

Oct 23

The Magistrate's
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ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. I.

AN ACT to continue and amend the Act for granting to Her Majesty certain Duties on Goods, Wares, and Merchandize, imported into this Colony and its Dependencies.

[Passed 29th May, 1852.]

WHEREAS an Act was passed in the Thirteenth year of the reign of Her present Majesty, entitled "An Act for granting to Her Majesty certain Duties on Goods, Wares, and Merchandize, imported into this Colony and its Dependencies," which, as was therein declared, was to continue and be in force until the Thirtieth day of June, in the year of Our Lord One Thousand Eight Hundred and Fifty One; and whereas by an Act passed in the Fourteenth year of the reign of Her Majesty, the said recited Act was continued in force for a further period, which will shortly expire, and it is expedient to continue the said Act for the period hereinafter limited:

Preamble.

Be it therefore enacted, by the Governor, Council and Assembly, in Legislative Session convened, that the said first recited Act passed in the Thirteenth Year of the reign of Her present Majesty, entitled "An Act for granting to Her Majesty certain Duties on Goods, Wares, and Merchandize imported into this Colony and its Dependencies," and every clause, matter and thing therein contained, save and except as hereinafter provided, shall be and the same are hereby continued, in full force and effect, for One Year after the passing of this Act, any thing in the said recited Acts to the contrary notwithstanding.

Continuance of
13th Vic., Cap. I.

II.—*And be it enacted, That from and after the passing of this Act, there be levied, collected, and paid, upon every Hundred Weight of Fish, salted, dried, or pickled, imported into this Colony and its Dependencies, the duty of Five Shillings, which shall be levied, collected, and paid, in*

Duty of Five Shillings per cwt. on the importation of Fish, salted, &c.

like manner, and under and subject to the like regulations and provisions as are expressed in the said Act, or any other Act of this Colony providing for the collection and management of Customs' Duties.

Salted Fish, &c.,
not to be Ware-
housed, or entitled
to Drawback.

III.—*And be it enacted*, That it shall not be lawful for any Importer or Importers of Fish, salted, dried, or pickled, as aforesaid, of Foreign taking or manufacture, to Warehouse the same in any of the Ports of this Colony and its Dependencies without the payment of the duty hereinbefore imposed; and the provisions of any Act of this Colony with regard to the Warehousing of Goods on the first entry thereof, or to the allowance of Drawback upon Exportation, shall not in either case apply, or be construed to apply, to Fish, salted, dried, or pickled, as aforesaid.

Duty on Neat
Cattle to be paid
after deducting
Freight.

IV.—*And be it enacted*, That the duty imposed upon Neat Cattle by the said Act shall be levied, collected and paid upon the proceeds of sale appearing upon the production of the original account sales, when such Cattle shall have been sold, or upon the appraised value, as provided for by the third section of the said Act, after deducting the amount of Freight of any such Cattle in either case.

£30 to Keeper of
Custom-house, St.
John's.

V.—*And be it enacted*, That the sum of Thirty Pounds be allowed and paid to the Keeper of the Custom-house, Saint John's.

Furniture of Im-
migrants, not in-
tended for sale,
exempt from duty.

VI.—*And be it enacted*, That Furniture that has actually been in use, Working Tools and Implements, the property of Immigrants or Persons coming to reside in this Colony, and not intended for sale, shall be placed in the table of exemptions to the said Act.



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. II.

AN ACT for the Encouragement of Education.

[Passed 14th June, 1852.]

WHEREAS it is expedient to provide for the Encouragement of Preamble.
Education in this Colony :

Be it therefore enacted, by the Governor, Council and Assembly, in Legislative Session convened, That the First Section of an Act passed in the Fourteenth Year of the Reign of Her present Majesty, entitled, "An Act for the Encouragement of Education," shall be and the same is hereby Continued for the period of One Year, from the Thirtieth Day of June in this present Year, and no longer.

1st sec. of Education Act (14th Vic.) continued one year.

II.—*And be it further enacted*, That the Sum by this Act appropriated for the purposes of Education shall be distributed in manner following, that is to say : in support of Schools for the Instruction of Children of Members of Protestant Churches, and of the Roman Catholic Church, in proportion to their respective numbers, as appears by the Census last taken, that is to say : to the Protestant Churches Three Thousand Eight Hundred and Forty-seven Pounds Fifteen Shillings and Three Pence ; and to the Roman Catholic Church Three Thousand Six Hundred and Fifty-two Pounds Four Shillings and Nine Pence.

Distribution of Education Grant.

III.—*And be it further enacted*, That for the purpose of the distribution and proper employment of the Money hereinbefore granted, there shall be constituted in St. John's Two Boards of Education, to be called respectively the Roman Catholic Central Board of Education, and the Protestant Central Board of Education. And it shall be lawful for the Governor, or Administrator of the Government for the time being, with the advice of the Council, from time to time to nominate and appoint, by Warrant under his Hand and Seal, to the said Roman Catholic Board, Nine Members of the Roman Catholic Church, of which the Roman Catholic Bishop for the time being shall be one ; and to the Protestant

Appointment of Roman Catholic and General Protestant Boards of Education.

Board, Nine Protestants, who shall be selected from Members of the Church of England and other Protestants in proportion to their respective numbers according to the last Census. And whenever and as often as any vacancy shall occur in any of the said Boards, by the death, resignation, or absence from the Colony for twelve months, or the removal of any such Members, it shall be lawful for the Governor, or Administrator of the Government, with the advice aforesaid, to nominate and appoint, in like manner, a fit and proper person or persons to fill such vacancy, either temporarily or permanently as may be deemed expedient.

Powers of said Boards, &c.

IV.—*And be it further enacted*, That Five Members of the said Boards respectively shall constitute a quorum thereof, and such Boards shall from time to time make such Bye-laws, Rules and Regulations for the management and good government of all Schools under their respective control, as they shall deem necessary, and shall determine the places where Schools shall be established or supported under this Act, and the amount to be contributed from Monies at their disposal for the Erection and Repair of School-houses, and the proportions and conditions upon which such contributions shall be made, and shall from time to time appoint Teachers thereto, and remove the same for sufficient cause, and shall determine the amount of salary to be paid to each Teacher, and the amount of support to be given to each School, and also the amount of Fees to be charged to the Pupils: *Provided*, that no such Bye-laws, Rules and Regulations, shall be of any force or avail until the same shall have received the approval of the Governor, or Administrator of the Government, and Council; *and provided also*, that no School shall be built, established, or supported under this Act, in any Town, Place or Settlement, without the approval aforesaid.

Proviso.

Central Boards may each appoint a Secretary, &c.

V.—*And be it further enacted*, That each of the said Central Boards may appoint from time to time, and for sufficient cause remove, a Secretary, who shall keep an accurate Account of all Monies expended under the said Board, and a faithful Record of all Proceedings of such Board; and may also, if necessary, hire an Office, and incur such expense as is absolutely needful for Stationery, Fuel, and such like Contingencies. And such Secretary shall be paid such Salary as the Board appointing him shall fix; which Salary, and other expenses as aforesaid, shall be deducted out of the Monies appropriated by this Act to the said respective Boards.

Suits at law brought in name of Chairman.

VI.—*And be it further enacted*, That whenever it shall be necessary to Prosecute or Defend any Action at Law, or Suit in Equity, on behalf of any of the said Boards, the same may be brought or defended in the name of the Chairman of such Board.

£500 to Newfoundland School Society, and £250 to Wesleyan Schools.

VII.—*And be it further enacted*, That out of the Fund to be by this Act appropriated to the Education of Protestants, a Sum not exceeding Five Hundred Pounds shall be appropriated and paid for the maintenance and support of Schools established and supported, or which shall be established and supported within this Colony by the Newfoundland School Society, and also the further Sum of Two Hundred and Fifty Pounds to the Chairman of the Wesleyan Methodists, towards the support of Schools established or to be established by that Body.

£625 to Roman Catholic Schools.

