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4 Geo. IV.—Sess. 1823.

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B I L L

For the better Administration of Justice in
Newfoundland, and for consolidating and
amending the Laws relating to the said
Colony.

Ordered, by The House of Commons, to be Printed,
10 July 1823.

10 July 1823.



A

B I L L

For the better Administration of Justice in *Newfoundland*, and for consolidating and amending the Laws relating to the said Colony.

WH^{EREAS} it is expedient to make further provision for the Administration of Justice in the Colony of *Newfoundland*: Preamble:

5 **Be it therefore Enacted** by The KING's most Excellent MAJESTY, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT it shall and may be lawful for His Majesty, by His Charter, or Letters Patent under the Great Seal, to institute a superior Court of Judicature in *Newfoundland*, which shall be called "The Supreme Court of *Newfoundland*;" and the said Court shall be a court of record, and shall have all civil and criminal jurisdiction whatever in *Newfoundland*, and in all lands islands and territories dependant upon the government thereof, as fully and amply, to all intents and purposes, as His Majesty's courts of King's Bench, Common Pleas, Exchequer, and high court of Chancery, in that part of Great Britain called *England* have, or any of them hath; and the said Supreme Court shall also be a court of Oyer and Terminer, and general Gaol Delivery in and for *Newfoundland*, and all places within the government thereof; and shall also have jurisdiction in all crimes and misdemeanors committed, and all suits and complaints of a civil nature arising on the bank of *Newfoundland*, or any of the seas or islands to which ships or vessels repair from *Newfoundland*, for carrying on the Fishery.

His Majesty may institute a supreme Court of Judicature in Newfoundland.

25 And be it further Enacted, That the said Supreme Court shall be holden by a Chief Justice, who shall be a Barrister of *England*, and shall be appointed as such Chief Justice by His Majesty, His

Such Supreme Court to be holden by a Chief Justice.

Heirs and Successors ; and such salary shall be paid to the said Chief Justice as His Majesty, His Heirs and Successors shall approve and direct ; and such salary shall be in lieu of all fees or emoluments whatsoever : Provided always, That it shall be lawful for His Majesty, His Heirs and Successors, from time to time as occasion may require, to remove and displace any such Chief Justice as aforesaid, and in his stead to appoint any other fit and proper person, being a barrister as aforesaid ; and provided also, that in case any such Chief Justice shall be absent from *Newfoundland*, or die, it shall be lawful for the Governor of *Newfoundland* for the time being, to appoint one of the Judges of the District Courts hereafter mentioned, to act as Chief Justice of the Supreme Court, until the Chief Justice shall return to *Newfoundland*, or a successor shall be appointed by His Majesty, and shall enter upon the duties of his office ; and the said Chief Justice, or person acting as Chief Justice for the time being, shall have and exercise such and the like powers and authorities in *Newfoundland*, and all other places dependant upon the government thereof, as any Judge of any of His Majesty's courts in that part of Great Britain called *England* lawfully hath, or as shall be necessary for executing and performing the several powers and authorities committed to the said Supreme Court.

His Majesty may institute District Courts.

And be it further Enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, by His said charter or letters patent, or by any order to be made hereafter by and with the advice of His most honourable Privy Council, to institute two inferior courts of judicature in *Newfoundland*, to be called " District Courts ;" one of which said courts shall be for, and shall have jurisdiction within all districts and places in *Newfoundland*, situated and lying between and the other of the said courts shall be for and shall have jurisdiction within all districts and places in *Newfoundland*, situated and lying between and the said District Courts respectively shall be courts of record, and shall and may have and exercise all such and the like jurisdiction, power and authority, in all crimes committed within their several and respective jurisdictions, or on the banks of *Newfoundland*, or any of the seas or islands to which ships or vessels repair from *Newfoundland*, for carrying on the Fishery ; and also in all suits and complaints of a civil nature whatever, as fully and amply as shall or may lawfully be exercised by the Supreme Court aforesaid ; saving and excepting always the granting of probates of wills, or letters of administration, or the hearing or determining of any information or action for the breach or violation of any Act of Parliament relating to the trade and revenue of the *British* colonies in *America*.

Such District Courts respectively to be holden by one Judge.

And be it further Enacted, That the said District Courts respectively shall be holden by one Judge for each court, who shall respectively be appointed by His Majesty, His Heirs and Successors ; and such salaries shall be paid to such Judges respectively, as

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as His Majesty, His Heirs and Successors, shall approve and direct, and such salaries shall be in lieu of all fees and emoluments whatsoever: Provided always, That it shall be lawful for His Majesty, His Heirs and Successors, from time to time as occasion
 5 may require, to remove such Judges respectively, and in the place and stead of the Judge so removed to appoint another fit and proper person: And provided also, That it shall be lawful for the Governor of *Newfoundland* for the time being, in case of any such Judge being absent from *Newfoundland*, or being required to act
 10 as Chief Justice as aforesaid, or dying, to appoint some fit and proper person to act in the place of such Judge until such Judge shall return, or a successor shall be appointed by His Majesty, and shall enter upon the duties of his office; and the said Judges respectively, or the person or persons acting as Judges of the said
 15 District Courts respectively, shall have and exercise within their several and respective jurisdictions aforesaid, and in all matters and things cognizable in the said District Courts, such and so many of the powers and authorities which in and by this Act, and His Majesty's said charter or letters patent, shall be committed to the
 20 Supreme Court aforesaid, as shall or may be requisite and necessary for carrying into effect the several jurisdictions lawfully vested in and belonging to the said District Courts.

And be it further Enacted, That the said Supreme and District Courts respectively shall have such clerks and other ministerial officers as shall be necessary, for the conduct and dispatch of business
 25 in the said courts, and such clerks and ministerial officers shall be appointed to and removed from their respective offices, in such manner as His Majesty, His Heirs and Successors shall direct; and such salaries shall be paid to the said clerks and other ministerial
 30 officers respectively as the Governor of *Newfoundland* for the time being shall appoint, and as shall be approved by His Majesty; and such salaries respectively shall be in lieu of all fees and emoluments whatsoever as such clerks or ministerial officers of the said courts respectively.

The Supreme and District Courts to have clerks and other officers.

And be it further Enacted, That in all actions at law or suits in equity, which shall be brought in the said courts respectively, the proceedings shall be summary, but as nearly according to the course of proceeding in like cases in His Majesty's courts at Westminster, as the circumstances and condition of the said colony will
 35 permit; and that as often as any such action or suit shall be brought in the said courts respectively, and the debt or sums demanded shall not be sworn to as hereafter mentioned, the defendant or defendants in such action or suit shall be made to appear in the said
 40 courts respectively by summons, to be issued by the Chief Justice or Judges of the said courts respectively, and served by the proper officer on the said defendant or defendants personally, or left at his her or their usual place of abode; and in all cases where such summons shall be disobeyed, or where the debt damages or thing demanded shall exceed
 45 550. of sterling

Proceedings of such Courts in civil causes to be summary.

sterling money, and shall be sworn to in an affidavit made by the plaintiff or plaintiffs, or his her or their lawful attorney, then that the said defendant or defendants shall be made to appear, by attachment of his her or their goods debts or effects, or by arrest of the person of the said defendant or defendants; and in case of his her or their goods debts or effects being attached as aforesaid, 5 such goods debts or effects, or so much thereof, as shall be sufficient to satisfy the said debt or damages demanded and sworn to in such affidavit as aforesaid, shall be held as security for such debt or damages, and shall abide the order judgment or decree of the court issuing such attachment, unless the defendant or 10 defendants, or some person on his her or their behalf shall appear and give good and sufficient bail, to be approved by such court, to satisfy such judgment decree or order; and it shall also be lawful for the said courts respectively when any such action or suit as aforesaid shall be depending therein, to cause to appear 15 from day to day all parties interested therein, and to examine upon oath such of them as it shall be deemed proper for better discovering the truth; and thereupon and after due consideration of all circumstances of the case, to make such order judgment or decree therein, and award such damages and costs as shall be just 20 and equitable; and such order judgment or decree shall be enforced by attachment and sale of the goods debts and effects, or by arrest of the person or persons against whom such order judgment or decree shall be made.

Trial of actions in such Courts.

And be it further Enacted, That when the cause of any such 25 action as aforesaid shall exceed the sum of of sterling money, and it shall be prayed by the plaintiff or plaintiffs, defendant or defendants in such action, that a jury shall be summoned to try such action, it shall be lawful for the said Chief Justice and Judges respectively, and they are hereby respectively required 30 to cause twenty-four good and lawful men to be summoned, of whom twelve shall be a jury, for the trial of such action, and to proceed therein according to law: Provided always, That if a number of jurors sufficient for the trial of such action, having been duly summoned, shall not appear to be sworn, it shall and may be lawful 35 for the said Chief Justice or Judges respectively, upon motion of the said plaintiff or plaintiffs, defendant or defendants, made in open court, to require the Sheriff of *Newfoundland*, or his lawful deputy, forthwith to nominate two fit and proper persons to be assessors to the said Chief Justice or Judges respectively, which said 40 assessors, being first duly sworn, shall, together with the Chief Justice or Judges respectively, proceed to the trial of such action in like manner as if a jury had not been prayed: Provided also, That all such persons as shall be nominated as assessors as aforesaid, may be challenged for such and the like causes as jurors may be 45 challenged in any court of record in *England*, and every such challenge shall be decided by the said Chief Justice or Judges respectively, and in every case where such challenge shall be allowed, the said Sheriff, or his deputy, shall, at the requisition of the said Chief

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Chief Justice or Judges respectively, in like manner nominate some other fit and proper person or persons to act as assessor or assessors in the trial of such action as aforesaid.

5 And be it further Enacted, That on the trial of every issue of fact joined between the parties in any action at law by this Act made cognizable in the said courts respectively, where the cause or matter at issue shall be appealable by this Act, and where such trial shall not be by a jury, the Judges of the said courts respectively shall cause the evidence on such issue to be taken down in writing by the clerk or other proper officer, and repeated in open court to the witnesses respectively giving the same, and the evidence so taken and repeated, shall be entered upon the proceedings of the said courts respectively, and be of record; and in every case in which any appeal shall be made and allowed under the provisions of this Act, copies of all documents and papers which shall have been produced and given in evidence, shall be certified by the said clerk or other proper officer as authentic, and also copies of any documents and papers which shall have been produced and tendered in evidence and rejected, shall, if required by the party producing the same, be in like manner authenticated, but marked by such officer as aforesaid, as rejected, in order that all such copies may be annexed to the record as part thereof, in case of appeal.

Where the cause shall be appealable, and the trial shall not be by a jury, the evidence to be taken down in writing.

