sickness, or inability, by any two of the Directors, and shall be countersigned by the Secretary of the said Corporation; or in case of the absence, sickness, or inability of the said Secretary, then by such person or persons as the Directors, or a majority of them, may appoint to act in his stead, and shall be binding and obligatory on the said Corporation; and that all losses duly arising under any policy so subscribed and countersigned, shall and may be adjusted and settled by the Board of Directors, and the same shall be binding on the said Corporation, and shall be paid to the assured within Sixty days after such adjustment: Provided always that until the paid-up capital and reserved funds of the Company shall together amount to Fifty Thousand Pounds, the said Directors shall not in any case make Insurance on any single risk of any one building or tenement and its contents, not being separated by fire-proof walls from adjoining erections, exceeding Five Thousand Pounds.

Powers of Corporation in matters of Insurance.

By whom policies of Insurance subscribed

By whom losses to be adjusted.

Risk exceeding £5000 not to be taken by Corporation until capital and reserved fund shall amount to £50,000.

XII. That the paid-up portion of the Capital Stock of the said Corporation collected in manner hereinbefore provided, shall be by the said Di-

Mode of investing paid-up capital.

rectors invested in such public funds, or loaned to and invested on the security of such public or corporate bodies or associations or joint stock companies, as may by the said Directors be deemed advisable; and in the event of there being no public funds, or public or corporate bodies or associations, or joint stock companies, to which the same can be advantageously lent and disposed of, or in which the same can be safely invested, then it shall and may be lawful for the said Directors, or a majority of them, to apply the same and dispose thereof by letting the same out at interest upon the security of lands, or upon other security, as they may think fit: Provided that no loan of the Capital Stock at any time to be created under the provisions of this Act, or any part thereof, shall be made directly or indirectly to any officer or director of the said company, or to his partner in business, nor shall any such director or officer be a party to any security for any such loan; and no Shareholder to whom any part of the said Capital Stock shall have been lent shall be eligible as a director or officer while the loan continues.

To whom loans shall not be made.

Mode of investing profits, rents, and premiums.

XIII. That it shall and may be lawful to and for the Directors of the said Corporation to use, apply, and dispose of the monies arising in the course of the dealings of the said Corporation, and all the profits, rents, premiums, and interest thereof, by letting the same out at interest, upon either the security of lands, or other property, or otherwise as the Directors thereof may think fit, anything contained in this Act to the contrary notwithstanding. And the restrictions, as to loans to Directors and Officers, and to the eligibility, as Directors and Officers, of Shareholders to whom money may have been loaned, which are contained in the last preceding section, with regard to the Capital Stock, shall extend and apply in all respects to any loans of money to be made by virtue of this section, in like manner as if the same were repeated herein. Provided always, that nothing herein contained shall be so construed as to prevent any Director's note from being received in the same manner as the note of any other Shareholder, by the said Corporation, on account of any premium for a policy of insurance granted on behalf of such Director, as a party assured, either on his individual account, or as agent for others.

Director's vote may be received in the same manner as any other shareholder's.

Corporation not to buy or sell Goods, Wares, or Merchandise.

May hold any Ships, Houses, &c., abandoned by reason of fire.

XIV. That the said Corporation shall not directly or indirectly deal or trade in buying or selling any Goods, Wares, Merchandise, or Commodities whatsoever. Provided, nevertheless, that it shall be lawful for the said Corporation to take, receive, hold, possess and enjoy, any Ships, Houses, Goods, Merchandise, Chattels or Commodities whatsoever, which shall have been abandoned to the said Corporation, by reason of any Loss or Damage by Fire having accrued to the same, and shall and may sell and dispose of the same at such time or times, and in such manner, as to the said Directors for the time being shall seem expedient.

Shares; how assignable.

XV. The Shares of the said Corporation shall be personal property and assignable and transmissible under and subject to such bye-laws as may be made in that behalf; but no transfer shall be valid or effectual unless the same shall first have been approved by the Board of Directors, nor until the party transferring shall have discharged all his liabilities actually due to the Company,—nor until such assignment shall have been duly registered in a book to be kept for that purpose by the Company; no fractional part of a Share shall be assignable, and whenever a holder shall have assigned all his Shares, he shall cease to be a member of the Company.

XVI. The Shares of the said Corporation shall be subject to Attachment and Execution, as other personal property, by placing a Warrant of Attachment in the hands of the President, Vice-President, or Secretary of the Corporation, but such Attachment shall not bind any share except for the amount or value thereof beyond the existing liabilities of the holder to the Company, whether the same be direct or collateral, or payable then or at any future time. For the purpose of ascertaining the interest of any holder in his Shares, any Officer of the Company may be examined before the Court or a Judge, as in ordinary cases of attachment; and upon the production of a bill of sale of such Shares from the Sheriff, or of a rule of Court or Judge's order requiring them to do so, and upon payment of or security for the amount of such liabilities as aforesaid, the Directors shall register an assignment to the purchaser of such Shares by operation of Law, and such assignment shall be valid and effectual to all intents and purposes.

Shares subject to attachment and execution.

Mode of attaching and ascertaining interest on shares attached.

XVII. That in case of any loss or losses taking place which shall be equal to the capital stock of the said Corporation, and the President and Directors, after knowing of such loss or losses taking place, shall make any further policy of Insurance, they and their Estates, jointly and severally, shall be accountable for the amount of any and every loss which shall take place under such policy or policies so made.

Liability of Directors on making Insurance where losses equal to the Capital Stock of the Corporation has taken place.

XVIII. That the shareholders of the said Corporation shall be individually liable for the payment of the debts and engagements of the said Corporation to an amount equal only to that of the Stock owned by them respectively: Provided nothing herein contained shall be construed to exempt the Joint Stock of the said Corporation from being liable for and chargeable with the debts and engagements of the same.

Liability of Shareholders.

XIX. That all bonds and other securities, of what nature or kind soever, taken for the payment of the residue of the capital stock as is hereinbefore directed, shall, from time to time, be revived or changed, and other and further security or securities for the same be given as is provided in and by the fourth section of this Act; and in case of any refusal or delay to renew or change any such security or securities, or to give and grant other and further security or securities therefor, to the satisfaction of the said Directors, or a majority thereof, within thirty days after notice thereof given, then and in such case it shall and may be lawful for the said Directors, or a majority of them, to cause such proceedings, both in law or equity, or either, as may be deemed requisite, to be taken for the recovery of the amount of such several and respective securities, or it shall and may be lawful to and for the said Directors, or a majority of them, if they shall think fit, to declare the shares in the capital stock of the said Corporation for the amount of the residue of which such security or securities shall have been given, forfeited to the said Corporation, together with all deposits, instalments, interests, profits, or dividends thereto belonging or appertaining; and that such stock so forfeited shall be sold by public auction for and on account of the said Corporation, and the purchaser or purchasers thereof shall give security or securities for the payment of the amount due by the said Corporation on account of such forfeited shares at the time of such forfeiture, as is hereinbefore provided, and shall likewise be subject to all the provisions of this Act, anything herein contained to the contrary notwithstanding.