VIII.—*And be it further enacted*, That out of the Fund to be by this Act appropriated to the Education of Roman Catholics, the Sum of Two Hundred Pounds shall be appropriated and paid for the maintenance and support of the Presentation Convent School of St. John's; and the Sum of One Hundred and Fifty Pounds shall be appropriated and paid for the maintenance and support of the Orphan Asylum School of St. John's; and the sum of One Hundred Pounds shall be appropriated and paid for the maintenance and support of the Presentation Convent School of Harbour Grace; and the Sum of One Hundred Pounds shall be appropriated and paid

for the maintenance and support of the Presentation Convent School of Carbonear; and the sum of Seventy-five Pounds shall be appropriated and paid for the maintenance and support of the Presentation Convent School of Harbour Main.

IX.—*And be it further enacted,* That the several Central Boards shall annually furnish the Governor or Administrator of the Government, with a full and true Return, signed by the Chairman of each Board, of the number of Schools in operation during the past year, and every month of the year, under their respective control; the average number of Scholars during each month; the Amount of Fees or Dues received by and the Salary paid to each Schoolmaster; the amount of monies expended by each Board, with the service for which the same was so expended, together with such other information as such Boards respectively shall consider useful. And such Returns shall be laid before the Legislature at its next Session.

Annual returns to be made by Central Boards.

X.—*And be it further enacted,* That it shall be lawful for the Governor or Administrator of the Government for the time being, by Warrant under his Hand and Seal, from time to time to Nominate and Appoint, and again for sufficient cause to Remove, in the several Electoral Districts of this Island, and in as many Settlements in each District as he may deem necessary, Local Boards of Education for such Settlements or Districts, to consist respectively of Members of the Roman Catholics and of Protestants, in such numbers as he shall think fit, which said Boards shall carry into effect the Rules and Directions of their respective Central Boards, and shall Visit and Superintend the several Schools placed under their respective care, and may recommend to the said respective Central Boards fit and proper persons to be Schoolmasters in the respective Districts.

Governor may appoint Local Boards.

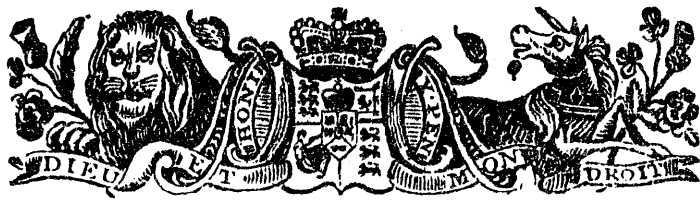
XI.—*And be it enacted,* That in apportioning the Sums to be allotted for the support of Schools, the said Central Boards are hereby respectively authorised and required to call upon the Inhabitants of the Settlement or place where any School is intended to be established or supported, to provide, according to their ability, by a subscription or contribution from among themselves, towards the erection or repair of the School-house, and towards the maintenance of the Schoolmaster; and the said respective Boards shall in their discretion exclude from a participation in the public monies hereby granted, any Settlement or Place, if the Inhabitants thereof have not, according to their ability, contributed and paid towards the erection or repair of a School-house and the Salary of a Teacher.

Settlements where Schools are established to contribute towards their support.

XII.—*And be it enacted,* That it shall be lawful for the Governor and Council, on the recommendation of the major part of the members of the Central Protestant Board, to authorise and permit the said Board to divide and separate the Protestant Board Schools now or hereafter to be established within the limits of the Electoral Districts of St. John's and Conception Bay, among the Members of the Church of England and other Protestant Churches: *Provided,* that such Division shall not take place where the Salary of any Teacher employed in any locality within the said respective Districts will by such change be reduced to an amount under Thirty Pounds Sterling, anything in this Act to the contrary notwithstanding.

Division of Protestant Board Schools authorised in certain cases

Proviso



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. III.

AN ACT to amend and consolidate the Acts now in force respecting Light Houses in this Colony.

[Passed 14th June, 1852.]

WHEREAS it is expedient to amend the Acts now in force respecting the support of Light Houses within this Colony, and to make further provision for the said Light Houses, and to consolidate the Laws respecting the same : Preamble.

Be it therefore enacted, by the Governor, Council and Assembly, in Legislative Session convened, That the following Acts, that is to say ; an Act passed in the Third Year of the Reign of Her Majesty, entitled “ An Act to amend several Acts now in force respecting Light Houses, and to make further provision for the said Light Houses, and to consolidate the Laws respecting the same ;” an Act passed in the Twelfth Year of the Reign of Her Majesty, entitled “ An Act to continue and amend an Act passed in the Third Year of the Reign of Her present Majesty, entitled ‘ An Act to amend several Acts now in force respecting Light Houses, and to make further provision for the said Light Houses, and to consolidate the Laws respecting the same ;’ ” an Act passed in the Thirteenth Year of the Reign of Her Majesty, entitled “ An Act to amend several Acts now in force respecting Light Houses, and to make further provision for the said Light Houses, and to consolidate the Laws respecting the same ;” an Act passed in the Fourteenth Year of the Reign of Her Majesty, entitled, “ An Act in addition to the Act for the management of Light Houses in this Colony ;” be, and the same are, hereby severally repealed, save and except all acts and proceedings done and had under the authority thereof, and saving and reserving the right of recovering any Duties imposed under any of the said Acts : *Provided* that nothing herein contained shall have the effect of reviving any Act or Acts repealed in whole or in part by any of the said recited Acts. Acts repealed.
3d Vic., Cap. 5.
12th Vic., Cap. 6.
13th Vic., Cap. 3.
14th Vic., Cap. 13.
Proviso.

Duties payable by Shipping.

II.—*And be it enacted*, That there be raised, levied, collected, and paid to Her Majesty, Her Heirs and Successors, for the support of Light Houses already erected, or which may hereafter be erected, upon any of the Coasts of this Island, or upon any of the Islands or Rocks adjacent thereto, a Duty or Rate of Six Pence per Ton, which each and every Ship or Vessel shall admeasure agreeably to their Registers, upon every Merchant Ship or Vessel which may enter any Port or Place within this Colony, from Cape Ray extending Eastwardly to Cape Race, and thence Northward to Cape John, (other than Coasting, Sealing, or Fishing Vessels), the said Duty to be levied once in each year; and that there shall in like manner be raised, levied, collected and paid, upon every Registered Decked Vessel of Forty Tons and upwards, employed in the Sealing, Fishing, and Coasting Trade of this Colony or the Labrador, and which may enter at or clear from any of the Ports or Places aforesaid, the Duty or Rate of Three Pence per Ton; and upon every such Vessel of less than Forty Tons aforesaid, the sum of Ten Shillings per annum; and should any of the above mentioned class of Vessels paying the Duty or Rate of Three Pence per Ton herein imposed, proceed on a Foreign Voyage, such Vessel shall also be liable to a further Rate of Three Pence per Ton: *Provided* that there shall not be levied upon any Ship or Vessel liable to pay the Light Duties imposed by this Act, more than Six Pence per Ton in any one year.

Proviso

Receipts to be given for Dues.

III.—*And be it enacted*, That Receipts given by the Collector, Sub-Collector, or other person aforesaid, for the Annual Duty upon any Vessel, which Receipts the said Collector, Sub-Collector, or other person aforesaid is hereby required to give, shall exempt such Vessel from the payment of any further Duty until the First day of January following.

Collector of Customs' to appoint persons in the Out-ports to receive Dues.

IV.—*And be it enacted*, That the Collector of Her Majesty's Customs at the port of St. John's is hereby authorized and empowered to appoint the several Sub-Collectors within the Colony, or some other fit and proper person or persons in such ports where no such Sub-Collector shall reside, to demand, recover, and receive the said several Duties and Rates imposed by this Act, which shall be paid in Sterling Money, or in Foreign Coins at the rate at which they are now received in payment of Customs' Duties; and the last monies raised and levied under the provisions hereof, shall be paid over Quarterly to the said Collector for the use of the Colony; and that there shall be allowed to the Sub-Collectors or other persons appointed in the Out-Ports aforesaid, a Commission of Five per Centum upon the amount collected by them respectively.

To be paid over quarterly to Collector.

Mode of recovery of Dues.