25 And be it further Enacted, That it shall be lawful for the plaintiff or plaintiffs, defendant or defendants, against whom any judgment decree or order of the said District Courts respectively shall be given, for or in respect of any sum or matter at issue, above sterling, to appeal therefrom to the said Supreme Court, and the party or parties appealing from such judgment decree or order, shall within days from the passing thereof, give notice to the adverse party or parties of such appeal, and within days from and after such judgment decree or order, enter into sufficient security, to be approved by the Judges of the said District Courts respectively, to satisfy or perform the said judgment decree or order, in case the same shall be affirmed, or the appeal dismissed, together with such further costs as shall be awarded thereon; and in all cases of appeal, where notice shall be given and security perfected as aforesaid, execution shall be stayed, and not otherwise.

Parties allowed to appeal from the District Courts to the Supreme Court, where the cause of action shall exceed

40 And be it further Enacted, That it shall be lawful for the Judges of the said District Courts respectively, at the application of either of the parties, plaintiff or defendant, at or before the trial of any suit or action commenced in the said District Courts respectively, in case such trial shall not be by a jury, to permit the evidence on such trial, to be recorded and certified as aforesaid, although the sum or matter at issue may be less in value than provided it shall be made to appear to such Judge, that the judgment, decree, order or sentence which

Evidence to be taken down, although the cause of action shall be less than

in certain cases.

may be given made or pronounced in such suit or action, may be of peculiar importance, or may affect, directly or indirectly, the decision of any other question or questions of peculiar importance, or involve directly or indirectly, any claim demand or question, to or respecting property, or any civil right amounting to or of the value of 5 sterling; and if after giving or pronouncing such judgment decree or order, the said Judge shall be of opinion that such judgment decree or order is of peculiar importance, or involves directly or indirectly, any claim demand or question as aforesaid, it shall be lawful for the said Judge to 10 permit either of the said parties, plaintiff or defendant, to appeal to the Supreme Court in like manner, and under and subject to the like rules and regulations as in and by this Act directed; Provided always, That upon any appeal whatever to be brought to the said Supreme Court, from any judgment of either of the said 15 District Courts, founded upon the verdict of a Jury, the said Supreme Court shall not reverse alter or inquire into the said judgment, except only for error of law, apparent upon the proceedings.

Appeals from the Supreme Court to His Majesty in Council to be regulated by Charter.

And be it further Enacted, That it shall and may be lawful 20 for His Majesty, by the said charter or letters patent, to allow any person or persons, feeling aggrieved by any judgment, decree, order or sentence of the said Supreme Court, to appeal therefrom, to His Majesty in Council, in such manner, within such time, and under and subject to such rules regulations and limitations, as 25 His Majesty, by such charter or letters patent respectively, shall appoint and direct.

Judges of the said Courts may authorize proper persons to do certain ministerial acts.

And be it further Enacted, That it shall and may be lawful for the said Chief Justice and Judges respectively, by commission or warrant in writing under the hand and seal of such Judges re- 30 spectively, to authorize and empower fit and proper persons to issue process, take bail, administer oaths, and take depositions, and to do and perform all such other necessary acts appertaining to the said courts respectively, as the said Chief Justice and Judges re- 35 spectively from the local circumstances of the said colony shall or may not be able to perform in person, saving and excepting the enquiring of, hearing or determining of any crime or misdemeanor, or the holding plea of any action suit or matter whatsoever.

Judges may permit suits pending before them to be removed to another Court, in which such suits may be more conveniently tried.

And be it further Enacted, That as often as any action or suit shall be brought in the said courts respectively, and it shall be 40 made to appear to the Chief Justice, or respective Judge before whom such action or writ may be pending, that such action or suit may be more conveniently heard and determined in some other of the said courts, it shall be lawful for such Chief Justice or Judge to permit and allow such action or suit to be removed to such 45 other court; and such allowance shall be certified by such Chief Justice or Judge, together with the writ or process and proceedings in such action or suit, to the court into which such action or suit shall

shall be intended to be removed ; and thereupon it shall be lawful for such last-mentioned court, and such court is hereby required to proceed in such action or suit in like manner as if the same had been originally commenced and prosecuted in such last-mentioned court.

And be it further Enacted, That the Chief Justice of the Supreme Court aforesaid, or some fit and proper person appointed for such purpose under his hand and seal, shall have power to grant administration of the effects of intestates, and the probate of wills ; and that the effects of deceased persons shall not be administered within the Island of *Newfoundland*, or any island place or territory dependent upon the government thereof, unless administration or probate shall have been duly granted by the said Chief Justice, or some person appointed by him as aforesaid ; and in all cases where the executor or executors of any will in *Newfoundland*, or the dependencies thereof, upon being duly cited, shall refuse or neglect to take out probate as aforesaid ; or where the next of kin shall be absent from *Newfoundland*, and the effects of the deceased shall appear to the said Chief Justice to be exposed and liable to waste, it shall be lawful for the said Chief Justice to authorize and empower the Registrar or Clerk of the said court, or some other fit and proper person to collect the said effects, and hold or deposit or invest the same in such manner and place, or upon such security, and subject to such orders and directions as shall be made by the said Chief Justice in respect of the custody, control or disposal of such effects.

Chief Justice to grant Probate of Wills, &c.

In certain cases, Chief Justice may authorize the Registrar, or some other person, to collect the effects of deceased persons.

And be it further Enacted, That the Chief Justice of the Supreme Court aforesaid, shall have power and authority to appoint guardians and keepers for infants and their estates, according to the order and course observed in such cases in that part of Great Britain called *England* ; and also to appoint guardians and keepers of the persons and estates of natural fools, and of such as are or shall be deprived of their reason or understanding, so as to be unable to govern themselves, which the said Chief Justice shall have power and authority to inquire of and determine, by inspection of the person, or by such other ways and means as to such Chief Justice shall seem best for ascertaining the truth.

Chief Justice to appoint guardians of infants, and keepers of fools, &c.

And be it further Enacted, That as often as any information or action shall be brought before the said Supreme Court, for the breach or violation of any law relating to the trade or revenue of the *British Colonies* or Plantations in *America*, such information or action shall be heard and determined by the Chief Justice, as nearly as circumstances will permit, according to the course of proceeding adopted in such cases in the Courts of Vice Admiralty in the said colonies or plantations ; and that it shall and may be lawful for the party or parties feeling aggrieved, by the judgment or decree of the said Supreme Court, in any such case, to appeal from such judgment or decree, to the high court of Admiralty, or to His Majesty in Council, under such and the like rules and regulations,

Chief Justice to hear and determine revenue causes according to the practice of the Vice Admiralty; and Appeals in such cases to be to the High Court of Admiralty.

regulations, as are observed in appeals from the said courts of Vice-Admiralty; and in every case so brought before the said Supreme Court, such and the like fees shall be charged and allowed, as shall be established for conducting the ordinary business of the said Supreme Court, and no other.

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Relating to insolvencies in Newfoundland, and the manner of proceeding therein.

AND whereas it is expedient to make provision for declaring insolvencies in *Newfoundland*; BE it further Enacted, That as often as any writ of Attachment, or other process for the recovery of any debt or sum due, shall be issued by the said courts respectively, against any person or persons residing or having a house in trade, or carrying on business in *Newfoundland*, or any place within the government thereof, and it shall be made to appear to the said court, out of which such writ or process shall have issued at the return thereof, that the person or persons against whom such writ or process hath issued, is or are unable to pay

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in the pound to all his her or their creditors, it shall be lawful for such court to cause the person or persons against whom such process shall have issued, together with all his her or their creditors to be summoned by public notice, to attend the said court on a certain day, and in the mean time, if it shall appear necessary to the said court, to appoint one or more of the said creditors as provisional trustees, to discover collect and receive the estates and effects of such person or persons so appearing to be insolvent, subject to the orders and directions of the said court, and if after due examination of the person or persons against whom process shall have issued as aforesaid, or his her or their lawful agent or agents, or if such person or persons shall abscond or fail to attend the said court pursuant to summons as aforesaid, it shall be made appear to the satisfaction of the said court, that such person or person is or are insolvent, it shall be lawful for the said court to declare such person or persons insolvent accordingly, and immediately take order for discovering collecting and selling the estates debts and effects of such insolvent or insolvents, and distributing the produce thereof amongst all his her or their creditors, and for that purpose shall authorize any two or more creditors of the said insolvent or insolvents, who shall be chosen by the major part in value of such creditors, or their agents duly authorized in such behalf, whose debts amount respectively to the sum of

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Insolvent's estates, if necessary, to be vested in the public funds.

and upwards, to act as trustees, and perform the same; and that such court shall, from time to time, make such order, as it shall deem proper, for better discovering, collecting, realizing and distributing the estates debts and effects of the person or persons so declared insolvent, and as often as occasion shall require, of vesting the same, or any part thereof, in the public funds or securities in *England*, in the name of the Chief Justice of the said court, until distribution can be made as hereafter mentioned.

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Relating to the distribution of insolvent's estates.

And be it further Enacted, That in the distribution to be made of the produce of the estates and effects of every person or persons hereafter declared insolvent, in *Newfoundland* or its dependencies as aforesaid, every creditor for supplies necessary and furnished

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bond

bonâ fide for the Fishery during the current season, (that is to say, at any time after the close of the last preceding season of the Fishery,) shall first be paid in the pound, so far as the estates and effects of such insolvent person or persons, which may be realized in *Newfoundland* or its dependencies will go, and that all other creditors shall be paid equally and rateably : Provided always, That nothing in this Act contained shall affect the prior claims of seamen and fishermen upon all fish and oil caught by the hirers or employers of such seamen or fishermen, or the produce or value thereof; and also provided, that menial or domestic servants shall in all cases be paid the balance of their last preceding year's wages, out of the household furniture, goods and effects of every person so declared insolvent.

And be it further Enacted, That if such insolvent person or persons shall make a full and true disclosure and surrender of all his her or their estates, goods, debts and effects, and shall conform to the orders and directions of the said Judges of the said courts respectively, the same shall and may, with the consent in writing under the hands of one half in number and value of the creditors of such insolvent or insolvents, be certified by the respective Judges under the seal of the said courts respectively; and such certificate may be pleaded, and shall be a bar to every suit or action for any debt or contract for payment of money, due or entered into by such person or persons, prior to the time of his her or their being declared insolvent as aforesaid; and if any person or persons so declared insolvent as aforesaid shall fail to make a true disclosure and discovery of all his her or their estate or estates, and effects, or shall otherwise refuse to conform to the orders or directions of the said Judges respectively, it shall be lawful for the said Judges respectively to cause such person or persons to be arrested and imprisoned until he she or they shall make such disclosure and discovery, and in all respects conform to the orders of the said Judges respectively.

Regulations as to granting Certificates to Insolvents.