Course to be adopted by Directors where Bonds or other securities not paid or renewed.

Books, papers, correspondence, &c., subject to the inspection of the Directors.

XX. That the books, papers, correspondence, and all other matters and things belonging to the said Corporation, shall at all times be subject to the inspection of the Directors, or any of them ; but no shareholder, not a director, shall inspect the account of any individual or corporate body with the said Corporation, unless at any general or special meeting of the shareholders.

Joint Committee of Legislature to have free access to books and accounts of the Corporation.

XXI. That any joint committee hereafter to be appointed by the Honorable the Legislative Council and House of Assembly, for the purpose of examining into the proceedings of the Corporation, shall, either during the session or prorogation of the General Assembly, have free access to all the books and accounts of the same.

Number of Shareholders who may call a general meeting.

XXII. That any number of shareholders not less than twenty, who together, shall be proprietors of four hundred shares, shall have power at any time, by themselves or their proxies, to call a general meeting of the shareholders (at all which general meetings fifteen shareholders present shall constitute a quorum) for any purpose relative to the business of the said Corporation, other than a dissolution thereof, giving at least thirty days' notice in two of the Newspapers published in this Colony, and specifying in such notice the time and place of such meeting, with the objects thereof ; and the Directors, or any five of them, shall have the like power, at any time, upon observing the like formalities, to call a general meeting as aforesaid.

Objects of meeting.

Number of Shareholders who may call a general meeting to dissolve the Corporation.

XXIII. That any number of shareholders, not less than thirty, who together, shall be proprietors of two-thirds of the whole subscribed stock in the capital of the said Corporation, shall have the power at any time, by themselves or their proxies, to call a general meeting of the shareholders, for the purpose of taking into consideration the propriety of dissolving the said Corporation, giving at least three months' previous notice in two or more of the Newspapers published in this Colony, and specifying in such notice the time and place of such meeting, with the object thereof ; and should it be agreed upon at such meeting that the said Corporation should be dissolved, such shareholders are hereby authorised and empowered to take all legal and necessary ways and means to dissolve the said Corporation ; and upon such or any other dissolution of the said Corporation, the Directors then in office shall take immediate and effectual measures for the closing all the concerns of the said Corporation, and for dividing the capital and profits which may remain among the shareholders in proportion to their respective shares.

Three months notice to be given of such meeting in two of the Newspapers published in the colony.



ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. XIV.

AN ACT to amend an Act passed in the Fifteenth Year of the Reign of Her present Majesty, entitled "An Act to Incorporate Sundry Persons by the name of the Newfoundland Marine Assurance Company."

[Passed 20th April, 1859.]

WHEREAS it is expedient to amend an Act passed in the Fifteenth Year of the Reign of Her present Majesty, entitled "An Act to Incorporate Sundry Persons by the name of the Newfoundland Marine Assurance Company." Preamble.

Be it therefore Enacted by the Governor, Legislative Council, and Assembly, in Session convened, as follows :

I. The General Annual Meeting of the Stockholders and Members of the said Corporation for the Election of Directors and the transaction of other business, shall be held on the Second Thursday in January in every year, instead of the Second Tuesday in May, as provided by the said Act ; and in the event of the said Directors, or any of them, not being chosen on the said Second Thursday in January, such elections may take place on any other day to which the said Meeting may be adjourned, or at any General Meeting to be called on fourteen days' notice, in accordance with the provisions of the thirteenth section of the said Act. Annual Meeting to be held on the Second Thursday in January in each year. Election of Directors may take place at an adjourned meeting.

Duties of Directors at Annual Meetings.

II. At the Annual Meeting to be held at the time aforesaid, the Directors shall lay before the Shareholders, in Duplicate, an exact and particular Statement of the affairs of the Company to the last day of December then preceding, showing the Liabilities and Assets ; which Statement shall be transmitted, in Duplicate, to the Executive of the Colony, for the information of His Excellency the Governor and the Legislature.

26 and 30 Secs. recited Act repealed.

III. The Twenty-sixth and Thirtieth Sections of the said recited Act are hereby repealed.

Directors may authorise officers to accept Risks, &c.

IV. It shall be competent for the Directors, by resolutions to be made from time to time at any meeting of their Board, to authorise such of the Officers of the Company as they may approve of, to accept Risks, fix the rates of Insurance, and transact any other business of the Company.

When Stock may be transferred.

V. No Share in the Capital Stock of the said Company shall be transferred by any holder thereof until such Shareholder shall have paid off or secured to the satisfaction of the Directors, all his existing Liabilities to the Company, whether due or to become due, nor to any person but to one of whom the Directors shall approve ; and no Share shall be subject to Attachment or Execution except for its value beyond such Liabilities aforesaid. Every application for transfer of any Share shall be in writing, addressed to the Directors, and signed by the parties who respectively desire to assign and receive such Share ; and the allowance of such transfer shall be endorsed on the application for the same, and signed by the President, or by a majority of the Directors, before such transfer shall be entered and registered pursuant to the said Act.

Allowance to Directors.

VI. The allowance for the attendance of each Director at every necessary Meeting of the Board of Directors, shall not exceed Seven Shillings and Six Pence.





ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. XV.

*AN ACT for the Protection of the Breeding
of Wild Fowl and Preservation of Game.*

[Passed 20th April, 1859.]

WHEREAS it is necessary to prevent the extermination of the Wild Fowl of this Colony : Preamble.

Be it therefore Enacted by the Governor, Legislative Council and Assembly, in General Session convened :

I. From and after the passing of this Act, it shall not be lawful for any person wilfully to break, destroy, take, carry away, use, purchase, barter, sell, or expose to sale, or knowingly have in his possession, any of the Eggs of any of the various species of Wild Fowl (except Wild Geese) which resort to or frequent the shores, coasts, or other parts of this Colony, or any of its Dependencies, within the Government thereof ; nor import into this Colony, for sale or otherwise, the Eggs of any kind of Wild Fowl ; nor by any ways or means whatsoever wilfully to remove, take, or destroy any of the Wild Fowl (except Wild Geese) during the breeding season, that is to say, between the Tenth day of May and the Tenth day of August, in each Year. And that if any person shall, during the said season, within this Colony or any of its Dependencies, wilfully break, destroy, take, carry away, use, purchase, barter, sell, or expose to sale, or knowingly have in his possession any of such Eggs ; or shall, during said season, by any ways or means whatsoever, wilfully take, remove, or destroy, any of the said Wild Fowl, (except Wild Geese) every such person shall, for every such offence, not only forfeit the same but shall forfeit and pay to Her Majesty, Her Heirs and Successors, a sum not exceeding Twenty Pounds.