V.—*And be it enacted*, That on the non-payment by the Master, or any person having charge of, or any Owner or Owners of, any Ship or Vessel, of any Rate or Duty payable or incurred under this Act, such Rate or Duty shall and may be sued for and recovered by and in the name of the Collector, Sub-Collector, or other person duly authorized to receive the same, in a summary manner, before any one or more Justice or Justices of the Peace, within the District where the Collector or such Sub-Collector, or other person so authorized as aforesaid, may reside, together with all costs incurred, and shall be levied by Warrant and Distress under the Hand and Seal of such Justice or Justices, on the Goods and Chattels of the Owner or Owners, or of the Master or other person in the charge of the respective Ship or Vessel on account of which the said Rate or Duties shall respectively be payable.

Vessels not to be admitted to Entry until Light Dues are paid.

VI.—*And be it enacted*, That it shall not be lawful for the Collector of Her Majesty's Customs at the Port of St. John's, or for any Sub-Collector or other Officer of Customs within the Colony, to admit to entry any

Ship or Vessel subject and liable to the payment of any such Rates or Duties aforesaid within the several Ports of the Colony as aforesaid, until the said Rates and Duties imposed by this Act shall be paid to the person duly authorized to receive the same; and likewise that it shall not be lawful for the said Collector, or any Sub-Collector, or other Officer of Customs as aforesaid, to grant a Clearance to any Coasting, Sealing, or Fishing Vessel, within the description hereinbefore set forth in this Act, until the several Rates and Duties imposed as aforesaid shall be paid to the person duly authorized to receive the same.

VII.—*And be it enacted*, That it shall and may be lawful for the Governor, or Administrator of the Government for the time being, and Council, to appoint Five Persons to be Commissioners of Light-Houses aforesaid, and their places from time to time to supply as occasion may require, any Three of whom shall be a quorum, which said Commissioners are hereby constituted a Board of Audit and Controul for the administration of all matters touching and concerning the managing, conducting, and maintenance of all Light Houses belonging to this Colony, and for guarding and maintaining the Beacon erected on Cape Race, and shall make Public Contracts for furnishing all necessary Supplies for such Light Houses, and for Erecting all Buildings that may be required in connection therewith, and for all necessary repairs that may be required to any Light House, Keeper's House, or other Building, giving at least Two Weeks' notice for public competition, and shall in all cases accept the lowest Tenders which are accompanied with the proper Securities for the due performance of such Contract: *Provided always*, that before any Contract shall be entered into for the repairs of any Light-House, or for the erection or repair of any House or Building exceeding Fifty Pounds, Specifications and Estimates of such intended erections or repairs shall be submitted to the Governor and Council for their approval.

Governor and Council to appoint Five Commissioners for the purposes of this Act.

Proviso.

VIII.—*And be it enacted*, That on the Thirty-first day of December in this present Year, and on the last Friday of each succeeding Year during the continuance of this Act, one of the said Commissioners, to be chosen by ballot from among themselves, shall vacate his office, and another shall in manner aforesaid be appointed to supply his place.

One Commissioner to vacate office each year, and another to be appointed.

IX.—*And be it enacted*, That it shall and may be lawful for the said Commissioners to appoint, and at pleasure to remove, all Light House Keepers and Assistants of the said Light Houses, and that the Salaries of and Remuneration to such Persons as are or may be appointed, and the incidental expenses of supporting, maintaining, and keeping up the said Light Houses and appurtenances, shall be subject to the controul and approval of the Legislature.

Commissioners to appoint Light-House Keepers, &c.

X.—*And be it enacted*, That all Monies which shall be received under and by virtue of this Act, or which have been received under any former Acts, for the supporting of Light Houses, shall be applied to the support of the several Light-Houses in this Colony as aforesaid, and paid for such purposes by Warrant of the Governor or Administrator of the Government for the time being; and any surplus Light Money which may remain, after providing all the above purposes, shall be kept separate from the ordinary Revenues of the Colony.

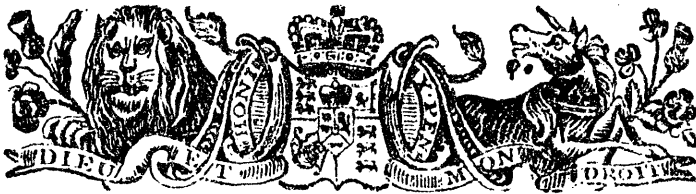
Monies raised to be applied to purposes of this Act; surplus fund to be kept separate from other Revenues.

XII.—*And be it enacted*, That the Commissioners to be appointed under this Act, shall, on the First day of July in this present Year, furnish to the Governor for the time being an Estimate of the probable charges and the incidental expenses of carrying out the provisions of this Act, up to the Thirty-first day of December following, and also shall on the first Thursday of January thereafter, and on the same day in each

Commissioners to furnish Estimates of the probable annual expenses, and also each year a detailed account to be laid before the Legislature.

succeeding Year, for the purpose of being laid before the Legislature, furnish an Estimate as aforesaid for the current Year, thence ensuing, and also shall annually, on or before the First Thursday of January, render to the Colonial Secretary an Account in detail of all Costs, Charges, and Disbursements, by them incurred or paid, to be by him laid before the Governor, or Administrator of the Government for the time being, for the information of the Legislature.

Limitation of Act. XII.—*And be it enacted*, That this Act shall continue in force for Three Years, and thence until the end of the then next Session of the Legislature.



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. IV.

AN ACT to consolidate and amend the Saint John's Rebuilding Acts.

[Passed 14th June, 1852.]

WHEREAS it is deemed expedient to consolidate and amend the several Acts now in force to regulate the Rebuilding of the Town of Saint John's: Preamble.

Be it therefore enacted, by the Governor, Council and Assembly, in Legislative Session convened, That an Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, entitled "An Act to Regulate the Rebuilding of the Town of St. John's, and the Drainage and Sewerage of the same, and to Repeal certain Acts therein mentioned;" and another Act passed in the Tenth Year of the Reign of Her present Majesty, entitled "An Act to amend an Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, entitled 'An Act to Regulate the Rebuilding of the Town of St. John's, and the Drainage and Sewerage of the same, and to Repeal certain Acts therein mentioned;'" and another Act passed in the Twelfth Year of the Reign of Her present Majesty, entitled "An Act to amend an Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, entitled 'An Act to Regulate the Rebuilding of the Town of St. John's, and the Drainage and Sewerage of the same, and to Repeal certain Acts therein mentioned,'" and also an Act passed in the Tenth Year of the Reign of Her present Majesty, entitled "An Act to amend an Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, entitled 'An Act to Regulate the Rebuilding of the Town of St. John's, and the Drainage and Sewerage of the same, and to Repeal certain Acts therein mentioned;'" and another Act passed in the Thirteenth Year of the Reign of Her present Majesty, entitled "An Act in further amendment of the St. John's Rebuilding Acts repealed.
9th & 10th Vic.,
Cap. 3.
10th Vic., Cap. 1.
12th Vic., Cap. 15.
13th Vic., Cap. 10.

Portions of 14th Vic. Cap. 6. Acts;" and the First, Second, Third and Fourth Sections of another Act passed in the Fourteenth Year of the Reign of Her present Majesty, entitled "An Act to extend the time allowed by the St. John's Rebuilding Acts for the Removal of Wooden Buildings in certain parts of the said Town, and for other purposes;" be, and the same are, hereby repealed: *Provided*, that nothing herein contained shall exempt any party from any penalty or forfeiture incurred for any breach or violation of any of the said Acts.

Water Street. II.—*And be it enacted*, That Water Street, in the said Town of St. John's, shall extend from the Eastern side of Quidi Vidi Fire-break, on the East, to Job's Bridge on the West.

Duckworth Street That Duckworth Street in the said Town shall extend from Quidi Vidi Fire-break aforesaid, on the East, to Williams's Lane, on the West.

New Gower Street That New Gower Street in the said Town shall extend from the site of the late Theatre to Flower Hill Fire-break.

George Street. That the Street or Fire-break commonly called George Street shall be extended from Waldegrave Street to Flower Hill Fire-break, on the West, and from Queen Street to Williams's Lane, on the East.

And which said Streets shall be of the respective widths and according to such lines and boundaries as now exist and have been laid down under the superintendence of any Supervisor of Streets appointed under and by the authority of the said recited Acts; and that in such part or parts of any of the aforesaid Streets, where the lines and boundaries have not been laid down under such authority as aforesaid, it shall be lawful for the Surveyor General of this Island, with all convenient despatch, to ascertain and determine such heretofore undefined lines and boundaries, and which shall be laid down by the said Surveyor General agreeably with the provisions of the said recited Acts.