AND whereas it is expedient that the estates and effects of deceased persons which may not be sufficient to pay all their just debts, should be distributed according to the manner herein directed concerning the estates and effects of persons declared insolvent; BE it further Enacted, That as often as any person shall die in *Newfoundland*, or in any place or territory within the government thereof, and the estates and effects of such person shall not be sufficient to pay and satisfy all his or her just debts, it shall be lawful for the said courts respectively at the petition of the executor or executors, administrator or administrators of such deceased person, or any one or more of his or her creditors, to cause a true statement of the effects and debts of such deceased person to be made in writing by the said executor or executors, administrator or administrators, and laid before the said courts respectively; and if it shall appear to the court before which such statement shall be laid, that the estate and effects of such deceased person are not sufficient to pay and satisfy all his or her just debts,

Effects of persons dying insolvent, to be distributed according to the manner of distributing the estates of persons declared insolvent.

it shall be lawful for such court to authorize and empower the executor or executors, administrator or administrators, of such deceased person, to collect sell and dispose of all the estates and effects of such deceased person, and to distribute the produce thereof rateably amongst his or her creditors, according to the manner of distribution by this Act directed, in respect of the estates of persons declared insolvent, and always subject to the orders and directions of such court: Provided always, That nothing herein contained shall be construed to affect the right of any creditor having a judgment or special security for his or her debts.

Chief Justice to settle forms of Process, and appoint fees for Supreme and other Courts.

And be it further Enacted, That it shall be lawful for the said Chief Justice to settle such forms of process and such rules of practice and proceeding, for the conduct of all pleas suits and complaints, and for the dispatch of the business of the said Supreme and District Courts, and of the business in the Courts of Sessions, or before any one or more Justices of the peace respectively, and to appoint such reasonable fees to be taken for the conduct and dispatch of pleas, suits, complaints and other business as aforesaid, and for granting administration of the effects of intestates, and for the probate of wills, as shall seem necessary and proper for expediting such pleas, suits, complaints and other business, with the most convenience and least expense to the parties concerned therein; and such process and rules of practice and proceeding shall be followed and obeyed, and such fees shall be paid accordingly, and no other; and all fees received in the said Supreme and District Courts, and Courts of Sessions, shall be paid and accounted for by the Judges or Justices of such courts respectively, annually, to the Governor of *Newfoundland*, for the time being, and shall go and be applied to the public uses of the said colony; and it shall be lawful for the said Chief Justice, and he is hereby required to settle and limit what fees and poundage shall be taken by the Sheriff of *Newfoundland*, and such fees and poundage shall be taken and no other; provided that no such fees for the dispatch of pleas suits and complaints or other business as aforesaid, or for granting administration or probate of wills, and no fees or poundage to the Sheriff, shall be taken until the rate and table of every fee or poundage so to be taken, shall be approved by the Governor of the said Island of *Newfoundland*, and such approbation signified under his hand and seal.

Regulations as to opening the Courts instituted under this Act, and removal of Records, &c.

And be it further Enacted, That the Governor, or acting Governor of *Newfoundland*, upon the arrival in the said colony, of His Majesty's charter or letters patent, for the establishment of the said courts, by virtue of this Act, shall by proclamation, notify to the Inhabitants of the said colony, the time when the said courts respectively shall be intended to be opened; and as soon as the Judges thereof respectively shall have assumed and entered upon the exercise of their respective jurisdiction therein, then and from thenceforth, so much of the Act passed in the forty-ninth year of the reign of his said late Majesty *George* the Third, intituled, "An Act for establishing of Courts of Judicature in the Island

5 “ of *Newfoundland*, and in the Islands adjacent ; and for re-annex-
 “ ing part of the coast of *Labrador*, and the Islands lying on the
 “ said Coast, to the Government of *Newfoundland*,” as relates to
 the courts thereby instituted, and respectively called the Supreme
 Court of Judicature of the Island of *Newfoundland*, and Surrogate
 Courts, shall cease to be in force and determine ; and every suit,
 action, complaint, matter or thing, which shall then be depending
 10 in such last-mentioned courts respectively, shall and may be pro-
 ceeded upon in the Supreme Court instituted under and by virtue
 of this Act, or either of the said District Courts which shall have
 jurisdiction within the district or place in *Newfoundland* where
 such action or suit respectively was tried and determined ; and all
 proceedings which shall thereafter be had in such action or suit
 15 respectively, shall be conducted in like manner, as if such action
 or suit had been originally commenced in one or other of the said
 courts instituted under this Act ; and all the records muniments
 and proceedings whatsoever, of and belonging to the said courts
 instituted under the said recited Act respectively, shall from and
 20 immediately after the opening of the said courts respectively
 instituted under this Act, be delivered over, and deposited for safe
 custody, in such of the said courts respectively instituted under
 this Act, as shall be found most convenient ; and all parties
 concerned shall and may have recourse as to the said records and
 proceedings, as to any other records or proceedings of the said
 25 courts respectively.

AND whereas it is expedient to make further provision for the
 administration of justice on the coast of *Labrador*, BE it further
 Enacted, That so much of an Act passed in the fifty-first year
 of the reign of his said Majesty *George* the Third, intituled,
 30 “ An Act for taking away the public use of certain ships rooms,
 “ in the town of *Saint John*, in the Island of *Newfoundland*, and
 “ for establishing Surrogate Courts on the coast of *Labrador*,
 “ and in certain Islands adjacent thereto,” as relates to the
 institution of Surrogate Courts, shall be, and the same is hereby
 35 repealed ; and that it shall and may be lawful for the Governor or
 acting Governor of *Newfoundland*, from time to time to institute
 a court of civil jurisdiction, at any such parts or places on the
 coast of *Labrador*, or the islands adjacent thereto, which in and by
 the said Act passed in the forty-ninth year of the reign of his
 40 Majesty *George* the Third, are re-annexed to the government of
Newfoundland, as occasion shall require ; and such Surrogate Court
 shall be a court of record, and shall have jurisdiction power and
 authority to hear and determine all suits and complaints of a civil
 nature, arising within any of the said parts or places on the coast
 45 of *Labrador*, or the islands adjacent thereto ; and the said court
 shall be holden by a Surrogate or Judge, who shall be appointed
 from time to time by the Governor or acting Governor of *New-*
foundland, and shall have a clerk, and such other ministerial
 officers as the Governor or acting Governor shall appoint, and such
 50 salaries shall be paid to the said Surrogate, Clerk, and other
 ministerial officers, as the Governor or acting Governor aforesaid,
 shall

Governor of
Newfound-
land to ap-
 point a Sur-
 rogate Court
 at *Labrador*.

51 G. 3. c. 45.
 repealed.

Stat. 49 G. 3.
 c. 29.

shall appoint, and the proceedings of the said Surrogate Court shall be summary, and shall be conducted in such and the like manner as is hereby directed, concerning the conduct and dispatch of business in the Supreme and District Courts aforesaid; and such forms of process, and rules of practice and proceeding as shall be settled, and such reasonable fees as shall be appointed by the Chief Justice as aforesaid, shall be followed and taken by the said Surrogate Court, and no other; and all fees received in such Surrogate Court, shall be paid and accounted for by the said Surrogate, to the Governor or acting Governor aforesaid, for the use of the said government of *Newfoundland*.

Courts of Sessions to be held, and the authority thereof extended.

And be it further Enacted, That courts of General and Quarter Sessions shall be holden in *Newfoundland* and its dependencies, at such times and places as the Governor, or acting Governor of *Newfoundland* shall, by his proclamation, appoint, and the said courts of Sessions respectively shall have power and authority, in a summary way, to take cognizance of all suits for the payment of debts not exceeding (except the matter in dispute shall relate to the title to any lands or tenements, or to the taking or demanding of any fee of office, annual rent, or other such matter, where rights in future may be bound,) and to award costs therein, and also to hear and determine all disputes concerning the wages or offences of seamen or fishermen, the supply of bait, the hiring of boats for the Fishery, and the curing or drying of fish which may arise in *Newfoundland*, or the coast of *Labrador* aforesaid, or the islands adjacent thereto; and the determination or award of the said courts of Sessions or Justices respectively in all such cases, shall be final.

Justices to grant licences, for which the sum of Five pounds to be demanded.

AND whereas the Justices of the peace in *Newfoundland* have been used to grant licences for the retail of ale and spirituous liquors in *Newfoundland*, in the same manner as such licences are by law granted by Justices of the peace in *England*: AND whereas it is proper to regulate the sums to be demanded upon such licences, and to direct the appropriation thereof; BE it further Enacted, That it shall be lawful for the Justices granting licences in *Newfoundland* as aforesaid, to demand and receive for every such licence the sum of _____ and no more, of which said sum shall be to the Justice or Justices granting such licence, and _____ to his or their clerk, and the residue thereof shall be applied to the payment of the salaries of the constables for the district wherein such licence may be granted, subject always to the approbation of the Governor of *Newfoundland* for the time being.

Statutes repealed.

AND whereas it is expedient to repeal and amend divers laws relating to *Newfoundland*, and to make such further provisions as the present state and condition of the colony require, and it will be attended with great convenience to consolidate and bring into one Act, all the provisions which relate to the internal government and concerns of the said colony; BE it further Enacted, That the Act passed in the tenth and eleventh years of the reign of his Majesty,

Majesty King *William* the Third, intituled, "An Act to encourage
 " the Trade to *Newfoundland*;" and so much of another Act passed
 in the fifteenth year of the reign of his late Majesty King *George*
 the Third, intituled, "An Act for the encouragement of the Fisheries
 5 " carried on from *Great Britain, Ireland, and the British* dominions
 " in *Europe*, and for securing the return of the fishermen, sailors
 " and others employed in the said Fisheries, to the ports thereof, at
 " the end of the fishing season," as relates to the masters and crews
 of fishing ships occupying or using any vacant spaces in *Newfound-*
 10 *land*, the privilege of drying fish on the shores, fishing ships or
 boats, not being liable to restraint or regulation with respect to
 days or hours of working, or making entry at the custom-house, the
 carrying or conveying of passengers to the continent of *America*,
 agreements or contracts between hirers or employers and seamen
 15 or fishermen, the penalties on such hirers or employers advancing
 wages, and on such seamen or fishermen absenting themselves from
 their duty, or neglecting or refusing to work, and the manner of
 determining disputes and offences; and also so much of another Act
 passed in the twenty-sixth year of the reign of his said Majesty King
 20 *George* the Third, intituled, "An Act to amend and render more
 " effectual the several laws now in force for encouraging the
 " Fisheries carried on at *Newfoundland*, and parts adjacent, from
 " *Great Britain, Ireland, and the British* dominions in *Europe*, and
 " for granting bounties, for a limited time, on certain terms and
 25 " conditions," as relates to the wages of green men, the using of
 seans or nets, seamen or fishermen absenting themselves, or neg-
 lecting their duty, or deserting or intending to desert, the selling,
 bartering, exchanging or purchasing of any ship, vessel, boat or
 other thing to with or from the subjects of any foreign state, and
 30 the detaining, searching, seizing or forfeiting any such ship, vessel,
 boat or other thing; and also much of another Act passed in the
 twenty-ninth year of the reign of his said Majesty *George* the Third,
 intituled, "An Act for further encouraging and regulating the *New-*
 " *foundland and Greenland*, and Southern Whale Fisheries," as
 35 relates to the privilege of landing and drying fish in *Newfoundland*;
 shall be and the same are hereby Repealed.