No person wilfully to destroy, &c. sell, or import Eggs of Wild Fowl or destroy Wild Fowl between the 10th day of May and the 10th day of August in each year.

Penalty, a sum not exceeding £20.

No person to kill, sell, &c. Partridge or destroy the Eggs thereof from the 17th day of March until the 10th day of August.

II. After the passing of this Act, no person shall, on any pretence whatsoever, kill, take, purchase, sell, or barter, any Partridge, or take or destroy the Eggs thereof, within this Colony or its Dependencies, from the Seventeenth day of March until the Twenty-fourth day of August (both days inclusive) in any year.

No person to kill, sell, &c. Snipe, wild or migratory bird, except Wild Geese, from the 17th of April to 10th August.

III. After the passing of this Act, no person shall, on any pretence whatever, kill, take, purchase, sell, or barter, any Snipe, Wild or any Migratory Birds, frequenting for the purpose of incubation, except Wild Geese, within this Colony or its Dependencies, from the Seventeenth day of April until the Tenth day of August (both days inclusive) in any year.

Penalty on persons destroying, &c. Partridge, &c.

IV. Every person who shall kill, take, purchase, destroy, or sell or expose to sale, or barter, or who shall buy, or cause to be bought, any Partridge or Snipe, Wild or any other Migratory Birds, except Wild Geese, within the respective times last hereinbefore mentioned, shall, for every Partridge or Snipe, Wild or any other Migratory Birds, except Wild Geese, killed, taken, purchased, destroyed, sold, or exposed to sale or barter, forfeit and pay to Her Majesty the sum of Ten Shillings sterling.

Penalty on parties aiding and abetting another in violating provisions of Act.

V. Any person engaged in, or employing another, or aiding and abetting another, to take, collect, gather, sell, or dispose of the said Eggs, or to take or kill said Fowl, or that shall or may place or employ any person on the Funk or other Islands, on or off the coast of this Colony, for the purpose of taking or killing said Fowl, or collecting, gathering or taking said Eggs, shall, for every such offence, forfeit and pay a sum not exceeding Twenty Pounds, to be recovered and applied as hereinafter provided; and in case such offender shall not have any goods or chattels on which to levy such fine and costs, or in case he shall make default in the payment thereof, such Justice shall then commit such offender to the common Gaol for any time not exceeding One Month, unless such fine and costs shall be sooner paid and satisfied; Provided always, that all informations and prosecutions for any of the said offences, shall be made and commenced within Three Months after any such fine and forfeiture shall have been incurred.

Mode of recovering penalty, and in default of goods and chattels, punishment of offender.

Hares not to be killed from 23rd April to 20th August.

VI. No person shall, on any pretence whatever, kill any Hare within this Island or its Dependencies, from the Twenty-third day of April until the Twentieth day of August in any year. Provided always, that for and during the period of Five Years from the importation of any Hares, Quails, or other Game, into this Island, it shall not be lawful for any person to kill, take, or carry away, any such Hares, Quails, or any other Game, that may be so imported and brought into this Colony for the purpose of propagating the species, and any person offending against the provision of this section shall forfeit and pay, for every offence, a sum not exceeding Five Pounds.

Proviso, if Hares, Quails, &c., imported.

No person to kill Deer except for the purpose of food.

VII. It shall not be lawful for any person wantonly to shoot, kill, or destroy any Deer within this Colony, (except for the purpose of food or sale) and any person offending against this section shall forfeit and pay for every Deer so shot, killed, and destroyed, a sum not exceeding Five Pounds sterling.

Mode of recovering fines, and how disposed of.

VIII. All fines, forfeitures, and penalties, imposed by this Act, shall be recovered with costs, before a Justice, in a summary way, and one half thereof shall be paid to the person informing on and prosecuting the offen-

der to conviction, and the other half to the Receiver General, for the use of the Colony, and no proceedings for recovery of any such fines or penalties shall be removeable by certiorari.

IX. Nothing in this Act shall extend or be construed to extend, to any poor Settler, who shall kill any Partridge, or any other Wild Fowl, for his own immediate consumption, or that of his family, (except Quail or other Game imported for propagating the species, for a period of Five Years after being so imported.) Poor Settler may kill Partridge, &c., for immediate consumption.

X. It shall be lawful for any Constable to arrest on view any person found in any way violating the provisions of this Act. Constable to arrest on view any person violating provisions of Act.

XI. That an Act passed in the Eighth Year of the Reign of Her Majesty, entitled "An Act for the Protection of the Breeding of Wild Fowl in this Colony," be and the same is hereby repealed. Eighth Vic. repealed.



ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. XVI.

*AN ACT to Authorise the Consolidation of
Nineteen Thousand Three Hundred and
Seventy Two Pounds, Six Shillings, of the
Public Debt of this Colony.*

[Passed 20th April, 1859.]

WHEREAS certain portions of the Public Debt of this Colony will be-
come due within the present and succeeding year; and it is expedient to make provision to meet the same, by Consolidating the amount hereinafter stated. Preamble.

Be it therefore Enacted by the Governor, Legislative Council and Assembly, in Legislative Session convened, as follows :

I. It shall be lawful for the Receiver General, at such times as the Governor in Council may direct Public Advertisements to be issued for Tenders, to raise by Loan, on the Credit of the Colony, from the person or persons, or Bodies Corporate and Public, as will advance the same, a Sum not exceeding in the whole Nineteen Thousand Three Hundred and Seventy Two Pounds Six Shillings; that is to say, Eight Thousand Two Hundred and Twelve Pounds Ten Shillings in the present year, and Eleven Thousand One Hundred and Fifty Nine Pounds Sixteen Shillings, in the Year One Thousand Eight Hundred and Sixty; which sum shall be chargeable upon and shall be repaid out of the Funds of the Colony with Interest at a rate not exceeding five per centum per annum thereon, at the times and in the manner hereinafter provided.

Receiver General to
raise by loan £19,372
6s. ; £8212 10s. in
1859, 11,159 16s. in
1860.

Receiver General may issue Debentures for such loan, which shall be transferrable and negotiable by indorsement.

II. The Receiver General shall grant and issue to the parties respectively advancing such monies as aforesaid, one or more Debenture or Debentures in the form prescribed in the Schedule hereunto annexed; which Debentures shall be issued for sums of not less than Fifty Pounds each, signed by the Receiver General, countersigned by the Colonial Secretary, numbered in succession, and shall be transferrable, and negotiable by endorsement or assignment thereof.

Monies to be applied to the payment of the Public Debt of the colony.