Parts of the Town where buildings of unflammable materials are required. III.—*And be it enacted*, That it shall not be lawful for any person or persons whomsoever to build, erect, or put up any Building or Erection whatsoever, other than such as shall be built of Brick, Stone, or other unflammable material, and roofed or covered with Iron, Slate, or other unflammable material, in such parts of the said Town as are hereinafter described, that is to say—

On the South side and to the Southward of Duckworth Street.

On the South side and to the Southward of George Street.

On the South side and to the Southward of a line drawn parallel to, and Two Hundred Feet to the Northward of the North side of that part of Water Street which lies between Flower Hill Fire-break and Job's Bridge.

And all Houses, Buildings, and Erections of Wood, which, since the Ninth day of June, in the year One Thousand Eight Hundred and Forty-six, have been already built, or which shall hereafter be built on the South side and to the Southward of Duckworth Street and George Street aforesaid, respectively; and all Houses, Buildings, and Erections of Wood, which, since the Thirty-first day of May, in the year One Thousand Eight Hundred and Fifty-one, have been already built, or which shall hereafter be built on the South side and to the Southward of the said line drawn parallel to and two hundred feet to the Northward of the North side of that part of Water Street which lies between Flower Hill Fire-break and Job's Bridge as aforesaid, shall be and be deemed to be Public Nuisances, and shall and may be abated in the way and manner and by the means mentioned and provided in and by the Section of this

Act in respect of the Nuisances therein mentioned and referred to: *Provided nevertheless*, that nothing in this Act shall operate to prevent any person now occupying, or that may hereafter occupy, any Fishing-room situate to the Eastward of Woodley's Cove, or the Westward of Newman and Company's Premises, from building of Wood, if he shall see fit, any House, Store, Stage, Flake, or other Erection, to be used by him or his servants employed by him exclusively for the purpose of carrying on the Fishery upon such Fishing-room.

IV.—*And be it further enacted*, That Gower Street shall extend from Gower Street. Cochrane Place on the Eastward, to the site of the late Theatre on the Westward, and shall be of a width of not less than Fifty Feet throughout the same, according to such lines and boundaries as have been laid down by the Supervisor of Streets appointed under either of the said recited Acts, and approved of by the Governor and Council; or according to such lines and boundaries as may hereafter be laid down by the Surveyor General and approved of in the manner aforesaid.

V.—*And whereas* it would greatly tend to the convenience and advantage of the inhabitants of St. John's, if a Road were opened from the Freshwater Road to the Gas Works Fire-break—*Be it therefore enacted*, that so soon as arrangements shall be made with the several proprietors and tenants of the land through which such intended Road shall run, for the surrender of their respective interests therein to the Government for the purposes of such road, the Surveyor General shall proceed, under direction of the Governor and Council, to lay out such road, and which shall be of a width of not less than Sixty Feet, and shall be called the Le Marchant Road. *Provided* that the expense of purchasing the land necessary for such Road, shall not exceed the sum of Four Hundred Pounds Sterling. Establishing a new Road to be styled the LeMarchant Road.

VI.—*And be it enacted*, That the following Cross Streets or Fire-breaks shall be of the respective widths and according to the lines and boundaries hereinafter described for the same, that is to say:— Fire-breaks--

CHURCH HILL FIRE-BREAK,—On the South side of Water Street the said Fire-break shall be Eighty Feet in width from the Western side line thereof, as it existed on the Eighth day of June in the year One Thousand Eight Hundred and Forty-six. From Water Street to Duckworth Street the Eastern boundary of the said Fire-break shall be a straight line, which, commencing at the South-eastern angle of a House at present in the occupation of John Berrigan, situate on the North side of Water Street, and erected on Ground belonging to the Estate of the late Thomas B. Study, shall thence, from the said angle, be produced, Northerly, by the Western side of the said House and Land, and by Ground belonging to the Crown, to Duckworth Street. That the Western boundary of the said Fire-break between the said Streets shall be the Eastern side of the Market House Ground. From Duckworth Street to Gower Street the said Fire-break shall be One Hundred Feet in width, from the Western side line thereof, as it existed on the Eighth day of June in the Year One Thousand Eight Hundred and Forty-six; and that from Gower Street to the Queen's Road (or road in front of the Orphan Asylum School) the Eastern boundary of the said Fire-break shall be a line commencing at the South-west angle of a House in the occupation of John Foley, (the said house being on the Eastern side of a Lane leading Northerly by premises belonging to the Estate of the late Martha Young, to the Queen's Road) and thence running in a straight line Northerly Two Hundred and Nineteen Feet, more or less, to the North-west angle of a House in the occupation of David Murphy, and thence to continue in the same straight line Fifty-six Feet, more or less, to the South side of the said Queen's Road; and that the Western boundary line of the said Fire-break, between the said Church Hill Fire-break.

Gower Street and the said Queen's Road, shall be a line drawn from a point on the North side of Gower Street, Seventy-eight Feet from and to the Westward of the South-west angle of the said John Foley's House, to a point on the South side of the said Queen's Road, Eighty Feet from and to the Westward of the North-western angle of the said David Murphy's house; and that from the said Queen's Road to the rear line of the Town, the Western side line of the continuation of the said Fire-break shall be according to the line described in the said recited Acts; and that a parallel line at the distance of Eighty Feet shall be the Eastern side line of the continuation of the said Fire-break: Provided that nothing herein contained shall be construed to affect the Church of England Cathedral, now in progress of erection.

Codner's Cove
Firebreak.

CODNER'S COVE FIRE-BREAK.—A line drawn from the Harbour along the Eastern Wall of the House in the occupation of Peter H. Carter & Co., situate on the South side of Water Street, and the existing Western line of Adelaide Street, to New Gower Street, shall form the Western boundary; and that the Eastern side of Codner's Cove, and a line Sixty feet distant from and parallel to the Western side of Adelaide Street, be the Eastern boundary thereof. That between New Gower Street and the Le Marchant Road, the Eastern boundary of the said Fire-break shall be a line commencing at the North-west angle of a House at present occupied by Thomas Dammeral, lying North of New Gower Street, and thence to run in a straight line Northwesterly One Hundred and Sixty Feet more or less to the North-west angle of a House at present occupied by John Connelly, and thence to be a line forming an angle with and on the Western side of the preceding line equal to One Hundred and Seventy-five degrees, and to be produced until the same strikes the said Le Marchant Road; and that a parallel line at the distance of Sixty Feet shall form the Western side line of the said Fire-break, between the said New Gower Street and the said Le Marchant Road.

Fire-breaks.

VII.—*And be it enacted*, That the following Cross-streets or Fire-breaks, that is to say—Quidi Vidi Fire-break, Hill of Chips Fire-break, King's Beach Fire-break, Prescott Street Fire-break, McBride's Cove Fire-break, Beck's Cove Fire-break, Queen Street, Stuart & Rennie's Cove, Flower Hill Fire-break, Gas Works Fire-break, and so much of the Street known as Church Hill, and which is situate between the old Churchyard and property belonging to Mr. Charles Henry Renouf, the Estate of the late John Boyd, and to James Tubrid, shall be of the respective widths and according to such lines and boundaries as now exist and have been laid down under the superintendence of any Supervisor of Streets appointed under and by the authority of the said recited Acts: And that in such part or parts of any of the said Cross-streets, Coves, or Fire-breaks, where the lines and boundaries have not been laid down under such authority as aforesaid, it shall be lawful for the said Surveyor General to ascertain and determine such heretofore undefined lines and boundaries; and which shall be laid down by the said Surveyor General agreeably with the provisions of the said recited Acts: *Provided nevertheless*, that the said Flower Hill and Gas Works Fire-breaks respectively, shall not be extended further to the Northward than the Le Marchant Road.

Authority to erect
marks.