15 Geo. 3.
c. 31.Stat. 26 G. 3.
c. 26.Stat. 29 G. 3.
c. 53.—
Repealed.

And be it further Enacted, That it shall and may be lawful for
 all His Majesty's subjects residing in *Great Britain* or *Ireland*, or
 any of the *British* dominions, trading, or that shall trade to *New-*
 40 *foundland*, or to the coast of *Labrador* aforesaid, or to any of the
 seas, rivers, lakes, creeks or harbours in or about *Newfoundland*,
 or any of the islands adjacent thereunto respectively, to have, use
 and enjoy the free trade and traffic, and art of merchandize and
 fishery to and from *Newfoundland*, and to the coast of *Labrador*
 45 aforesaid; and peaceably to have, use, and enjoy the freedom of
 taking bait, and fishing in any of the seas, rivers, lakes, creeks,
 harbours or roads in or about *Newfoundland*; or the said coast of
Labrador, or any of the islands adjacent thereunto respectively;
 and liberty to go on shore on any vacant or unoccupied part of
 50 *Newfoundland*, or the said coasts of *Labrador*, or any of the said
 islands adjacent thereto respectively, for curing, salting, drying and
 husbanding

King's sub-
jects to have
free trade to
Newfound-
land.

husbanding of their fish, and for making oil ; and to cut down wood and trees there, for building and making, or repairing of stages, ship rooms, train fats, hurdles, ships, boats, and other necessaries for themselves and their servants, seamen and fishermen, and all other things which may be useful or advantageous to their fishing trade, as fully and freely as at any time heretofore hath been used or enjoyed there by any of the subjects of His Majesty's royal predecessors, without any hindrance, interruption, denial, or disturbance whatsoever. 5

No alien to bait or fish in Newfoundland.

And be it further Enacted, That no alien or stranger whatsoever, shall at any time hereafter take bait, or use any sort of fishing whatsoever in *Newfoundland*, or the coasts bays or rivers thereof, or on the coast of *Labrador*, or in any of the islands or places aforesaid ; always excepting the rights and privileges granted by treaty to the subjects or citizens of any foreign state or power in amity with His Majesty. 10 15

Proviso as to treaties.

What persons are entitled to the privilege of drying fish on the Banks of Newfoundland.

AND whereas, in order to obviate any doubts that have arisen, or may arise, to whom the privilege or right of drying fish on the shores of *Newfoundland* does or shall belong, which right or privilege has hitherto only been enjoyed by His Majesty's subjects residing in *Newfoundland*, or arriving there from the *British* dominions in *Europe* ; BE it Enacted and Declared, That the said right and privilege shall not be held and enjoyed by any of His Majesty's subjects arriving at *Newfoundland* from any country, except from the *British* dominions in *Europe* ; and that no fish taken or caught by any of His Majesty's subjects arriving at *Newfoundland* from any other country, except from the said *British* dominions in *Europe*, shall be permitted to be landed or dried on the shores of *Newfoundland*, or any island adjacent thereto. 20 25

No fishing ships, or any craft carrying necessaries for the fishery, to be liable to any restraint as to time of working ;

And be it further Enacted, That all vessels which shall be fitted and cleared out as fishing ships only, from some port or place in the *British* dominions in *Europe*, and which shall be actually employed in the fishery in *Newfoundland*, or any of the dependencies thereof, or any boat or craft whatsoever employed in carrying coastwise, to be landed or put on board any ships or vessels, any fish, oil, salt provisions, or other necessaries for the use and purpose of such fishery, shall not be liable to any restraint or regulation with respect to days or hours of working ; nor to make any entry at the Custom-house at *Newfoundland*, except a report to be made by the master in his first arrival there, and at his clearing out from thence ; and that a fee not exceeding shall and may be taken by the officers of the Customs at *Newfoundland* for each such report ; and that no other fee shall be taken or demanded by any officer of the Customs there, upon any other pretence whatsoever relative to the said fishing ships ; any law custom or usage to the contrary notwithstanding. 30 35 40 45

nor to make any entry at the custom-house.

If ships have on board any other goods than fish or

Provided nevertheless, That in case any such fishing ship or vessel shall at her last clearing out from the said Island of *Newfoundland*, have

have on board, or export any goods or merchandize whatsoever other than fish, or oil made of fish, such ship or vessel, and such other goods therein laden, shall be subject and liable to the same securities restrictions and regulations in all respects, as they would
 5 have been subject and liable to if this Act had not been made; any thing hereinbefore contained to the contrary notwithstanding.

oil, &c. they shall be under the usual restrictions.

AND for preserving the said harbours from all annoyances, BE it further Enacted, That no ballast, stones, or anything else hurtful to, or annoying any of the harbours there, shall be thrown
 10 out of any ship, or otherwise, by any person or persons whatsoever, to the prejudice of any of the said harbours; but that all such ballast and other things shall be carried on shore, and be laid where they may do no annoyance.

No ballast, &c. to be thrown out of any ship into the harbours.

And be it further Enacted, That all and every such person or
 15 persons as at any time heretofore have built, cut out or made, or at any time hereafter shall build, cut out or make any fishing rooms, houses, stages, cook rooms, train fats or other conveniencies for fishing in *Newfoundland*, or any of the dependencies thereof, shall and may peaceably and quietly hold and enjoy the same to
 20 his or their own use, without any let, hindrance or disturbance whatsoever, and the same shall be holden and enjoyed according to the ancient custom used in *Newfoundland*.

All persons who have fishing rooms, &c. in Newfoundland, quietly to hold the same according to ancient custom,

And be it further Enacted, That no person or persons whatsoever shall cast anchor, or do any other matter or thing to the annoyance
 25 or hindering of the drawing or hauling of nets or seans in the customary baiting places in *Newfoundland*, or the dependencies thereof, or shoot his or their net or sean within or upon the net or sean of any other person or persons whatsoever; and also, that no person or persons whatsoever shall steal, purloin or take any fish
 30 or bait out of the net or sean of any other person or persons whatsoever, lying adrift or drover for bait by night.

Seans or nets not to be annoyed;

nor nets, baits, &c. stolen.

And be it further Enacted, That it shall not be lawful to or for any person or persons concerned or employed in carrying on the
 35 said Fishery, from and after the which will be in the year of our Lord
 to use or cause to be used on the shores of the said Island of *Newfoundland*, any sean or net of any kind or description whatsoever, for the purpose of catching fish by drawing or hauling such sean or net on shore, or tucking such sean or net into any boat
 40 or boats, the meshes of which said sean or net shall or may not severally form a square of at least inches every way, under the penalty of forfeiting the sum of for every such offence.

Regulations as to the meshes of seans or nets.

And be it Enacted, That no person or persons whatsoever, shall
 45 employ or cause to be employed at *Newfoundland*, or any of the dependencies thereof, for the purpose of carrying on the Fishery there, any seamen or fishermen going as passengers, or any seaman or fisherman hired there, without first entering into an agreement
 550.

Regulations for persons employing seamen or fishermen at Newfoundland.

or contract with every such seaman or fisherman, declaring what wages or shares such seaman or fisherman is to have, and the time for which he shall serve, and in what manner such wages or shares are to be paid or allowed; and every such agreement or contract shall be made in writing, and shall be signed by all the parties thereto. 5

Employers to pay to fishermen, &c. only three-fourths of their wages, and the other fourth in bills, &c.

And be it further Enacted, That no hirer or employer of any such seaman or fisherman, shall pay or advance, or cause to be paid or advanced, to such seaman or fisherman, in money or goods, during the time he shall be in the service of such hirer or employer, more than to the amount of _____ of the wages or shares which by the said contract or agreement shall be agreed to be paid or allowed to such seaman or fisherman, but such hirer or employer shall, and is hereby required and directed, immediately at or upon the expiration of every such seaman or fisherman's covenanted time of service, to pay, either in money or goods (according as may be agreed upon as aforesaid in such contract or agreement in writing) to every such seaman or fisherman, the full balance of _____ part of his stipulated 10

Penalty on employer neglecting to comply.

wages or shares aforesaid, and it shall not be lawful for any such hirer or employer to turn away or discharge any such seaman or fisherman, except for wilful neglect of duty, or other sufficient cause, before the expiration of his stipulated time of service, and in case the hirer or employer of any such seaman or fisherman shall refuse or neglect to comply with any of the terms hereinbefore mentioned, or shall otherwise offend against this Act, every such person so offending, shall forfeit for every such offence, the sum of _____ to the use of such person or persons as shall inform or sue for the same. 15 20 25

If any dispute arise, employers obliged to produce the contract.

And be it further Enacted, That in all cases where disputes shall arise concerning the wages of any such seaman or fisherman, the hirer or employer shall be obliged to produce the contract or agreement, in writing, hereinbefore directed to be entered into with every such seaman or fisherman. 30

All fish and oil liable to the payment of wages and bait.

And be it further Enacted, That all the fish and oil which shall be taken and made by the person or persons who shall hire or employ such seaman or fisherman, shall be subject and liable, in the first place, to the payment of the wages or shares of every such seaman or fisherman; and of the demands of such person or persons as shall *bonâ fide* supply bait to such seamen or fishermen, for the use and benefit of the hirer or employer of such seaman or fisherman. 35 40

Penalty on seamen and fishermen absenting themselves from their employers without leave.

And be it further Enacted, That in case any such seaman or fisherman shall at any time wilfully absent himself from his duty or employ, without the leave and consent of his hirer or employer, or shall wilfully neglect or refuse to work according to the true intent and meaning of his said contract or agreement, such seaman or fisherman shall, for every day he shall so absent himself, or neglect 45

neglect or refuse to work as aforesaid, forfeit any number of days pay or shares, not exceeding _____ to such hirer or employer; and if any such seaman or fisherman shall wilfully absent himself from his said duty or employ for the space of _____ days, without such leave as aforesaid, he shall be deemed a deserter, and shall forfeit to such hirer or employer all such wages as shall at the time of such desertion be due to him: and it shall and may be lawful for any Justice or Justices of the peace in *Newfoundland*, or the dependencies thereof, to issue his or their warrant or warrants to apprehend every such deserter, and on the oath of one or more credible witness or witnesses to commit him to prison, there to remain until the next court of Sessions, which shall be holden in pursuance of any commission or proclamation of the said Governor for the time being as aforesaid, and if found guilty of the said offence at such court of Sessions, it shall and may be lawful to and for the said court of Sessions to order such deserter to be imprisoned, and afterwards to be put on board a passage ship, in order to his being conveyed back to the country whereto he belongs.