III. The monies so to be borrowed as aforesaid, shall be applied, by the Receiver General, to the payment of the said Sums of the Public Debt of this Colony, as the same shall become due, within the years One Thousand Eight Hundred and Fifty Nine, and One Thousand Eight Hundred and Sixty; and the Debentures, or any part thereof, to be issued under this Act, shall be payable at Par at any time after the Government shall give twelve months' public notice, in the *Royal Gazette* of this Colony, of their intention to pay off and redeem the same; the interest on such of the Debentures as shall be called in, to cease at the times specified in the said notice for redemption thereof.

Debentures payable at par upon 12 months notice of the intention of Government to redeem.

Receiver General, out of sums in his hands unappropriated, to pay into Savings' Bank two per cent. on the amount of Debentures issued, for the purpose of forming a sinking fund.

IV. For the purpose of forming a "Sinking Fund" to aid in paying off the said Debentures, the Receiver General shall yearly pay into the Newfoundland Savings' Bank, out of any surplus monies remaining unappropriated in his hands, to the credit of the said fund, a sum equal to two per cent. per annum on the amount of Debentures which shall have been issued as aforesaid, which shall be applied to the liquidation of the same, at such times and in such manner as shall be directed by the Governor in Council.

SCHEDULE.

Schedule.

NEWFOUNDLAND.

Consolidated Stock.

DEBENTURE.

I, the Receiver General of this Colony, do hereby certify and declare that by virtue of an Act passed in the Twenty-second year of Her Majesty Queen Victoria, entitled "An Act to authorise the Consolidation of Nineteen Thousand Three Hundred and Seventy-two Pounds Six Shillings of the Public Debt of this Colony," invested in the "Consolidated Stock" of this Colony, the sum of _____ Pounds Sterling, equal to _____ Pounds Currency, bearing Interest from the date hereof, at the rate of Five per Centum per annum, payable on the Thirtieth day of June and the First day of January in every Year, until the said Investment shall be paid off; and I further certify and declare that the said Principal Sum with Interest thereon, will be payable to the said _____ his Assigns or Endorseees, at my Office in St. John's, at such times as shall be stated in a Twelve Months' Notice to be inserted by the Government in the *Royal Gazette* of this Colony, of their intention to pay off the same.

Given under my hand, at St. John's, the _____ day of _____

Receiver General

Countersigned,

Colonial Secretary.







ANNO VICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. XVII.

AN ACT for granting to Her Majesty a Sum of Money for defraying the Expenses of the Civil Government of this Colony, for the Year ending the Thirty-first day of December, One thousand eight hundred and fifty-nine, and for other purposes.

[Passed 20th April, 1859.]

MAY IT PLEASE YOUR MAJESTY ;—

WE, Your Majesty's dutiful and loyal subjects, the Commons of Newfoundland, having freely and voluntarily resolved to give and grant unto Your Majesty a Supply to defray certain charges for the support of the Civil Government, for the Administration of Justice, and the General Improvement of this Colony, do hereby beseech Your Majesty that it may be enacted, and

Preamble.

Be it enacted, by the Governor, Legislative Council and Assembly, in General Session convened, That from and out of such Monies as shall from time to time remain in the hands of the Receiver-General, and unappropriated, there be granted to Your Majesty, Your Heirs and Successors, the Sum of Fifty Thousand Two Hundred and Sixty-five Pounds Four Shillings and Twopence, which said sum of Money shall be applied in payment of the following charges for the year com-

£50,265 4 2 appropriated for purposes of Act.

	<p>mencing on the First day of January, One thousand eight hundred and fifty-nine, and ending on the Thirty-first day of December in the same year : that is to say—</p>
<u>Salaries.</u>	
Private Secretary.	The Private Secretary to the Governor, two hundred pounds.
First and Second Clerk in Secretary's Office.	The First Clerk in the Colonial Secretary's Office, two hundred pounds. The Second Clerk in the Colonial Secretary's Office, one hundred pounds.
Clerk Receiver General's Office.	The Clerk in the Receiver General's Office, two hundred pounds.
Clerk Financial Secretary's Office.	The Clerk in the Financial Secretary's Office, one hundred pounds.
Superintendent Public Buildings.	The Superintendent of Public Buildings, one hundred and fifty pounds.
Keeper Colonial Building.	The Keeper of the Colonial Building, sixty pounds.
Office Keeper Secretary's Office.	The Office Keeper of the Colonial Secretary's Office, sixty pounds.
Messenger Secretary's Office.	The Messenger of the Colonial Secretary's Office, sixty pounds.
Keeper Half-way House.	The Keeper of the Half-way House, Salmonier, thirty-five pounds.
Gate Keeper Government House.	The Gate Keeper at Government House Lodge, and Preserver of the Grounds about the same, sixty pounds.
Chief Clerk and Registrar Supreme Court.	The Chief Clerk and Registrar of the Supreme Court and Central Circuit Court, Three Hundred and Fifty Pounds, and Twenty Pounds, for the purchase of Printed Forms. Eighty Pounds to defray the Salary of a Clerk in the Office of the Chief Clerk and Registrar of the Supreme Court and Central Circuit Court. Provided that all Fees and Perquisites received, or that shall be received in or by virtue of the said Office, or in any way connected therewith, shall be accounted for and paid over half-yearly to the Receiver General.
Chief Clerk and Registrar Northern Circuit Court.	The Chief Clerk and Registrar of the Northern Circuit Court, two hundred pounds.
Chief Clerk and Registrar Southern Circuit Court.	The Chief Clerk and Registrar of the Southern Circuit Court, two hundred pounds.
Sheriff's Bailiff.	The Sheriff's Bailiff in the Central District, fifty pounds.
Crier and Tipstaff St. John's.	The Crier and Tipstaff of the Supreme Court at St. John's, sixty pounds.
Crier and Tipstaff Harbour Grace.	The Crier and Tipstaff of the Northern Circuit Court at Harbor Grace, twenty pounds.
Crown Prosecutions.	The sum of three hundred pounds to defray the Expenses of Crown Prosecutions.
Coroners.	The sum of two hundred pounds to defray the Expenses of Coroners.
Expenses Circuit Court	The sum of six hundred pounds towards defraying the Expenses of Judges and Officers on Circuit, and of Crown Prosecutions thereon ; which sum of money includes table money and means of conveyance, and for payment of rent of any Court Rooms where Court Houses may not be erected : Provided that Passages shall be allowed and provided on board of each vessel engaged by the Government proceeding on the respective Circuits, to such Members of the Bar as may desire to proceed thereon : Provided further, that the amount of table money and travelling expenses hereinbefore provided for the said Judges and Officers of Court, on Circuit, shall

be apportioned for the said Judges and Officers respectively, by the Governor in Council : And provided further, that should the Governor in Council be of opinion that the said respective Judges and Officers can proceed on Circuit by land, the said sum of six hundred pounds shall be reduced to five hundred pounds.