VIII.—*And be it further enacted*, That for the purpose of marking out and making plainly known the boundary lines of the several Streets, Fire-breaks, Cross-streets, Coves and Road, hereinbefore described, the said Surveyor General shall cause Marks of Stone or Iron to be put down in such and so many places as he shall deem necessary for the purpose aforesaid; and the lines of the said Streets, Cross-streets, Fire-breaks, Coves and Road, so marked and described, shall thenceforth be deemed and taken to be the true lines and boundaries of the same.

IX.—*And be it further enacted,* That after the said Streets, Cross-streets, Fire-breaks, Coves and Road, shall be so marked out, it shall be lawful for the Governor and Council to cause a correct Plan of the same to be made, and which Plan shall be preserved as a record of the said lines and boundaries of the said Streets, Cross-streets, Fire-breaks, Coves and Road; and which Plan shall, on all questions touching such lines and boundaries, be conclusive evidence of the same.

Plan of Streets, &c., to be made.

X.—*And be it further enacted,* That it shall not be lawful for any person to remove any of the said Landmarks without authority in writing for so doing being first had and obtained from the Governor, or Person Administering the Government for the time being; and that any Person who shall unlawfully remove, displace, alter, break, deface or damage, any of the said Landmarks, shall be guilty of a misdemeanor, and shall, on conviction thereof, in a summary way, before any one or more Stipendiary Justice or Justices of the Peace, forfeit and pay to Her Majesty, Her Heirs and Successors, a fine not exceeding Five Pounds, and costs of suit, to be recovered by Warrant of Distress and Sale of the Offender's Goods and Chattels, and in default of payment thereof such Offender shall be liable to be committed to the common gaol for any period not exceeding Thirty Days.

Removal of marks

XI.—*And be it enacted,* That no new Road, Street, or Lane, shall be opened or made by private parties through their own ground, within the limits of the said Town, and upon which Houses shall be proposed to be erected, of a less width than Fifty Feet; and no such new Road, Street or Lane, shall be opened or made within Eighty Feet of any other Road, Street or Lane, running parallel, or nearly parallel therewith, used as a Thoroughfare, and upon which Houses or Buildings may front, unless upon an order of the Governor and Council first obtained for the purpose; and every such new Road, Street or Lane, so opened or made contrary to the provisions of this Act shall be deemed and taken to be a nuisance and be abated accordingly. And all Houses and Buildings hereafter to be built, whether on the site of any former Building or not, and fronting upon any Lane, or any such private Road, Street or Lane, now or hereafter to be opened Northward of Duckworth Street and New Gower Street, within the said Town, shall be at a distance of not less than Twenty-five feet from the centre of such Lane, Street or Road; and all persons, before laying down the Sills or commencing the erection of Houses or Buildings fronting on such Lanes, Streets, or Roads, shall give Six Days' Notice of such their intention to the said Surveyor General, aforesaid, who is hereby authorised and empowered to direct and control the laying down of such Sills and the commencement of such Erections as aforesaid; and all parties offending herein shall forfeit and pay to Her Majesty, Her Heirs and Successors, a fine of not less than Five Pounds, nor more than Ten Pounds, to be recovered in a summary manner, on complaint of the said Surveyor General before any Two or more Stipendiary Justices of the Peace for the Central District, and levied by Warrant of Distress and Sale of the Goods and Chattels of the offender; and all Houses and Buildings hereafter Built or Erected contrary to the provisions of this Section, shall be and be deemed Public Nuisances.

No new road to be less than 50 feet wide.

Buildings to be kept 25 feet from the centre of all lanes, &c.

Penalty.

XII.—*And be it enacted,* That no person whatsoever shall Excavate or Build upon the front line of any Street, Lane or Fire-break, within the Town of St. John's, until he, she or they shall have given or left at the Office of the said Surveyor General, a Notice in Writing, at least Two Days before the commencement of such intended Excavation or Erection; and thereupon it shall be the duty of the said Surveyor General to examine the said projected work and see that it conform to the Line and Levels of such Street, Lane or Fire-break; and that any person neglecting to give

Notice to be given of intention to build.

such Notice, or acting contrary to the directions in writing of such Surveyor General, according to the provisions of this Act touching the said work, shall be liable to a fine not exceeding the sum of Five Pounds, to be recovered in a summary manner before any Justice of the Peace for the Central District, and levied by Distress and Sale of the Offender's Goods and Chattels; and any work done contrary to such written directions shall be deemed and taken to be a public nuisance, and abated accordingly as other nuisances under this Act.

Buildings to be kept back from the centre of certain streets, &c.

XIII.—*And be it enacted*, That it shall not be lawful for any person or persons to Build or Erect, in the Queen's Road, Military Road, and the Circular Road, the Road between Job's Bridge and Palk's House, and the Road or Street (being a continuation of New Gower Street) which extends from Flower Hill Fire-break Westerly by the Northern end of Hutchings' Street, and on the Northern side of Land granted to the late Honorable Robert Job, to the Marine Parade, or in any other Lane or Street within the said Town or Suburbs which the Governor and Council shall have declared, or may hereafter declare, to be a Main Street, any House or other Building nearer to the centre of such Lane, Road or Street than Twenty-five Feet, nor within Thirty Feet of the centre of the Road leading from the Ordnance Yard to the Queen's Bridge; and all Houses or other Buildings erected on any of the Streets, Roads or Lanes named in this Section, nearer to the centre thereof than Twenty-five Feet and Thirty feet respectively, shall be deemed Public Nuisances, and the like proceedings shall be and may be had with respect to the same and with respect to any person or persons building or erecting the same, as are hereinbefore provided with respect to other public nuisances of a like nature.

Arbitrators—how appointed—their powers, &c.

XIV.—*And be it further enacted*, That for the purpose of ascertaining the damage that has been or may be occasioned to any person or persons whose interests in any Lands or Tenements have been or may be in any way affected under the provisions of this Act, or under the provisions of the Acts before recited, in cases not already determined by the Appraisers appointed under the Act 10th Victoria, Chapter 1, or by the Arbitrators appointed under the Act 13th Victoria, Chapter 10, it shall be lawful for the Governor or Person Administering the Government to nominate and appoint Two Persons, and the party or parties interested in any such property to appoint a Third, which Three Persons or any Two of them shall determine the amount of compensation, if any, to be paid to such party or parties according to his or their respective interests therein: And in case such party or parties as aforesaid shall refuse or neglect to appoint an Arbitrator within Seven Days after notice in writing so to do from the said Two Arbitrators, it shall be lawful for such Two Arbitrators to name a Third Arbitrator, and the award of any Two of them shall be final and binding: And the said Arbitrators so to be appointed by this Act shall be sworn before a Magistrate to do justice between the parties, and shall have power to summon and require the attendance before them of all parties interested in the property to be appraised by them, or the Agents of such parties respectively, and also all necessary Witnesses or other persons, and to require the production before them of all deeds and papers requisite to establish the title or interest of any party claiming compensation in manner hereinbefore mentioned; and shall have power to examine on oath (to be administered by any one of such Arbitrators) all such parties or their Agents, and all such Witnesses or other persons, touching the matters to be enquired into by such Arbitrators. And in estimating the damage which may be occasioned to any property by the making, widening, or altering of any Street, Cove or Fire-break, the said Arbitrators shall always take into account any additional value or advantage which may accrue to the

several proprietors and occupants from the convenience and security afforded by the widening of the said Street; and if the said Arbitrators shall be of opinion that any proprietors of ground so required for the Streets, Fire-breaks, and Coves, as aforesaid, or any of them, may be indemnified at a less expense by having an equal portion of ground assigned to them from any ground adjoining, and that such adjoining ground may be taken without material injury to the proprietor or proprietors thereof, it shall be lawful, and the said Arbitrators are required to mark off, and in like manner to appraise, so much of the said adjoining ground as they may think sufficient to replace the ground required for the said Streets, Fire-breaks and Coves, and the same so marked off shall belong to the first mentioned proprietors, and be in lieu of all and every indemnity whatsoever, and the appraised value of the same shall be paid as, and shall be, a full satisfaction and release of the same, and of all right and title thereto: *Provided*, that if the land so to be given shall not be deemed an equivalent for the land dedicated to the Street or Firebreak, it shall be lawful to pay the said proprietor such sum as may be, with the land so to be given, a full satisfaction for the land so dedicated. And the awards or decisions of a majority of the said Arbitrators shall in all cases be final and binding on all parties; and the amounts therein awarded shall be paid in manner prescribed by the Forty-second Section of this Act.