AND whereas it is of great importance to the trade manufacture and navigation of His Majesty's dominions in *Europe*, that all trade and mercantile intercourse between His Majesty's subjects residing or carrying on fishery in *Newfoundland*, or any of the dependencies thereof, with the Islands of *Saint Pierre* and *Miquelon*, or with the subjects of any foreign state carrying on the fisheries at *Newfoundland*, or the dependencies thereof, should be prohibited; BE it further Enacted, That it shall not be lawful for any person or persons residing in or carrying on fishery in the said Island of *Newfoundland*, or on the banks, or any other of the dependencies of *Newfoundland*, there to sell barter or exchange any ship vessel or boat, of what kind or description soever, or any tackle apparel or furniture used, or which may be used, by any ship vessel or boat, or any seans, nets, or other implements or utensils, or any kind of bait whatsoever used, or which may be used in the catching or curing of fish, or any kind of fish, oil, blubber, seal skins, peltry, fuel, wood or timber, to or with any inhabitant or inhabitants of the said Island of *Saint Pierre* or *Miquelon*, or either of them, or to or with any subject or subjects of any foreign state or power, which shall carry on the Fisheries at *Newfoundland*, or within any of the dependencies of the government thereof, or shall be there for the purpose of carrying on such Fisheries.

Intercourse with the Islands of *Saint Pierre* or *Miquelon*, or the subjects of foreign states, prohibited.

Fishermen at *Newfoundland* not to sell or barter any vessel, &c. to or with any foreigner.

And be it further Enacted, That if any person or persons residing or carrying on Fishery in *Newfoundland*, or the banks or dependencies of *Newfoundland*, shall there sell barter or exchange, or cause to be sold bartered or exchanged, or shall endeavour to sell barter or exchange, or shall be aiding or assisting in selling bartering or exchanging, or causing to be sold bartered or exchanged, any such ship, vessel, boat or any tackle, apparel or furniture used or which may be used for the purpose of navigating any ship vessel or boat, or any seans, nets, or other implements or

Offenders herein to be committed;

utensils, used or which may be used in catching or curing fish, or any kind of bait whatsoever used or which may be used in catching fish, or any fish, oil, blubber, seal skins, fuel, wood or timber; to any such inhabitant of *Saint Pierre* or *Miquelon*, or to any subject or subjects of any foreign state, it shall and may be lawful to and for any Justice or Justices of the peace in *Newfoundland*, or the dependencies thereof aforesaid, to issue his or their warrant or warrants to apprehend every such offender, and on the oath of one or more credible witness or witnesses, to commit him to prison, there to remain until the next court of Sessions, which shall be holden in pursuance of any commission or proclamation of the said Governor for the time being as aforesaid; and all and every such person or persons, if found guilty of the said offence at such Session, shall forfeit and pay the value of the articles so sold or attempted to be sold as aforesaid, or bartered or taken in exchange, or in the selling bartering or exchanging of which, or causing to be sold bartered or exchanged, such person or persons was or were aiding or assisting, and the same shall be levied on the offender's goods and chattels by warrant, to be granted by the said court of Sessions for that purpose; and in case no goods upon which such distress can be made shall be found, then it shall and may be lawful for the said court to order such person or persons to be punished and dealt with in the same manner as hereinbefore directed with respect to deserters or persons agreeing to desert.

and to forfeit
the articles
sold.

Such fishermen not to purchase any goods of, or to barter with foreigners for the same.

Offenders to be committed, and to forfeit the value of the goods.

AND whereas it is highly injurious to the trade and manufactures of His Majesty's dominions in *Europe*, that persons residing or carrying on Fishery in the Island of *Newfoundland*, or the banks or any of the dependencies of *Newfoundland*, should be supplied with any goods or commodities whatsoever by the said inhabitants of *Saint Pierre* or *Miquelon*, or by the subjects of any foreign state carrying on the Fishery as aforesaid; BE it therefore Enacted, That no person or persons residing or carrying on the Fishery as aforesaid, shall there purchase or take in exchange, or by way of barter, or cause to be purchased or taken in exchange, or by way of barter, or be aiding and assisting in the purchasing, bartering for or taking in exchange any goods or commodities whatsoever, from any such inhabitant or inhabitants of the Islands of *Saint Pierre* or *Miquelon* as aforesaid, or from any subject or subjects of any foreign state carrying on the Fisheries at *Newfoundland*, or any of the dependencies thereof, or being there for such purpose; and that every person or persons residing or carrying on Fishery in *Newfoundland*, or on the banks or dependencies thereof as aforesaid, who shall there purchase, barter for or take in exchange, or shall cause to be purchased, bartered for or taken in exchange, any such goods or commodities in manner aforesaid, shall be apprehended in like manner as before directed and committed to prison, and on due conviction of such offence as aforesaid before the court of Sessions, shall forfeit the value of such goods or commodities so purchased, or taken in barter or exchange, or procured to be purchased, or taken in barter or exchange, or in the purchase barter or taking of which in exchange such person shall have been aiding

aiding or assisting, and the same shall be levied of the offender's goods and chattels, by warrant, to be granted by the said court of Session for that purpose; and in case no goods upon which such distress can be made shall be found, then it shall and may be lawful for the said court to order such person or persons to be punished and dealt with in the same manner as is hereinbefore directed with respect to deserters or persons agreeing to desert: Provided always, That nothing in this Act contained shall affect or be construed to affect any trade or intercourse which may by any law in force at the passing of this Act, be carried on between His Majesty's subjects residing or being at *Newfoundland*, and the subjects of any other state whatever, but that such trade or intercourse shall be and continue upon the same footing as if this Act had not been passed.

AND whereas the laws in force may not be sufficient to prevent the export or sale of ships vessels and boats, and other the goods and commodities hereinbefore enumerated and prohibited to be sold to the subjects of any foreign state, or the purchase and import of the goods and commodities of such foreign states; BE it further Enacted, That it shall and may be lawful for all and every officer or officers having the command of any of His Majesty's ships stationed at *Newfoundland* aforesaid, to stop and detain all and every ship vessel or boat, of what nature or description soever, coming to or going from *Newfoundland*, or any of the dependencies thereof, and belonging to, or in the service or occupation of any of His Majesty's subjects residing in, trafficking with, or carrying on Fishery in the Island of *Newfoundland*, or on the banks of *Newfoundland*, which he or they shall have reason to suspect to be going to or coming from the Islands of *Saint Pierre* or *Miquelon*, for the purposes before mentioned, in any place within the limits of their station, and to detain search and examine such ship vessel or boat; and if upon such search or examination it shall appear to such officer or officers that there is reasonable ground to believe that such ship vessel or boat, or that any tackle apparel or furniture used, or which may be used by any such ship vessel or boat, or any implements or utensils used, or which may be used in the catching or curing of fish, or any fish, oil, blubber, seal skins, fuel, wood, or timber, then on board of such ship vessel or boat, was or were intended to be sold, bartered for or exchanged, contrary to the provisions of this Act, or shall be discovered to have been so sold, bartered for or exchanged; or if any goods or commodities whatsoever shall be found on board such ship vessel or boat, or shall be discovered to have been on board, having been purchased or taken in barter or exchange contrary to the provisions of this Act, then and in every such case to seize and send back such ship vessel or boat to *Newfoundland*, and that such ship vessel or boat, and such goods and commodities so found on board, shall and may be prosecuted for that purpose by the officer or officers so seizing the same, in the Supreme Court established at *Newfoundland* under this Act; and upon due condemnation shall be forfeited; and given, one moiety to the said officer or officers; and

Officers of His Majesty's ships may detain suspected vessels;

and if any contraband goods are found on board, such vessels and goods shall be forfeited.

the other moiety to the Governor of *Newfoundland* for the time being, to be applied to the public uses of the government of *Newfoundland*.

His Majesty, by the advice of council, may give such orders to the Governor of Newfoundland, &c. as shall be deemed proper to fulfil the purposes of any treaty now in force between His Majesty and any foreign state.

And be it further Enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, by advice of council from time to time, to give such orders and instructions to the Governor of *Newfoundland*, or to any officer or officers on that station, as he or they shall deem proper and necessary to fulfil the purposes of any treaty or treaties now in force between His Majesty and any foreign state or power; and in case it shall be necessary to that end to give orders and instructions to the Governor or other officer or officers aforesaid, to remove, or cause to be removed, any stages, flakes, train fats, or other works whatever, for the purpose of carrying on the Fishery erected by His Majesty's subjects on that part of the coast of *Newfoundland* which lies between *Cape Saint John*, passing to the north, and descending to the western coast of the said Island to the place called *Cape Raye*, and also all ships vessels and boats belonging to His Majesty's subjects which shall be found within the limits aforesaid, and also in case of refusal to depart from within the limits aforesaid, to compel any of His Majesty's subjects to depart from thence; any law custom or usage to the contrary notwithstanding.

Persons refusing to conform to the directions of the Governor, to forfeit

And be it further Enacted, That if any person or persons shall refuse, upon requisition made by the Governor, or any officer or officers acting under him in pursuance of His Majesty's orders or instructions as aforesaid, to depart from within the limits aforesaid, or otherwise to conform to such requisitions and directions as such Governor or other officer as aforesaid shall make or give for the purposes aforesaid, every such person or persons so refusing, or otherwise offending against the same, shall forfeit the sum of

How penalties are to be recovered and applied.

to be recovered in the said Supreme Court of *Newfoundland*, or by bill plaint or information in any of His Majesty's courts of Record at Westminster, one moiety of such penalty to belong to His Majesty, His Heirs and Successors, and the other moiety to such person or persons as shall sue and prosecute for the same: Provided always, That every such suit or prosecution, if the same be commenced in *Newfoundland*, shall be commenced within and if commenced in any of His Majesty's courts of Record at Westminster, within from the time of the commission of such offence.

Limitations of suits.

Stat. 51G. 3. c. 45. recited, and power given to the Governor of Newfoundland to dispose of all fishing ships rooms.

AND whereas by the said Act passed in the fifty-first year of the reign of his said Majesty King *George* the Third, the Governor of the Island of *Newfoundland* is empowered to dispose of certain places in the harbour of *Saint John*, in the said island, called "Fishing Ships Rooms," as therein particularly described: AND whereas it is expedient that all other fishings ships rooms in *Newfoundland* should be disposed of in like manner; BE it further Enacted, That the Governor of *Newfoundland* for the time being, shall have power, and he is hereby authorized to sell, lease or dispose

dispose of all such places within the said Island of *Newfoundland*, commonly called "Ships Rooms," as may not be already disposed of, under and by virtue of the said last-mentioned Act, to be held in the same manner as other property in *Newfoundland*; provided, however, that nothing herein contained shall extend or be construed to the prejudice of any private right of any person whatever.