To two Police Magistrates at St. John's, six hundred and fifty pounds, namely—to the Chief Magistrate three hundred and fifty pounds, and to the Junior Magistrate three hundred pounds. Police Magistrates,
St. John's.

To the Clerk of the Peace at Saint John's, two hundred and twenty pounds. Clerk Peace, St.
John's.

To the Inspector of Police at St. John's, one hundred pounds. Inspector Police, St.
John's.

To the Sergeant of Police, seventy pounds. Sergeant Police.

To sixteen Constables at St. John's, at fifty-five pounds each, eight hundred and eighty pounds, and two hundred pounds for clothing for them. Constables St. John's.

The Gaoler for St. John's, one hundred and fifty pounds, in lieu of all fees, which are to be accounted for and paid over to the Receiver General. Gaoler Saint John's.

The Turn-key of the Gaol at St. John's, forty-four pounds. Turn-key St. John's.

The Assistant Turn-key, forty-five pounds. Assistant.

The Second Assistant Turn-key, forty pounds. Second Assistant.

The Keeper of the Court House at St. John's, fifty-five pounds. Keeper Court House,
Saint John's.

The sum of nineteen hundred and ten pounds to defray the salaries of the undermentioned Outport Magistrates, as follows : Outport Magistrates.

A Magistrate for Brigus and Port-de-Grave, one hundred and fifty pounds.

A Magistrate at Harbor Grace, two hundred pounds.

A Magistrate at Carbonear, one hundred and fifty pounds.

A Magistrate at Old Perlican, one hundred and fifty pounds.

A Magistrate at Trinity, one hundred and fifty pounds.

A Magistrate at Bonavista, one hundred and fifty pounds.

A Magistrate for Twillingate and Fogo, one hundred and fifty pounds.

A Magistrate at Bay Bulls, one hundred pounds.

A Magistrate at Ferryland, one hundred and fifty pounds.

A Magistrate at Placentia, one hundred and thirty pounds.

A Magistrate at Burin, one hundred and fifty pounds.

A Magistrate at Grand Bank, one hundred and thirty pounds.

A Magistrate at Harbor Breton, one hundred pounds.

A Magistrate at St. Mary's, fifty pounds.

The sum of five hundred and seventy-five pounds towards defraying the Salaries of the undermentioned Outport Clerks of the Peace, as follows : Outport Clerks. of the
Peace.

A Clerk of the Peace for Brigus and Port-de-Grave, sixty pounds.

A Clerk of the Peace at Harbor Grace, one hundred and fifty pounds.

A Clerk of the Peace at Carbonear, ninety pounds.

A Clerk of the Peace at Trinity, sixty pounds.

A Clerk of the Peace at Bonavista, sixty pounds.

A Clerk of the Peace for Twillingate and Fogo, sixty pounds.

A Clerk of the Peace at Burin, sixty pounds.

A Clerk of the Peace at Harbor Breton, thirty-five pounds.

Provided that all Fees of Office received by the said Clerks of the Peace shall be accounted for, and paid over half-yearly to the Receiver General.

Outport Constables. The sum of fourteen hundred and nine pounds towards defraying the Salaries of the undermentioned Outport Constables, as follows :

- One Constable at Petty Harbor, twenty pounds.
- One Constable at Terbay, twenty pounds.
- One Constable at Portugal Cove, twenty pounds.
- One Constable at South Shore, twelve pounds.
- One Constable at Harbor Main, twenty pounds.
- One Constable at Cat's Cove, twenty pounds.
- Two Constables at Brigus and Port-de-Grave, fifty pounds.
- One other Constable at Brigus, twenty pounds.
- One Constable at Bay Roberts, twenty-five pounds.
- Seven Constables at Harbor Grace, three hundred and fifty pounds ; that is to say, one Constable at eighty pounds, five Constables at fifty pounds, and one Constable at twenty-five pounds.
- Four Constables at Carbonear, one hundred and forty pounds.
- One Constable at Bay-de-Verd, twelve pounds.
- One Constable at Upper Island Cove, twelve pounds.
- One Constable at Western Bay, twelve pounds.
- One Constable at Heart's Content, twelve pounds.
- One Constable at Hant's Harbor, twelve pounds.
- One Constable at Perlican, twenty pounds.
- One Constable at New Harbor, twelve pounds.
- Two Constables at Trinity, thirty-seven pounds.
- One Constable at Catalina, twenty-five pounds.
- One Constable at Bonavista, twenty-five pounds.
- One Constable at Tickle Cove, twelve pounds.
- One Constable at King's Cove, twenty pounds.
- One Constable at Salvage, twelve pounds.
- One Constable at Greenspond, twenty-five pounds.
- Three Constables at Twillingate and Fogo, forty-nine pounds.
- One Constable at Exploits Bay, twelve pounds.
- One Constable at Bay Bulls, twenty-five pounds.
- One Constable at Witless Bay, twelve pounds.
- One Constable at Toad's Cove, twelve pounds.
- One Constable at Brigus South, twelve pounds.
- One Constable at Cape Broyle, twelve pounds.
- One Constable at Caplin Bay, twelve pounds.
- One Constable at Ferryland, twenty-five pounds.
- One Constable at Aquafort, twelve pounds.
- One Constable at Fermeuse, twelve pounds.
- One Constable at Renew's, twelve pounds.
- One Constable at St. Mary's, twenty-five pounds.
- One Constable at Placentia, twenty-five pounds.
- One Constable at Little Placentia, twenty pounds.
- One Constable at Oderin, twelve pounds.
- One Constable at Merasheen, twelve pounds.
- One Constable at Burin, twenty-five pounds.
- One Constable at St. Lawrence, twelve pounds.
- One Constable at Lamaline, twelve pounds.
- One Constable at Grand Bank, twelve pounds.
- One Constable at Jersey Harbor, twelve pounds.
- One Constable at Harbor Breton, twenty-five pounds.
- One Constable at Hermitage Bay, twelve pounds.
- One Constable at Burgeo Islands, twelve pounds.
- One Constable at Spaniard's Bay, twelve pounds.

One Constable at Channel, twelve pounds.
One Constable at Bird Island Cove, twelve pounds.

Outport Constables—
(continued.)

The sum of Two Hundred and Fifty Pounds towards defraying the Salaries of the undermentioned Outport Gaolers, as follows :—

A Gaoler at Harbor Grace, ninety pounds ; provided that all Fees of Office received by him shall be accounted for and paid over to the Receiver General. And ten pounds as Keeper of the Court House there.