XV.—*And be it enacted*, That in the Widening of any of the Streets or Fire-breaks established by this Act, it shall not be compulsory to remove Houses or Buildings without the previous approval of the Governor and Council, and unless such removal can be effected without involving a heavy expense.

XVI.—*And be it enacted*, That in running out the Lines of the Streets and Fire-breaks by this Act established, it shall not be lawful to interfere with the boundaries of, or communications leading to, any Ordnance Premises, without the permission, in writing, of the Master General and Board of Ordnance first had for that purpose; and all expenses incurred by such interference shall (if required by the Master General and Board of Ordnance) be discharged out of the Funds provided for compensating parties whose Ground may be taken for the Widening of Streets and Fire-breaks.

XVII.—*And be it enacted*, That no Building shall be erected to interfere with the line of fire from Fort William and Fort George towards the Harbour, provided that the Officers of Her Majesty's Board of Ordnance shall pay or tender to the Proprietors and Tenants of Land situate in the line of fire, Compensation for such rights as would be interfered with by preventing the erection of such Building; which Compensation shall be ascertained by three Arbitrators, of whom one shall be appointed by the respective Officers of the Board of Ordnance,—one by the Proprietor, Tenant, or other Party having a beneficial interest in the Land or Buildings interfered with, and a third shall be chosen by the Arbitrators so appointed, or (in the event of such Arbitrators not being able to agree in the choice of a third Arbitrator) shall be appointed by the Stipendiary Magistrates for the District of St. John's; and the award of any two of such three Arbitrators shall be final and binding: *Provided* always, that if the said respective Officers shall not, within fourteen days after being thereto required in writing by any party interested in that behalf, appoint an Arbitrator to meet the Arbitrator of such Party as aforesaid, it shall be lawful for such Party to proceed in the erection and completion of any Building or Buildings in like manner as he might have done if this Act had not been made.

XVIII.—*And be it enacted*, That the Paths appropriated for the use of Foot Passengers on each side of Water Street and Duckworth Street be

Proviso.

Buildings not to be removed at a "heavy expense."

Interference with Ordnance Premises.

Interference with line of fire from Fort William.

Proviso.

Side Paths to be 10 feet wide.

ten feet wide, and shall be covered with Plank or Stone to that extent by the Proprietor of each House abutting on the said Streets along the front of such House or Building.

Power given to Governor and Council to alter width of Streets.

XIX.—*And be it further enacted*, That it shall be lawful for the Governor, or Person administering the Government for the time being, by and with the advice of Her Majesty's Council, by any Order or Orders from time to time to be made and published in the Royal Gazette, or by proclamation, to suspend, for such time or times as he shall think fit, or altogether to dispense with, the opening, making, widening, or altering, of any Fire-break, Street or Lane, in this Act mentioned or referred to, or any part or parts of any such Fire-break, Street or Lane, and to prescribe the width or widths of all such Fire-breaks, Streets and Lanes, in their several parts, and the same from time to time to vary; and to regulate the width of all new Streets or Lanes hereafter to be opened, and the level upon which all Streets, Lanes and Fire-breaks shall be made; and also to regulate, alter and adjust the levels and widths of all Foot-paths or Side-walks heretofore made or laid down, or which may hereafter be made or laid down in the said Town.

Drains and Sewers

XX.—*And be it further enacted*, That it shall be lawful for the Governor for the time being to authorise and direct the Surveyor General of the Island to superintend and carry into effect the provisions of this Act; who shall lay down, upon such plan and in such manner as may be directed by the Governor in Council, such common Drains and Sewers throughout the said Town, as may be necessary for cleansing and draining the same, and who shall perform such duties gratuitously.

Assessment for drainage and sewerage.

XXI.—*And be it enacted*, That in order to defray the expense of laying down and constructing such common Drains and Sewers as aforesaid, and for defraying the cost for the raising and collecting of the Assessment hereinafter mentioned, it shall be lawful for the Justices in Session of the District of St. John's, upon the presentments of the Grand Jury of such Sessions of the amount required for such purposes, to make Orders, under their hands and seals, for the raising and levying of an Assessment or Assessments, at a rate in the pound on the rents or appraised values of all houses and buildings and lands within the limits of the said Town; all which Assessments shall be raised, levied and collected from all Landlords, Lessees, or other persons owning such Lands or Buildings, or deriving a Profit Rent therefrom.

Justices to appoint Appraisers.

XXII.—*And be it enacted*, That it shall be lawful for the said Justices to appoint Three competent Persons to appraise the value of all such Lands, Houses, and Buildings as aforesaid, and upon appeal, in a summary manner, at the instance of any party interested, to decide upon the correctness of such appraisement, and also to appoint a Receiver for the collection of such Assessments; and in case any person or persons liable to contribute towards such Assessment shall refuse or neglect to pay upon demand the amount for which such person or persons shall be assessed, such amount shall and may be recovered in a summary manner, with costs, by a suit to be brought before any Two or more Justices of the said District in the name of the Receiver, (in which action service of process upon the agent of any person absent from the country shall be service upon the principal), and by Sale of the Defendant or Defendants' Lands or Effects; and the amount of such Assessments, when received, shall, after deducting the costs of collection, be paid over to the Colonial Treasurer for the purposes of this Act.

Drainage and Sewerage to be done by Contract.

XXIII.—*And be it enacted*, That it shall not be lawful for the said Surveyor General to proceed in the opening or laying down such common Drains and Sewers as aforesaid, in any other way than by Contract on

Tender, having first given public notice for such intended contract for the space of ten days at least, and all such Contracts shall be in writing, and shall be signed by the Contractor, and subject to all the conditions and restrictions for regulating Contracts for opening and making Roads, under the Act to regulate the making and repairing of Roads, Streets and Bridges within this Colony. And that all payments on Contracts and other charges shall be made by Warrant of the Governor.

XXIV.—*And be it enacted*, That every Party Wall within the limits prescribed for the erection of buildings of Stone, Brick, or other uninflammable materials, shall project above and beyond the roof at least Twelve Inches; and that no Wood or inflammable material of any description, except Doors, Door-frames, Window-sashes, Window-frames, and Roof-boarding, shall be placed within Four-and-a-half Inches of the outside of the said Building; and every Chimney shall extend to a height not less than Two Feet above the Ridgepole: Party Walls.

XXV.—*And be it enacted*, That in case of dispute, it shall be lawful for the said Surveyor General, upon the application in writing of any Proprietor or Tenant of any Land within the said Town, desirous of building a Party Wall, to summon before him the Tenants or Proprietors of the adjoining Land, and thereupon, after hearing such parties as shall attend, to make such order as to the extent which the Party Wall between said parties shall occupy on the Ground of each respectively, as to the manner in which the same shall be built, and as to the proportion of the expense thereof to be paid by the said parties respectively, as he shall deem just: *Provided* that for every award may be made by the Surveyor General under this Act upon a Party Wall, he shall be entitled to receive the sum of One Guinea Sterling, to be paid in equal proportions by the proprietors of the said adjoining properties. Party Walls—
Disputes how
settled.

XXVI.—*And be it enacted*, That any person who shall neglect or refuse to comply with any order or direction made by the Surveyor General, as aforesaid, shall be subject to a Fine not exceeding Five Pounds, to be recovered, with Costs, in a summary manner, by any party who shall sue for the same before a Stipendiary Justice of Peace, of the Central District; and shall be levied by distress and sale of the Offender's Goods and Chattels; one moiety of which Fine shall be paid to the party suing for the same, and the other moiety shall be paid to the Treasurer for the public uses of the Colony; and the proportion of the cost of such Wall, to be paid as aforesaid, may be recovered in an Action of Assumpsit, for Work, Labor, and Materials, in any Court of Record. Penalty for non-
compliance with
directions relating
thereto.