AND whereas it will tend greatly to the prevention of frauds, and to the security of titles to lands and tenements in *Newfoundland*, if provision shall be made for the registering of deeds and conveyances of such lands and tenements; BE it further Enacted, That as often as any person or persons shall be desirous of having any deed conveyance or assurance of any lands or tenements situated in *Newfoundland*, or any of the dependencies thereof as aforesaid, registered, and shall bring or produce such deed conveyance or assurance to the clerk of the Supreme Court instituted under and by virtue of this Act, in case such lands or tenements shall be situated within the district of *Saint John* aforesaid, or in case such lands or tenements shall be situated in some other district, to the clerk of the District Court, having jurisdiction as aforesaid within the district in which such lands or tenements shall be situated, upon the production of such deed or conveyance as aforesaid; such clerk shall and is hereby required to enter in a book of registry, which shall be by him regularly kept for such purpose, a Memorial of such deed conveyance or assurance which shall be so brought and produced to him for registration; and every such Memorial shall contain the day of the month, and the year, when such deed conveyance or assurance shall bear date, the names and additions of all and every the parties, as well as the names and places of abode of the several subscribing witnesses thereto; the lands or tenements conveyed or intended to be conveyed, charged or affected by such deed conveyance or assurance, and the names of the district or place wherein such lands or tenements are or lie; and the clerk of the court aforesaid, to whom such deed conveyance or assurance shall be brought or produced as aforesaid, shall and is hereby required, after entering such memorial in manner as aforesaid, to indorse and subscribe a certificate on every such deed conveyance or assurance, in which certificate shall be expressed the day or time when such deed conveyance or assurance shall be registered, and in what book, page or number, the memorial thereof shall be entered; and every such certificate so endorsed and subscribed, shall be taken and allowed as evidence of the registration of such deed, conveyance or assurance; and the said clerk so registering such deed or conveyance, shall be entitled to demand and receive for such registration and certificate as aforesaid, the sum of

Mode of registering Deeds in Newfoundland, and giving Certificates thereof.

and no more; and the said book of registry shall be open at all reasonable times and hours, to all persons applying to inspect the same, and for every such inspecting, or for every copy of such memorial as aforesaid, the said Clerk of the

peace or Sessions, shall be entitled to demand and receive the sum of _____ and no more.

Every Deed not registered within a certain time, to be void as against any subsequent Deed.

Provided always, and be it further Enacted, That every deed of any lands or tenements situated in *Newfoundland*, or any place within the government thereof, which shall not be registered in the manner hereinbefore mentioned, within _____ calendar months from and after the making and delivering of such deed conveyance or assurance; if such deed conveyance or assurance shall be made and delivered within *Newfoundland*, or any place within the government thereof, or within _____ calendar months from and after the making and delivering of such deed conveyance or assurance, if the same shall be made and delivered out of *Newfoundland*, or any place within the government thereof, shall be void as against any *bonû fide* subsequent purchaser of the same lands or tenements, not knowing of such deed conveyance or assurance as aforesaid.

All boats let on hire, &c. to be marked with the owner's name on the stern.

AND whereas frauds are frequently practised by persons letting boats on hire to others who pretend to be the owners of such boats, and thereby obtain a false credit; FOR Remedy whereof, BE it further Enacted, That every fishing boat punt or other craft, which shall be let on hire, lent or otherwise suffered to be used in the Fishery of *Newfoundland*, or its dependencies, shall have the true owners name or names conspicuously and durably painted or marked on the stern of such boat punt or other craft, in default whereof, such fishing boat punt or other craft, shall be deemed and taken to belong to the person or persons in whose possession the same may have been at the time of any supplies issued or credit given on the faith thereof; and if any person or persons shall alter deface or destroy any name or names so painted or marked on any such fishing boat punt or other craft, as aforesaid, with intent to defraud or to deceive the said owner or owners thereof, or any other person or persons liable to be injured thereby, he she or they so offending shall and may be tried in a summary way by the said court of Sessions, or any two Justices of the peace, and upon conviction of such offence, shall be fined the sum of _____ or imprisoned for any term not exceeding _____ at the discretion of such Court or Justices, respectively.

Penalty on persons altering or destroying such names.

Bills of Exchange in Newfoundland, declared to be subject to the custom of Bills of Exchange in England.

And be it further Enacted, and Declared, That the laws and customs in force in *England*, in respect of bills of exchange made and executed in *England*, shall after _____ months from the passing of this Act, be applied in *Newfoundland*, so far as the same can be applied to bills of exchange made and executed in *Newfoundland*; any custom or usage to the contrary notwithstanding: Provided however, That nothing in this Act contained, shall alter or affect the usage or custom respecting bills of exchange paid as wages to seamen or fishermen, as aforesaid.

AND

AND whereas the practice of allowing dogs to run loose in *Newfoundland*, hath been a great discouragement to industry and prevention of employment among the poor class of inhabitants; BE it further Enacted, That it shall be lawful for the said courts of Sessions in *Newfoundland*, to make and publish such rules and regulations with respect to dogs and the keeping possessing or owning of dogs in *Newfoundland*, and to appoint such reasonable fines for the breach of such rules and regulations, as to the said courts of Sessions shall seem necessary, and such fines shall and may be sued for and recovered in a summary manner before any such court of Sessions, or before any two Justices of the peace aforesaid; and enforced by execution against the goods and effects of the owner or proprietor of any such dog or dogs, or other person offending against any such rules or regulations, as aforesaid; and in all cases the owner proprietor or possessor of any dog, shall be liable for the damage or injury done or occasioned by such his or her dog to any sheep poultry or other stock in *Newfoundland*.

Dogs to be prevented from running at large, and owners in all cases to be liable for damages occasioned by dogs.

AND whereas the unrestrained emigration of paupers and persons incapable of providing for themselves, to *Newfoundland*, hath caused the most serious injury to the inhabitants; BE it further Enacted, That from and after the

Regulations respecting passengers going to Newfoundland.

and for three years to be computed therefrom, as often as any ship or vessel shall arrive in *Newfoundland*, having on board any passengers (other than seamen or fishermen, *bonâ fide* shipped for the Fishery, or persons who before the arrival of such ship or vessel shall have been living and domiciled in *Newfoundland*) it shall be lawful for any one or more Justices of the peace, or any officer of His Majesty's Customs, or officer commanding any of His Majesty's ships or vessels on the *Newfoundland* station, to cause notice to be given to the master or commander of such ship or vessel, not to land or permit or suffer to be landed from such ship or vessel, any passenger or passengers, until some known inhabitant or other person shall appear, and consent to enter into a recognizance before a Justice of the peace in the said island, in the sum of _____ for each and every passenger arriving in the said ship or vessel, that such passenger shall not within _____ years thereafter, become a burthen or charge upon Government, or the inhabitants of *Newfoundland*; and if any such passenger or passengers after such notice, shall land or be suffered to land in *Newfoundland* from any such ship or vessel, the master thereof shall be liable to find security to the like amount and with the like condition as aforesaid; for every such passenger so landing, and in default thereof, shall be taken into custody and detained by warrant issued for such purpose, under the hand and seal of any such Justice of the peace, until such security shall be given as aforesaid; and every master or commander of such ship or vessel, who shall clandestinely, or with a view to defeat the provisions of this Act, land any passenger or passengers in any part of *Newfoundland*, or any inhabitant or other person in *Newfoundland* who shall aid or assist any passenger or passengers in so landing, shall for every passenger so landed,

landed, forfeit and pay the sum of
to be recovered in a summary way before any of the said Courts
or two Justices of the peace in *Newfoundland*.

57 G. 3. c. 51.
repealed.

AND whereas the provisions contained in an Act made in the
fifty-seventh year of the reign of his late Majesty King *George*
the Third, intituled, "An Act to regulate the celebration of Mar-
riages in *Newfoundland*," have been found ineffectual and in-
convenient, and it is expedient that the said Act should be repealed,
and that other provisions should be made in lieu thereof; BE it
therefore Enacted, That from and after the

the said recited Act of the fifty-seventh year of
the reign of his said late Majesty, shall be and the same is hereby
Repealed.

All mar-
riages which
have been
had in *New-*
foundland,
not already
adjudged void
by a compe-
tent court,
and all mar-
riages which
shall be per-
formed pre-
viously to

Provided always, and be it Enacted, That all marriages which
have taken place at any time before the passing of this Act, in
Newfoundland, and which have not been declared and adjudged to
be void or invalid by any court of competent jurisdiction, and all
marriages which shall take place in *Newfoundland*, previous to the
shall be and the same are
hereby declared to be as good and valid as if the said recited Act
had not been passed or made; any thing in the said recited Act to
the contrary in anywise notwithstanding.

declared
valid.

After

Marriages
in *Newfound-*
land to be
celebrated by

And be it further Enacted, That from and after the said
every marriage which shall be had or take
place in *Newfoundland*, shall be celebrated and performed by some
person in holy orders, of the united Church of *England* and *Ire-*
land, except in cases hereinafter specially provided for.
clergy-men of the Established Church.

Marriages
(when no
such clergy-
man can be
obtained)
may be per-
formed in
Newfound-
land by any
Protestant
minister who
shall have
taken the
oaths, &c.
or any Ro-
man catholic
priest; and
all such mar-
riages de-
clared valid.

Provided always, and be it Enacted, That whenever it shall not
be convenient to the parties intending to contract such marriage, to
obtain a clergyman of the church of *England* to perform the cele-
bration thereof, it shall be lawful for any Protestant minister of
religion not carrying on any trade, or exercising any other occu-
pation for his livelihood, except that of a schoolmaster, and who
shall have taken the oaths, and subscribed the declaration specified
in an Act passed in the fifty-second year of the reign of his late
Majesty King *George* the Third, intituled, "An Act to repeal cer-
tain Acts, and amend other Acts relating to religious worship
and assemblies, and persons teaching or preaching therein," and
who shall have produced a certificate thereof to the Governor or
person administering the government of *Newfoundland*, who is
hereby authorized and required to countersign the same, or who
shall take the said oaths, and subscribe the said declaration before
the Governor or person administering the government of *New-*
foundland, who is hereby authorized and required to administer
such oaths, and to tender such declaration to the person requiring
to take and make and subscribe the same, and who shall give to
such person a certificate thereof; or for any Roman Catholic priest
or minister of religion, to perform and celebrate any and every such
marriage

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marriage in *Newfoundland*; and that all marriages so performed by any such Protestant minister, or by any Roman Catholic priest or minister in *Newfoundland*, shall be good and valid to all intents and purposes.