A Gaoler at Trinity, twenty-five pounds.
A Gaoler at Bonavista, twenty pounds.
A Gaoler at Twillingate and Fogo, twenty pounds.
A Gaoler at Ferryland, twenty-five pounds.
A Gaoler at Placentia, twenty-five pounds.
A Gaoler at Burin, twenty-five pounds.
A Gaoler for Brigus and Port-de-Grave, ten pounds.

The Sum of Three Hundred and Seven Pounds towards defraying the Salaries of the undermentioned Ferrymen, as follows :—

A Ferryman at Great Placentia, thirty pounds.
A Ferryman at Salmonier, twenty-five pounds.
A Ferryman at Portugal Cove, twenty-five pounds.
A Ferryman at Trinity, thirty pounds.
A Ferryman between Harbor Grace and Thomas Fitzgerald's on the South-side of the Harbor, thirty pounds.
A Ferryman at Little St. Lawrence, ten pounds.
Ferrymen for two Ferries between Burin and Mud Cove, twenty-five pounds.
A Ferryman at Holyrood, thirty pounds : That is to say,—for a boat to be stationed near Crawley's on the South-side, and a boat near Haley's on the North-side of the Harbor, fifteen pounds each.
A Ferryman at Aquafort, fifteen pounds.
Ferrymen for two Ferries at Mortier Bay, twenty-five pounds.
A Ferryman at Colinet, twenty-five pounds.
A Ferryman between Topsail and Belle Isle, twenty-five pounds.
A Ferryman at Mall Bay, twelve pounds.

The District Surgeons for St. John's, two hundred pounds, including provision for Medicines. District Surgeon Saint John's.
The Gaol Surgeon for St. John's, forty pounds. Gaol Surgeon Saint John's.
The Gaol Surgeon for Conception Bay, thirty pounds. Gaol Surgeon Conception Bay.
The District Surgeon for Conception Bay, one hundred pounds. District Surgeon for Conception Bay.
The Physician of the Lunatic Asylum, three hundred pounds. Physician Lunatic Asylum.
For Medical attendance at St. John's Hospital, two hundred and fifty pounds. Medical attendance Saint John's Hospital.
The sum of seven thousand two hundred and fifty pounds, towards the Relief of the Permanent and Casual Poor in St. John's and the Outports. Permanent and Casual Poor.
The sum of two thousand five hundred pounds, towards defraying the Expenses of Lunatic Paupers, at the Lunatic Asylum. Lunatic Paupers.
The sum of one thousand seven hundred pounds, towards defraying the Expenses of Paupers in the St. John's Hospital. Paupers St. John's Hospital.
The sum of three hundred pounds towards defraying the Expenses of Repairs on the Colonial Building. Repairs Colonial Building.

- Fuel and Light Colonial Building. The sum of two hundred pounds towards defraying the Expenses of Fuel and Light for the Colonial Building.
- Repairs, &c., of Custom House St. John's. The sum of one hundred and fifty pounds for Repairs and Fuel and Light for the Custom House in St. John's.
- New Wing Lunatic Asylum. The sum of one thousand pounds to defray expense of New Wing of Lunatic Asylum, and fencing in the grounds thereof.
- Repairs of Court Houses. To defray the Expenses of Repairing the Court Houses in St. John's and Outports; nine hundred pounds, of which three hundred and sixty pounds are to be applied to the liquidation of existing liabilities on account thereof, three hundred and ninety pounds in repairing Outport Court Houses, and one hundred and fifty pounds in repairing Court House, St. John's.
- Ordinary Expenses Court Houses and Gaols. The sum of nine hundred pounds towards defraying the Ordinary Ex- diture of Court-houses and Gaols in this Colony.
- Postages, &c. The sum of one hundred pounds towards defraying the expenses of Postages and other Incidentals.
- Printing and Stationery. The sum of eight hundred pounds for Printing and Stationery.
- Insurance Public Buildings. The sum of two hundred pounds towards defraying the Expenses of Insuring Public Buildings.
- Crown Lands Act. The sum of three hundred pounds towards defraying the Expenses of carrying the Crown Lands' Act into operation.
- Fuel and Light Government House. The sum of two hundred pounds for Fuel and Light for Government House.
- Unforeseen Contingencies. The sum of five hundred pounds to defray Unforeseen Contingencies.
- Fort Amherst. The sum of thirty-six pounds and ten shillings towards defraying the expenses of men stationed at Fort Amherst.
- Duties on wines for Military. The sum of fifty pounds towards defraying the Payment of Duties on Wines imported or purchased for the use of the Military.
- Gas, St. John's. The sum of two hundred and sixteen pounds towards defraying the expenses of Lighting St. John's with Gas ; and twenty-five pounds for the erection of a Gas Lamp at the Wesleyan Church in St. John's, and for keeping such Lamp lit.
- Gas, Harbor Grace. The sum of seventy-five pounds to the Harbor Grace Gas Light Compa- ny, for Lighting the town of Harbor Grace.
- Water Company St. John's. The sum of one hundred pounds to the St. John's Water Company.
- Dorcas Society St. John's. The sum of fifty pounds towards the support of the Dorcas Society in St. John's.
- Dorcas Society Harbor Grace. The sum of twenty-five pounds towards the support of the Dorcas Society in Harbor Grace.
- Dorcas Society Carbonear. The sum of twenty-five pounds towards the support of the Dorcas Society in Carbonear.
- Mechanics' Institute. The sum of fifty pounds towards defraying the Expenses of the Mecha- nics' Institute in St. John's.
- Factory. The sum of one hundred pounds towards the employment of the Poor in the Factory in St. John's.
- Orphan Asylum. The sum of fifty pounds towards the support of the Industrial Depart- ment of the Orphan Asylum School in St. John's.
- Agricultural Society. The sum of two hundred and fifty pounds towards the support of the Agricultural Society in St. John's, to be expended as follows :—The sum of one hundred and fifty pounds in the purchase of seeds, and of cattle to improve the breed, in and for such Outport Electoral Districts as may

require the same ; and the remaining sum of one hundred pounds to be expended for the like purpose in St. John's.

The sum of ten pounds to Robert Smith, Constable at Greenspond. Robert Smith.

The sum of ten pounds to Patrick Burke of St. John's. Patrick Burke.

The sum of one hundred pounds to the Phoenix Volunteer Fire Engine Company at St. John's : and the sum of fifty pounds to other Fire Engine Companies therein. Phoenix Fire Company.

The sum of six hundred and fifty pounds towards defraying the expenses of constructing Pumps and Water-tanks ; two hundred and fifty pounds thereof to be expended in the town of St. John's, under the direction of the Surveyor General, and the remaining sum of four hundred pounds to be expended in the Outports of the Colony. Pumps and Tanks.

The sum of five hundred pounds towards the general repairs of Roads and Bridges in this Colony. Roads and Bridges.

The sum of five hundred pounds to defray the expenses of the General Election. General Elections.