XXVII.—*And be it enacted*, That when any party shall be desirous of building on his own Land, and shall, for the purpose of such building, use in any manner a Wall already built by another party upon the adjoining Land, it shall be lawful for the said Surveyor General, upon the application of either the party so building or the party who shall have built as aforesaid, to summon the said parties before him, and after hearing such parties as may attend upon such summons, to direct that the party building shall have the use of the said Wall to the extent required by him upon paying such proportion of the original cost thereof as the said Surveyor General shall deem just; which proportion shall be recovered by the party entitled thereto, in manner before provided. Parties building
may use wall on
adjoining ground
on paying propor-
tion of its cost.

XXVIII.—*And be it enacted*, That the Governor for the time being is hereby authorised to cause suitable Levels to be taken, by the Surveyor General, of the several Streets, Lanes and Fire-breaks within the said Town, by which levels all parties shall be required to govern themselves. Levels.

Copings, parapets &c., allowed to project.

XXIX.—*And be it enacted*, That all Copings, Parapets, Cornices to overhanging roofs, Blocking Courses, Cornices, Piers, Columns, Pilasters, Entablatures, Facias, Door and Window Dressings, Balconies at least Ten Feet above the level of the Street, or other architectural improvements, may project beyond the general line of fronts in any Street, Lane or Fire-break: *Provided*, that within the limits prescribed for the erection of Buildings of Stone, Brick, or other unflammable material, they be wholly composed of such unflammable materials.

Chimnies and stove-pipes.

XXX.—*And be it enacted*, That it shall be the duty of the High Constable to inspect the several Chimnies and external Stove-pipes throughout the Town, and that the tenant of every house who shall not, within Two Days after he, she or they be notified by the said High Constable of the defective state of such Chimney or Stove-pipe, cause the same to be properly repaired, shall be liable to a Fine of not less than Ten Shillings nor exceeding Forty Shillings, with costs of suit, to be recovered in a summary manner, in the name of the said High Constable, before any Justice of the Peace for the Central District, and levied by distress and sale of the offender's goods and chattels.

Tenants under certain circumstances to receive an extended lease

XXXI.—*And be it enacted*, That in every case wherein any tenant holding under a lease commencing previously to the Ninth day of June in the Year One Thousand Eight Hundred and Forty-six, and not surrendered in consequence of the Fire which occurred in the said town on that day, shall, under the provisions of the said rectied Acts, or any of them, or of this Act, independently of any former Law, or of any covenant or agreement, have been or be compelled to build of Brick, Stone, or any other unflammable material, where such tenant might otherwise have built of Wood, such tenant shall, at the expiration of such lease, receive from his landlord compensation either by an extension of his lease for such period as shall not (including the unexpired term,) exceed Forty Years in the whole, or by payment of a sum of money, as may be determined by any Two of Three Arbitrators, of whom One shall be appointed by the Landlord, One by the Tenant, and the Third by the Arbitrators already chosen.

Compensation—how recovered.

XXXII.—*And be it enacted*, That in the event of any such intended Arbitration not being carried into effect, either from the refusal of the Landlord to appoint an Arbitrator, or from the disagreement of the Arbitrators, or from any cause other than the refusal of the Tenant to appoint an Arbitrator, such compensation as aforesaid may be recovered in an Action of Assumpsit, as for money paid, to be brought against the Landlord in any Court of Record.

No person to commence building within certain limits altho' such persons may have received no compensation.

XXXIII.—*Be it enacted*, That it shall not be lawful for any person or persons to Build, Construct, or Erect, or to Excavate, or proceed in the commencement or completion of any House, Building, Fence or other erection, within the lines and boundaries by law defined and prescribed as and for the width of any Road, Street, Cove, or Firebreak, in the said Town, whether the parties or party owning or claiming any interest in any such ground embraced within the said lines and boundaries, shall or shall not have been paid or tendered compensation for the same, anything in any Act to the contrary thereof notwithstanding.

Penalty.

XXXIV.—*And be it further enacted*, That any person or persons infringing the provisions of this Act, or any order or orders so to be made by the Governor and Council as aforesaid, shall be subject and liable to a penalty not exceeding Ten Pounds, to be recovered in a summary way, before any one or more Justices of the Peace for the District of St. John's, and shall be levied by distress and sale of the offender's goods and chattels, or in case of non-payment, by Imprisonment for any period not exceeding Two Months; and all and every such buildings or erections which shall be erected or constructed, in contravention of this Act, or of

such order or orders respectively, or which shall be in any manner commenced to be erected or constructed, and all such excavations—and also all Houses, Buildings, Erections and Excavations, which since the Ninth day of June, in the Year One Thousand Eight Hundred and Forty-six, shall or may have been built, erected, commenced, or made within such lines and boundaries, (save and except such buildings of brick or stone which may have been erected pursuant to the provisions of the Act passed on the Fourth day of August, in the Year One Thousand Eight Hundred and Forty-six) shall be and be deemed to be Public Nuisances, and may be abated by any Two Stipendiary Justices of the Peace for the Central District, who shall, upon complaint of the Surveyor General or other person, and after hearing the party complained of, or in default of his, her, or their appearance, upon being satisfied that such party had been duly summoned for that purpose, or that a summons for such purpose had been left in or upon the House, Building, Erection or Excavation complained of, make order for the abatement of such nuisance, and shall furnish such assistance of Constables and others as may be necessary for that purpose; and the person or persons who have wilfully committed, or who shall wilfully commit or continue any such nuisance, shall, on proof thereof, in a summary way, before Two or more Stipendiary Justices of the Peace for the Central District, be convicted and pay for every such offence, a penalty not exceeding Five Pounds Sterling, to be levied, with full costs and expenses, including those of the removal of the nuisance, by Warrant of Distress under the hands and seals of such Justices, upon the goods and chattels of the Defendant.

XXXV.—*And be it enacted*, That a substantial Ladder shall be fixed to the roof of every dwelling house, and kept in good repair, except where a regular access to the roof from the inside is provided, and that such Ladders shall be provided by the proprietors of such dwelling houses respectively: And every proprietor of a dwelling house who shall make default herein, shall for every offence forfeit and pay a fine of Ten Shillings, to be recovered with costs in a summary way before any Stipendiary Justice of the Peace for the Central District, and levied by Warrant of Distress and Sale of the offender's goods and chattels.

Ladder to be provided.

XXXVI.—*And be it enacted*, That all Door and Window-sills in any House or Building which by Law hath been or shall be required to be built of unflammable materials, shall be of Stone or other unflammable material; and every person who, since the First day of May, in the year One Thousand Eight Hundred and Forty-nine, has used, or caused to be used, in any such building, any Door or Window-sill, other than such as is herein directed, and shall not remove the same after One Month's Notice in writing from the Surveyor General, shall forfeit and pay for every such Door or Window-sill a Fine of Twenty Shillings Sterling, to be recovered with costs, at the suit of the Surveyor General aforesaid, in a summary manner, before the Court of Sessions for the District of St. John's, and shall cause every such Door or Window-sill to be removed and replaced with a Sill of Stone or other unflammable material, within such time as shall be prescribed by the Surveyor General, in any such case, for that purpose.

Door and window sills to be of stone.

XXXVII.—*And be it further enacted*, That it shall be lawful for the Governor, or Person Administering the Government, and Council, whensoever and wherever they shall think fit, to permit the erection of External Wooden Steps to Stores and other Buildings, in those parts of the Town where buildings of unflammable materials are required to be erected, provided such steps are not upon any of the Public Streets, Coves, or Lanes; and also of Winter Porches, between the First of November and the First of May (in any of the Streets other than Water Street, and the Coves South thereof); and Railings, Entablatures and Pilasters, and other

External porches may be permitted by Governor and Council.