5 Provided always, and be it Enacted, That no marriage in *Newfoundland* shall be valid where the parties are within the canonical degrees of consanguinity, or otherwise incompetent by law to contract marriage.

No marriages within canonical degrees of consanguinity shall be valid.

10 And be it further Enacted, That no person by whom any marriage shall be celebrated in *Newfoundland*, shall be entitled to demand any greater or other fee or reward for the celebration of any such marriage, than the sum of _____ whereof the sum of _____ shall be paid to the registrar of marriages in *Newfoundland* for the time being, under and by virtue 15 of the provisions in this Act contained.

Fees for marriages, and how appropriated.

And be it further Enacted, That the Governor or the person administering the government of *Newfoundland*, shall, on or before the _____ and from time to time, as occasion may require, nominate and appoint one proper and competent person resident in the town of *Saint John's* in *Newfoundland*, 20 to be registrar of marriages in *Newfoundland*; and shall also appoint a proper place in *Saint John's* in *Newfoundland*, as a public office, which shall be open at all convenient times, in which the certificates of all marriages in *Newfoundland* shall be deposited, and 25 where a public book or register of all marriages celebrated in *Newfoundland*, by any person or persons from and after the said _____ shall be kept in manner hereinafter mentioned.

The Governor, or other person having supreme authority, shall appoint a Registrar of marriages, and a public office at *St. John's* for the registration of marriages in *Newfoundland*.

And be it further Enacted, That every person by whom any 30 marriage shall be celebrated or performed in *Newfoundland*, at any time after the _____ shall, within _____ months next after the celebration of every such marriage, or within _____ months after the next following such marriage, deliver, or cause to be delivered to 35 the registrar of marriages, a certificate thereof in writing, subscribed with his own name, and with the names or marks of the parties married, together with the names of two credible witnesses present at such marriages; and shall at the same time pay to the said registrar, with and in respect of every such certificate, the sum 40 of _____ and every such certificate shall be made in the form following; (that is to say)

Every person celebrating marriage in *Newfoundland*, shall deliver a certificate of every such marriage to the Registrar, and pay him _____ within _____ months after the marriage, &c.

45 " Marriage solemnized at _____ in the
" Island of *Newfoundland*: This is to certify, That A. B.
" [the man married] of _____ and C. D. [the
" woman married] of _____ were married at
" _____ this _____ in the year
" of our Lord _____ by me
" E. F.

Form of Certificate.

“ E. F. [Clergyman of the Church of England, Protestant
“ or Roman Catholic Minister.]

“ This Marriage was solemnized between us A. B.
and
C. D.

5

“ In the presence of us,

“ G. H. of

“ I. K. of

} Witnesses present at
the said marriage.”

No marriage shall be performed except in the presence of two witnesses, under the penalty of

And be it further Enacted, That no clergyman of the church of *England*, nor any Protestant or Roman Catholic minister, shall celebrate or perform the marriage of any parties in *Newfoundland*, except in the presence of two other credible witnesses; and if any such clergyman or minister shall celebrate or perform the marriage of any parties in *Newfoundland*, without the presence of two such credible witnesses, every such clergyman or minister shall forfeit the sum of

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Registrar shall number and enter certificates in a book.

And be it further Enacted, That whenever any certificate or certificates of marriage shall be delivered to the said registrar of marriages, or left at such public offices as aforesaid, such registrar shall number, or cause to be numbered, every such certificate in regular numerical order, as the same shall be delivered to him, or at such office, beginning with N° 1, and continuing such numbers for each year, beginning on the and ending on the both inclusive, and then beginning on the and ending on the in the following year, both inclusive, and commencing on the and ending on the following, both inclusive, in every subsequent year; and such registrar shall, within days next after the receipt of every such certificate, enter, or cause to be entered, a true and correct copy of every such certificate in such public book or register of marriages, in numerical order, according to the numbers of such certificates respectively; and such public book or register shall be kept and remain at such public office as aforesaid, as shall be open to the inspection of any person or persons requiring to consult or examine the same at all convenient hours, upon the payment of and no more, to the said registrar; and the said registrar of marriages shall, upon payment of the further sum of and no more, make and deliver to any and every person who shall demand the same, a true copy of any entry contained in the said public book or register of marriages, attested by the said registrar, in the form following; (that is to say)

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25

30

35

40

“ A true Copy. Extracted from the public register of Mar-
“ riages in *Newfoundland*, by me,

“ K. L. registrar, this

45

And the said registrar shall carefully preserve and keep all the original certificates of marriage in numerical order, to correspond with the register books as aforesaid, so that reference may be had to the same in like manner as to the said register.

And

And be it further Enacted, That such public book or register of marriages in *Newfoundland*, or such attested copy as aforesaid, of any entry in such public book or register of marriages, shall be deemed and taken to be and shall for all purposes be received as good and sufficient evidence of the due celebration of any marriage in *Newfoundland*, which by such book or register, or by such attested copy, shall appear or purport to have been celebrated; and every such marriage shall, upon the production of such book or register, or of such attested copy as aforesaid, be deemed and taken to have been performed and celebrated by a person properly qualified under and by virtue of this Act.

Register book, or attested copy of entries therein, or duplicate or copies of entries therein, evidence of celebration of marriage in Newfoundland.

And be it further Enacted, That in case any person by whom any marriage shall be celebrated or performed in *Newfoundland*, at any time after the
 15 omit or neglect to deliver or cause to be delivered a certificate thereof, subscribed in the manner required by this Act, to the said registrar of marriages in *Newfoundland*, or to pay or cause to be paid to the said registrar with and in respect of every such certificate, the sum hereinbefore directed to be paid, within the time
 20 and in manner by this Act appointed for such purpose, such person shall forfeit and pay for every such omission or neglect, the sum of
 and in case the said registrar of marriages in *Newfoundland* shall omit or neglect to enter or cause to be entered a true and correct copy of any such certificate of marriage
 25 in such public book or register of marriages in *Newfoundland* as aforesaid, within the time hereinbefore directed for that purpose, the said registrar of marriages shall forfeit and pay for every such omission or neglect, the sum of
 and in case the said registrar of marriages in *Newfoundland* shall refuse
 30 to allow and permit, or shall not allow and permit any person demanding the same, to inspect such public book or register of marriages in *Newfoundland* as hereinbefore mentioned, at such public office as aforesaid, at any convenient hour; or in case the said registrar of marriages shall refuse to make and deliver, or shall not
 35 upon demand make and deliver to any person demanding the same, a true copy of any entry in the said public book or register of marriages contained, attested in the manner hereinbefore directed, the said registrar of marriages shall forfeit and pay for every such offence, the sum of
 and in
 40 case the said registrar of marriages in *Newfoundland* shall omit or neglect in any year, to make and deliver to the Governor or person administering the government of *Newfoundland*, a true copy or duplicate signed and attested as by this Act directed, of the said public book or register of marriages in *Newfoundland*, for the year
 45 preceding the
 in every year, or shall neglect to preserve the original certificates of marriage, the said registrar of marriages shall forfeit and pay for every such omission or neglect as hereinbefore mentioned, the sum of

Penalties on neglect of returning certificates to Registrar

Penalties on Registrar neglecting to enter certificates, &c.

On neglect of Registrar in making yearly duplicate, or preserving original certificates,

And be it Enacted, That all forfeitures and penalties by this Act imposed in relation to marriages in *Newfoundland*, shall and may be sued for and recovered in the Superior Court of Record in
 50
 550. *Newfoundland*

Penalties, how to be recovered and applied.

Newfoundland; and that all such forfeitures and penalties shall be applied and disposed of to the use of His Majesty's government in *Newfoundland*.

Provision for Quakers and Jews.

Provided always, and be it Enacted, That nothing in this Act contained relating to marriages in *Newfoundland*, shall extend to any marriages amongst the people called Quakers, or amongst the persons professing the Jewish religion, where both the parties to any such marriage shall be of the people called Quakers, or persons professing the Jewish religion respectively.

Housekeepers and others in the Town of *Saint John* to assemble once a year, and that a committee, who shall have power to make bye laws for securing the town from fire, &c. such bye laws to be first submitted to the Chief Justice, and approved by the Governor.

AND whereas great inconveniences have been felt by the inhabitants of the town of *Saint John*, in the said Island of *Newfoundland*, from the want of bye laws, and suitable regulations for the security, cleanliness and good government of the said town; AND in order to prevent the necessity of frequently recurring to Parliament, it is expedient to lodge the power of making such bye-laws, in certain cases of a local nature, in persons residing within the said Colony, BE it further Enacted, That it shall and may be lawful for the Governor of *Newfoundland*, by public notice, to summon and require all housekeepers, and other persons residing within the said town of *Saint John's*, or the limits thereof, as hereinafter described, who shall severally be possessed of property situated within the said town or limits aforesaid, and which shall be estimated and assessed at the yearly value of

and upwards, (or until the first annual rate or assessment shall be made thereon, which shall be reputed to be of the annual value of

and upwards) to assemble and meet on the

in each and every year at the hour of

at the Court House, or other public place in the said town, which shall be publicly notified for such purpose, by the Governor aforesaid; and the said housekeepers and other persons residing in *Saint John's* as aforesaid, and then present at such meeting, shall have power by plurality of votes to elect

persons, being all resident within the said town of *Saint John's*, or the limits thereof hereinafter mentioned, and severally possessed of property within the town and limits as aforesaid, which shall be estimated and assessed at the yearly rent of

and upwards (or until such estimate and assessment shall be made, which shall be reputed to be worth the sum of

per annum) to be a committee; and the

said persons so elected, shall be a committee for regulating the said town as hereinafter mentioned; and the said committee, and their successors, to be annually elected in manner as aforesaid, shall have power and authority from time to time, during the term of their respective elections, to form and make regulations for better securing the said town from fire, and providing suitable fire engines and conveniences for the same, making and repairing the public streets and ways in the said town, and keeping the same in cleanliness and good order, as well as abating all nuisances therein, appointing a nightly watch at such times and in such manner as may be necessary; establishing and conducting a public market or markets for the sale of meat, fish, poultry, and vegetables, and appointing

appointing proper officers, and such moderate tolls for the conduct of the business, and maintenance and support of the said markets, as may from time to time seem fit and necessary to the said Committee; and which said regulations being first submitted to the
 5 Chief Justice of the said Supreme Court for the time being, and by him certified to be consistent with and not repugnant to the laws of *England*, and being approved by his Excellency the Governor of the said island for the time being, shall have the force and effect of bye laws, and shall so continue and be in force until re-
 10 pealed altered or amended, in like form and manner as aforesaid.

And be it further Enacted, That the said bye laws shall be enforced in the Supreme Court, by summary information, in the name of the said committee and their successors, and by such moderate fines, for every violation and disobedience of such bye
 15 laws, as to the said court may seem just; and that the said fines shall be paid over to the said committee, or their successors, and be by them applied to carrying into effect such bye laws as aforesaid.