The sum of twenty-five pounds towards the support of a Reading Room in St. John's. Reading Room St. John's.

The sum of twenty-five pounds to Joseph Woods, for publishing an Almanack for 1859, in St. John's. Almanack.

The sum of fifteen pounds towards defraying the expenses of repairing and cleaning the Town Clock, in St. John's. Town Clock.

The sum of two hundred and twenty-one pounds to defray expenses incident on procuring Hose and Apparatus for Fire Engine Company in St. John's. Fire Company.

The sum of one hundred and fifty-one pounds, thirteen shillings and fourpence, to defray the expenses of Heating Apparatus in the Colonial Building. Heating Apparatus.

The sum of six hundred pounds towards the protection of the Fisheries at Cape John and Belle Isle on the Coast of this Island. Fisheries.

The sum of nine thousand pounds for the support and encouragement of Direct Steam Communication by steamships between Galway, St. John's, Newfoundland, and the United States of America. Direct Steam.

The sum of six hundred and fifty pounds towards the support of a suitable and efficient Steamer to ply for one year between the North and South sides of Conception Bay, three days in each week from April to January, and once in each week during the Winter Months when the Navigation will permit ; for which weekly trips the owner shall be entitled to receive ten pounds each, extra, on the Certificate of the Post Master General or the Stipendiary Magistrate of Harbor Grace, to the faithful performance of the service : Provided the amount to be paid for such winter trips shall not exceed one hundred pounds. Provided always that the said Steam Boat employed in the said service shall be inspected every quarter, or oftener if deemed necessary, by competent persons to be appointed by the Governor in Council ; that a written report of such inspection and survey shall thereupon be forthwith made to the Governor as to her condition and efficiency in every respect, and the competency of the Engineer to perform the said service at all times. Provided further, that the said Steam Boat shall, during such service, be provided with two good boats, one of which shall be a life-boat—and that the said Steam Boat shall, during the performance of such service, sail punctually at her appointed times of sailing. Steam, Conception Bay.

- Steam, Outports.** The sum of two thousand five hundred pounds towards defraying the expenses of establishing Steam Communication, by Steam Boat, between St. John's and the Outports of this Island.
- Removing House Saint John's.** The sum of thirty pounds to defray the expense of removing the house and erections in front and to the West of the Protestant Cathedral in St. John's.
- Convent School's Harbor Grace.** The sum of thirty pounds to the Right Rev. Dr. Dalton to defray the expenses of the Convent Schools at Harbor Grace.
- Road Bonavista.** The sum of thirty-six pounds two shillings and nine-pence to John H. Warren, in full satisfaction of his claim on account of the road at Bonavista.
- Captain Singe.** The sum of eight pounds eighteen shillings and one penny to Captain Singe, being duties returned to him on certain articles imported by him.
- Shipwrecked Crews.** The sum of two hundred pounds to defray expenses of Shipwrecked Crews.
- Widow Wm. Buckley** The sum of twenty-five pounds to the widow of the late William Buckley (killed in discharge of his duty as volunteer fireman,) and their children, during her widowhood; and in the event of her death or marriage, then to the use of said children until they respectively attain the age of sixteen years.
- Postal Service.** That the sum of two thousand six hundred pounds be appropriated and expended to defray the expenses of the Postal Service of this Colony, to be expended under and by virtue of the provisions of the Act passed in the 19th year of Her Majesty's Reign, entitled "An Act to Regulate the Inland Posts of this Colony": Provided always, that out of the said sum there shall be expended the sum of twenty pounds towards defraying the expenses of conveying Newspapers and Printed Papers to and from this Colony, subject to certain Rules and Regulations made or to be adopted in relation thereto by the Governor in Council.
- Protestant Commercial Schools.** The sum of sixty pounds for the Protestant Commercial School or Schools, to be distributed rateably among the several Protestant Commercial Schools now established.
- Repairs Protestant Board Schools St. John's.** The sum of ninety-five pounds fourteen shillings and six-pence for the erection and repairs of the present Protestant Board Schools in the district of St. John's.
- School's Newfoundland School Society.** The sum of fifty pounds to repairs of Schools of the Newfoundland School Society, and the sum of four hundred and nineteen pounds fifteen shillings and eight-pence, to repairs of Church of England Schools in the several Educational Districts, according to population, other than St. John's.
- Repairs Wesleyan Schools.** The sum of two hundred and thirty-one pounds nineteen shillings for the repairs of Wesleyan Schools in the several Educational Districts, other than St. John's.
- Presbyterian School Saint John's.** The sum of fifty pounds for the repairs of the Presbyterian School in St. John's.
- Repairs Roman Catholic School's Diocese of St. John's.** The sum of five hundred and forty-six pounds nineteen shillings and four-pence to the Right Rev. Dr. Mullock for establishing and repairing schools.
- Repairs Roman Catholic Schools Diocese of Harbor Grace.** The sum of one hundred and fifty-five pounds eleven shillings and six-pence to the Right Rev. Dr. Dalton for establishing and repairing schools.
- Commercial School Bay-de-Verds.** The sum of fifty pounds for a Commercial School at Bay-de-Verds.
- Fire Engine Harbor Grace.** The sum of one hundred pounds for a Fire Engine at Harbor Grace.

The sum of one hundred pounds towards reporting and publishing the proceedings of the Law Courts of this Colony, under the expenditure and superintendence of the Benchers of the Law Society of Newfoundland.	Law Reports.
The sum of thirty-five pounds to Thomas Goss, as compensation in full for land taken at Carbonear.	Compensation for land Carbonear.
The sum of one hundred pounds for repairs of the School house of the Colonial Church Society at Harbor Grace.	School House Colonial Church Society Harbor Grace.
The sum of one hundred pounds for repairs on Roman Catholic Schools at the River Head of Harbor Grace.	Roman Catholic School House Harbor Grace.
The sum of two hundred pounds for a wharf at Carbonear.	Wharf Carbonear.
The sum of thirty pounds for a landing place at Bradley's Cove, at North Shore, Conception Bay.	Landing Place, North Shore.
The sum of thirty pounds for a landing place at Ochre Pit Cove, Conception Bay.	Landing Place, Ochre Pit Cove.
The sum of thirty pounds for a landing place at Island Cove, North Shore, Conception Bay.	Landing Place, Island Cove.
The sum one hundred pounds for a wharf at Fortune, in the District of Burin.	Wharf, Fortune.
The sum of fifty pounds for a wharf at Catalina.	Wharf, Catalina.
The sum of seventy-five pounds for a Bridge at Greenspond.	Bridge, Greenspond.
The sum of sixty pounds for a Breakwater at Placentia.	Breakwater, Placentia.
The sum of twenty-five pounds for a Breakwater at Oliver's Cove.	Breakwater, Oliver's Cove.
The sum of fifty pounds for the erection of Guide Posts on the Barrens on the road leading between Carbonear and Heart's Content, to be expended equally by the several Boards of Road Commissioners at each place.	Guide Posts.
The sum of ninety-two pounds fifteen shillings towards the support of Wesleyan Schools; and the sum of one hundred and eighty-five pounds fifteen shillings towards the support of Protestant Board Schools in those Districts where the Church of England has a majority (other than Bonavista North and West), and the sum of twenty-one pounds ten shillings towards the support of Board Schools in the Districts of Bonavista North and West: Provided that a sum of three hundred pounds shall be deducted from the amount granted under the Education Act for the support of Protestant Schools.	Wesleyan Schools, &c. support of.

II. And whereas it is necessary to indemnify His Excellency the Governor for the sums of money advanced by him from the Colonial Treasury for the public service as hereinafter declared:

Be it therefore enacted by the authority aforesaid, that from and out of such monies as may from time to time remain in the hands of the Receiver General, and unappropriated, there be granted to Her Majesty, her Heirs and Successors, the sum of Nine Thousand and Seventy-four Pounds Ten Shillings and Two-pence, to be appropriated as follows, that is to say:—Towards indemnifying his Excellency the Governor for the said sum advanced by him out of the Colonial Treasury, partly on his own responsibility, and partly with the concurrence of the Council, and expended by him for the public service, as follows, that is to say:—

£9974 10s. 2d.

Civil and Criminal Prosecutions.	For sixty-five pounds twelve shillings and nine-pence paid on account of civil and criminal prosecutions.
Circuit Courts.	For one hundred and fifty-five pounds and eight-pence expended on account of the Circuit Courts.
Coroners.	For twenty-two pounds three shillings and one penny, paid Coroners.
Court Houses and Gaols.	For two hundred and ninety-nine pounds fourteen shillings and five-pence, expended on Court Houses and Gaols.
Fisheries.	For two hundred and ninety-four pounds and five shillings, expended in the protection of the Fisheries.
Lunatic Paupers.	For five hundred and twenty-six pounds, eighteen shillings and five-pence, expended on account of Lunatic Paupers.
Night Watch.	For thirty-two pounds, fifteen shillings and seven-pence, to defray expense of Night Watch.
Printing and Stationery.	For two hundred and eighty-two pounds seven shillings and eleven-pence on account of Printing and Stationery.
Postal Act.	For five hundred and twelve pounds twelve shillings and eleven-pence, to defray expenses of Postal Act.
Pumps and Tanks.	For ninety-eight pounds three shillings and two-pence, to defray expenses of Pumps and Tanks.
Shipwrecked Crews.	For four pounds, fifteen shillings and eight-pence, expended on account of Shipwrecked crews.
Unforeseen Contingencies.	For one hundred and fifty pounds, eleven shillings and four-pence, expended on account of Unforeseen Contingencies.
St. John's Streets.	For three hundred and ninety-three pounds, ten shillings and ten-pence, paid on account of the St. John's Streets.
Legislative Library.	For twenty-six pounds, seventeen shillings and eight-pence, paid on account of the Legislative Library.
Census Act.	For two hundred and five pounds, five shillings and four-pence, expended in carrying out the Census Act.
Wharf, Belle Isle.	For forty-nine pounds eighteen shillings and ten-pence, expended on the Belle Isle Wharf.
Post Office and Lock-Up.	For eighty-seven pounds eighteen shillings and nine-pence, expended on the new Post-office and Lock-up.
Wharf, Carbonear.	For nineteen pounds eight shillings and ten-pence, expended on the wharf at Carbonear.
Fishery Delegation.	For nineteen pounds seven shillings and seven-pence, expended on the Fishery Delegation.
Direct Steam.	For nine pounds and two shillings, paid on direct steam account.
Shipwrecked Seamen.	For seventeen pounds eight shillings and one penny, expended for supplies to shipwrecked seamen.
Lamaline Breakwater.	For ten shillings expended on account of Lamaline Breakwater.
Road Act, 21 Vic.	For two thousand two hundred and seventy-five pounds ten shillings and eight pence, expended under the Road Act of the 21st of Vic.
Repairs Roads and Bridges.	For six hundred and forty eight pounds fourteen shillings and six-pence, expended in repairs on roads and bridges.
Removal of House near Cathedral.	For two hundred pounds to Right Reverend Dr. Feild, towards the removal of a house near Cathedral.
Sealing Crews.	For four hundred and seven pounds five shillings and seven-pence, expended in rescuing and securing sealing crews, last spring.

For three hundred and seventy-one pounds seven shillings and three-pence, expended in the erection of a new Block-house.	Block House.
For one hundred and sixty-nine pounds six shillings and one penny, in repairing Waterford Bridge.	Waterford Bridge.
For four hundred and twenty-five pounds twelve shillings and two-pence, paid in cleansing the town of St. John's.	Cleansing Town of St. John's.
For forty-eight pounds thirteen shillings and one penny, for new road connecting the Military with the Circular Road.	Connecting Military with Circular Road.
For two hundred and four pounds fourteen shillings and one penny, expended on the Public Wharf at Portugal Cove.	Wharf at Portugal Cove.
For fifty-seven pounds two shillings and eleven-pence, expended on Salmon Cove Bridge.	Salmon Cove Bridge.
For nineteen pounds and three-pence, expended on Rocky River Bridge.	Rocky River Bridge.
For one hundred and eighty-nine pounds seventeen shillings and five-pence, expended on Manuel's Bridge.	Manuel's Bridge.
For eight pounds thirteen shillings and four-pence, expended on Placentia slip.	Placentia Slip.
For forty-three pounds six shillings and eight-pence to Gas Company for erection of new Gas lamps.	Gas Company.
For three hundred and eight pounds eighteen shillings and eight-pence, expended for provisions for St. George's Bay, and in paying freight of vessel conveying same.	Provisions for St. George's Bay.
For one hundred and twenty-one pounds eighteen shillings and eight-pence, paid to compensate persons for property destroyed at Lazy Bank Fire.	Property destroyed Lazy Bank Fire.
For three hundred pounds, paid Patrick Kough in full for two years' arrears of salary, to the 30th of September, 1858.	Salary P. Kough.

III. The monies hereinbefore granted shall be paid by the Receiver General, in discharge of such Warrants as may from time to time be drawn by the Governor, for the purposes of this Act; and it shall not be lawful for the Receiver General to pay any monies out of the Colonial Treasury, other than such as are granted by this Act, or some other Act of the Legislature; Provided that any sums of money advanced by the Government of this Colony, on account of any of the foregoing appropriations, shall be deducted therefrom.

Monies to be paid by Warrant drawn by the Governor.

W. J. C. W.
10/17/07