Such bye laws to be enforced by fines, to be recovered in the Supreme Court. Application of fines.

And be it further Enacted, That in case of the death or tem-
 20 porary absence of any of the said persons so composing the said committee for the time being, it shall be lawful for the remainder of such committee to act in all matters committed to their care and authority under and by virtue of this Act, to all intents and purposes; always provided however, that no regulation whatever
 25 shall be made or altered, except upon notice first given to all the members of the committee for the time being, or such as may be within the district of *Saint John*, and by the express consent and approval of
 at least of the said persons so chosen as a committee.

In case of absence of any of the committee, the remainder to act, provided that no Regulations shall be made except by the consent of

And be it further Enacted, That it shall be lawful for the said committee and their successors, from year to year, with the approbation of the Governor for the time being, to make, assess, and levy a moderate yearly rate, which said rate shall in no one
 30 year be more than in the pound, upon the yearly value or amount of all property whatsoever permanently held in the said town; and in order to ascertain the value of such
 35 property, a book of rates shall be made, and kept by the said committee, and their successors, wherein the name of each person subject to assessment, shall be written, together with the yearly
 40 value of his or her property, as the same may be estimated and assessed, opposite thereto; and such book shall, at certain stated times to be appointed and publicly notified by the said committee, be kept open for the inspection of all parties concerned; and in
 45 case of difference or dispute with the proprietors, or any of them, as to the assessed value of their respective property, such difference or disputes shall be determined in a summary way in the Supreme Court aforesaid.

Committee to levy a rate of not more than in the pound on all property permanently held in St. John's. A book of rates to be kept, and open at stated times to all parties concerned.

To prevent doubts as to right of voting or being elected, first committee forthwith to make book of Rates.

AND whereas to prevent doubts as to the right of voting in the election of, or of being elected to serve in the said committee for the town of *Saint John*; BE it further Enacted, That the committee first elected as aforesaid, shall forthwith proceed to estimate the value of all property permanently held in the town and limits aforesaid, and prepare and make a book of rates, in manner and form as by this Act directed, in order to lay the same before the next meeting of the said inhabitants, in the ensuing month of _____ and until the said book of rates shall be so prepared and made, it shall not be lawful for the said committee, or their successors, to proceed to the exercise of any other power or authority under this Act.

Such rates to be enforced by action in the name of the committee.

Application of rates, &c.

And be it further Enacted, That it shall be lawful for the said committee and their successors, to enforce the payment of the said rates, by action in the said Supreme Court; and the monies so rated, assessed and recovered, and all fines to be imposed by the said Supreme Court, shall be paid and applied by the said committee and their successors, towards carrying into effect such bye laws as relate to the prevention of fire, making and repairing the public streets, appointing a nightly watch, and establishing and maintaining a public market as aforesaid, and for no other purposes whatsoever.

Committee to keep proper books, to be submitted at each annual meeting.

And be it further Enacted, That the said committee and their successors, shall keep proper and correct books of accounts, showing all sums of money whatever received by them, by virtue of this Act, and in what manner the same shall be appropriated and disposed of, and the said books shall be regularly made up and submitted by the said committee and their successors, at the close of their respective years of office, to the Governor of *Newfoundland*, for the time being, and also to the meeting annually assembled, for the purpose of electing the successors of such committee; and in case there shall at any time be made to appear any withholding or misappropriating of the said money by the said committee or their successors for the time being, or any of them, or by any other person or persons acting under them, the same shall be refunded by the person or persons withholding or misappropriating the same; and in case the said committee or their successors for the time being, or any of them, or any person or persons acting under them, shall abuse the powers and authorities vested in them or him, under and by virtue of this Act, every person so offending, shall be prosecuted by information, in the name of the Attorney General of *Newfoundland*, for the time being, in the said Supreme Court; and such fines and pecuniary penalties shall and may be imposed upon the party or parties offending, as to the same court may seem proportionate to the offence; which fines and penalties shall be paid over to the next succeeding committee, and shall be applied by them to the uses hereinbefore mentioned.

In case of abuse, parties to be punished.

In the event of the inhabitants of other towns

And be it further Enacted, That in the event of the inhabitants of any other town in *Newfoundland* being desirous of having a committee

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committee for the like purposes, as the town of *Saint John* aforesaid, upon the same being expressed by petition to the Governor of *Newfoundland* for the time being, to be signified by the majority of such inhabitants, it shall be lawful for the said Governor, by his proclamation, to extend to every such town, and the inhabitants thereof, the right to assemble and elect a committee, in like manner, under the like limitations, and with the like powers and authorities as hereinbefore directed, of and concerning the committee of the town of *Saint John* aforesaid.

desiring to have a committee, it shall be lawful for His Majesty to extend the same to such other towns.

10 AND whereas, to prevent disputes as to the boundaries of the said town of *Saint John*, BE it further Enacted, That the rate so to be assessed as hereinbefore mentioned, shall extend to and be assessed and levied upon all property, real as well as personal, permanently held within _____ miles of *Fort Townshend*,
15 in the said town of *Saint John*.

Boundaries of St. John's defined.

And be it further Enacted, That the said committee for the town of *Saint John*, and their successors, shall have power, with the consent and approbation of the Governor aforesaid, to make rules and regulations for conducting and managing the lighthouse erected at the entrance of the Port of *Saint John*, in the said Island of *Newfoundland*; and as the means of defraying the expense of such lighthouse, there shall be paid upon every registered ship or vessel arriving at the said port from parts beyond seas, a duty of _____ for every ton of such ship or vessel; and
25 upon each and every banking and coasting vessel employed in the fishery of the said Island, and entering the said harbour, a duty of _____ for the season, for every registered ton of such banking or coasting vessel; and the said duties shall be respectively paid to the said committee, or their successors, by some
30 person by them appointed to receive the same, by the master or commander of every vessel subject to the said duty, before such vessel shall be allowed to clear out or depart from the said port; and the money arising from such duty shall be applied by the said committee and their successors, for the use and maintenance of the
35 said lighthouse, and for no other purpose whatever.

Lighthouse at St. John's to be regulated by the committee, and a duty of one _____ per _____ upon all vessels arriving at such port.

And be it further Enacted, That the said committee, and their successors, shall have power to appoint, by warrant under the hands of _____ at least of the said committee, fit
40 persons (being first approved by the Governor for the time being) to be Pilots for the said Port of *Saint John*; and no person or persons, except he or they shall be so approved and appointed, shall be entitled to recover any fees or demands for the pilotage of any ship or vessel in the said Port of *Saint John*.

Committee to appoint pilots for St. John's.

And be it further Enacted, That the said committee and their
45 successors, shall and may, with the consent and approbation of the Governor aforesaid, make rules and regulations for conducting and managing the public hospital erected in *Saint John's* aforesaid, and authorize the admission of all such persons as they may think
550.

Hospital in St. John's to be under management of the committee; and for the support thereof, fit

per month to be deducted from wages and shares of all seamen employed in the shore or seal fisheries in district of St. John's.

Proviso in case other districts in Newfoundland should desire to be admitted to the benefits of the said hospital.

Further proviso in cases where persons entitled to the benefits of the hospital cannot be placed therein.

The said duty to be recovered by summary action in any Court in Newfoundland.

Committee to have a clerk, and keep an office in St. John's.

Manner of recovering Penalties.

fit and entitled to the benefit of the said hospital; and there shall be paid for the support and use of such hospital, by every seaman, fisherman and shareman, shipped or otherwise employed in the shore or seal fisheries within the district of *Saint John's* aforesaid, a duty of _____ per month, and the same shall be deducted by the hirer employer or master of every such seaman fisherman or shareman, from and out of the wages or shares to which such seaman fisherman or shareman may be entitled at the close of the fishing season, and paid over and accounted for by such hirer employer or master to the said committee, and their successors, or such person as shall be by them duly appointed to receive the same; and the money arising therefrom shall be applied to the use and support of the said hospital, and to no other purpose whatever: Provided always, That it shall be lawful for the Governor of *Newfoundland* for the time being, whenever the inhabitants of any other district or districts of *Newfoundland*, or the majority thereof, shall be desirous of participating in the benefits of the said hospital, upon the same being made to appear to the satisfaction of the said Governor, to issue his proclamation to such effect, and thereupon the same duties shall be levied paid and received in such district or districts, and applied to the maintenance and support of such new hospital; and the inhabitants of such last-mentioned district or districts shall be entitled to such and the like privileges and benefits of and from the same, as her before mentioned in respect of the hospital established at *Saint John's*.

Provided always, and be it further Enacted, That it shall be lawful for the said committee, or their successors, in all cases where persons entitled to the benefits of any hospital already established, or to be hereafter established, cannot be conveniently placed therein, to afford such relief and in such manner to persons so entitled, as to the said committee may seem proper and consistent with the nature and institution of such hospitals respectively.

And be it further Enacted, That the said committee and their successors, shall have power to recover by summary action, the said duty of _____ per month, from every such hirer or master, in any court or courts whatever in the said Island.

AND for the purpose of enabling the said committee, and their successors, to perform the several duties and things hereby directed and required; BE it further Enacted, That the said committee and their successors, shall have a proper Clerk, and a suitable office of business in the said town of *Saint John*, to be by them appointed and removed at pleasure; and the same shall be paid and allowed for, by a rateable charge upon the several and respective funds coming into the hands of the said committee or their successors as aforesaid, under or by virtue of this Act.

And be it further Enacted, That all fines penalties and forfeitures, imposed by this or any other Act of Parliament made, or

or which shall hereafter be made, relating to the Island of *Newfoundland*, or the Fishery thereof, shall or may, unless it shall be otherwise expressed by this or some other Act of Parliament imposing the same, be recovered in a summary way in the Supreme Court, or one of the District Courts aforesaid ; and every penalty and forfeiture of the sum of _____ or under, may be recovered in any of the said Courts of Sessions, or before any one or more Justices of the peace in *Newfoundland*, or the dependencies thereof ; and all fines penalties and forfeitures, imposed paid or levied in any of the said court or courts whatever, or before any one or more Justices of the peace, shall be paid and accounted for to the Governor of *Newfoundland* for the time being, and shall be by such Governor applied to and for the public uses of the government of *Newfoundland*.

15 And be it further Enacted, That if any action or suit shall be brought against any person or persons, for any thing done in pursuance of this Act (except for recovery of any public money which may be received or otherwise come into the hands of any person or persons under or by virtue of this Act) such action or suit shall be commenced within _____ months next after the matter or thing done ; and the defendant in such suit or action may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon ; and if a verdict shall pass for the defendant, or the plaintiff shall be nonsuited, or discontinue his action after the defendant has appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant shall recover _____ costs, and have the like remedy for the same as defendants have in other cases by law.

Limitation of actions.

General Issue.