XLI.—*And be it enacted,* That to provide means for the payment of such compensation as hath already been awarded under the said recited Acts, or any of them, or as may be awarded under this Act, beyond the sum of Twenty Thousand Pounds mentioned in the said first recited Act, which said sum of Twenty Thousand Pounds hath already been paid in Money or by Treasury Notes in the manner in the said Act provided, and also for defraying the expense of levelling Water and Duckworth Streets, and the incidental expenses of carrying this Act into operation, there shall be raised, levied, collected and paid to Her Majesty, Her Heirs and Successors, upon the Importation into the Port of St. John's, of the several articles of Wines, Spirits, Goods, Wares and Merchandize, already subject to Duty under and by virtue of an Act passed in the Thirteenth year of the Reign of Her present Majesty, entitled "An Act for Granting to Her Majesty certain Duties on Goods, Wares and Merchandize, Imported into this Colony and its Dependencies," over and above and in addition to the Duties thereby imposed, a further and additional Duty at the rate of and equal to Ten Pounds for and upon every One Hundred Pounds of the Duties levied and collected under the said last mentioned Act; which further and additional Duty or Per Centage shall be raised, levied, collected and paid in like manner and under and subject to the like regulations and restrictions as are contained and set forth, or referred to, in the said last mentioned Act, concerning the Duties thereby imposed, or in any other Act or Acts relating to the management and collection of the Colonial Revenue, and that as fully and effectually to all intents and purposes as if the several clauses and provisions of the said Act were herein enacted: And the said additional Duty or Per Centage shall (during the period hereinafter limited for the collection of the same) be levied, collected and paid upon and in addition to the Duties imposed or to be imposed by any Act or Acts of the Legislature of this Colony, now or hereafter to be in force upon the Importation into the said Port of St. John's of the several articles subject to Duty by the said last mentioned Act, or any such future Act. And such Duty or Per Centage shall be paid over by the Collector of Her Majesty's Customs to the Treasurer of the Colony for that purpose.

10 per cent to be levied on goods imported in the Port of St. John's for defraying extra compensation.

XLII.—*And be it enacted,* That the Governor, or Administrator of the Government for the time being, shall be authorised to draw warrants on the Colonial Treasurer for the payment of compensation that has been awarded under any of the said recited Acts, beyond the said sum of Twenty Thousand Pounds therein mentioned, or that shall be so awarded under this Act; and that in discharge of such warrants for any amount not less than Twenty-five Pounds, as may from time to time be drawn upon him for such purpose by the Governor for the time being, it shall be lawful for the Treasurer to pay to parties in whose favor such warrants may be drawn, the amount of compensation to which he, she or they may be respectively entitled, by Treasury Notes payable within Ten Years from the date thereof, and bearing Interest at the rate of Five per centum per annum, which shall be redeemable on Three Months' Notice being given in the Royal Gazette, at the expiration of which Notice all Interest on such Notes mentioned therein shall cease; and all Interest payable upon sums for which such Treasury Notes are directed to be issued in manner aforesaid, shall be payable half-yearly at the office of the Colonial Treasurer, on production of such Notes before him, on the last days of June and December in each year; and such Notes hereafter issued shall be according to the form in the Schedule to this Act annexed; and all payments to be made under the provisions of this Section, shall be discharged by and out of the Monies to be raised in the manner provided by the preceding Section.

Payments under this Act, how made.

XLIII.—*And be it enacted,* That the additional Duty or Per Centage hereinbefore imposed, shall cease and determine from and after the pay-

Limitation of time for extra duty.

ment and discharge of the amount required for compensation and expense aforesaid, beyond the said sum of Twenty Thousand Pounds mentioned in the said first in part recited Act.

Limits of Town.

XLIV.—*And be it enacted*, That for the purposes of this Act, the boundaries and limits of the said Town of St. John's shall be as follows:— Commencing at the Harbour and running along the course of the Monday's Pond Brook until it strikes the Monday Pond Road; thence in a straight line to Rennie's Mill Bridge on the Old Portugal Cove Road; thence by the courses of the Stream running into Quidi Vidi Lake; thence from the Mouth of the said Stream in a straight line to the Ordnance Boundary Line where it is intersected by the Main Road leading to Signal Hill; thence by the Ordnance Boundary Line to the Harbour of St. John's; and thence by the Waters of the Harbour to the place of beginning: *Provided* that all Government Buildings, Churches, Chapels, and Places of Public Worship, all Public School Houses, and the Buildings of Public Charitable Institutions, shall be exempted from the Rates and Assessments hereinbefore mentioned.

Appraisers' awards confirmed.

XLV.—*And be it further enacted*, That the several orders, awards, matters and things whatsoever made, done, or committed by the Appraisers appointed under the Act 10th Victoria, Chapter 1, or by the Arbitrators appointed under the Act 13th Victoria, Chapter 10, in pursuance of the provisions of such Acts, and all payments made, or Treasury Notes issued or granted in discharge of any Warrant or Warrants for compensation, shall be and the same are hereby respectively confirmed and made valid to all intents and purposes.

Orders of Governor and Council confirmed.

XLVI.—*And be it enacted*, That any order or orders made by the Governor and Council in pursuance of any of the provisions of any of the said recited Acts, shall be, and such order or orders are hereby respectively confirmed and made valid to all intents and purposes.

Certain Acts repealed.

XLVII.—*And be it enacted*, That from and after the passing of this Act, the following Acts shall be and the same are hereby repealed; that is to say—an Act passed in the Fourth Year of the Reign of His late Majesty, entitled “An Act to regulate the Building of Houses in Water Street in the Town of St. John's;” an Act passed in the Fourth Year of the Reign of His late Majesty, entitled “An Act to provide for the Management of a certain Public Wharf and Landing in the Town of St. John's;” an Act passed in the Third Year of the Reign of Her present Majesty, entitled “An Act to repeal part of an Act passed in the Second Session of the First General Assembly of this Island, entitled ‘An Act to regulate the Building of Houses in Water Street in the Town of St. John's;’” an Act passed in the Third Year of the Reign of His late Majesty, entitled “An Act for the Establishment and Regulation of Fire Companies in the Town of St. John's;” and an Act passed in the Fifth Year of the Reign of His late Majesty, entitled “An Act to amend an Act of the Parliament of this Colony, entitled ‘an Act for the Establishment and Regulation of Fire Companies in the Town of St. John's.’”

Sheds erected on crown property—how to be removed.

XLVIII.—*And be it enacted*, That nothing in this Act shall apply to or be construed to apply to, any Shed or other temporary erection now standing on any property belonging to the Crown, and situate in the Town of St. John's; and which last-mentioned Sheds, or other temporary erections, it shall and may be lawful for any Two or more Stipendiary Justices of the Peace for the Central District, at any time to cause to be removed, upon complaint of the Surveyor General, after hearing the party or parties complained of, or in default of his or their appearance upon being summoned for that purpose, make an order for the removal of such Shed or temporary erection accordingly, and shall furnish such assis-

tance of Constables or others as may be necessary to effect such removal as aforesaid.

XLIX.—*And be it enacted*, That that part of the Circular Road Circular Road. leading from the Road to Rennie's Bridge to the Road leading to the Queen's Bridge, shall be Sixty Feet wide throughout, and shall to that extent, when and so soon as permission in writing for that purpose shall have been obtained from the Governor for the time being, be opened, and the land necessary for such width shall be taken on the South side line of said road; and the proprietor of or party interested in any land required for such purpose shall receive compensation, in like manner, and subject to the same regulations as provided by this Act for land taken for public purposes.

L.—*And be it enacted*, That from the vicinity of Pokeham Path to the New Road to be opened. Topsail Road there shall be opened a New Road not less than Sixty Feet wide, to be run and laid out in such direction, by the Surveyor General, as the Governor in Council may direct: *Provided* that arrangements shall have been first made with the owners and occupiers of the Proviso. Land necessary for the said Road, to surrender the same to the public, upon such terms as may be deemed reasonable by the Governor in Council, and that the expenses of compensation for the said Land shall not exceed the sum of Two Hundred Pounds.

SCHEDULE.

FORM OF TREASURY NOTE.

No. COLONY OF NEWFOUNDLAND.

By an Act of the Legislature of this Colony, the Bearer hereof is entitled to receive at the office of the Colonial Treasurer in Pounds, Years from the date hereof the Sum of Pounds, and also Interest on the same at the rate of Five Pounds per Centum per Annum yearly, on the last days of June and December in each Year, on the production of this Note at the Office of the said Colonial Treasurer.

Dated at St. John's, Newfoundland, the day of A.D. 18

Colonial Treasurer.

J. C., Colonial Secretary.



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. V.

AN ACT to repeal the Acts respecting the establishment of a Lunatic Asylum at Saint John's, and to make other provisions in lieu thereof.

[Passed 14th June, 1852.]

WHEREAS it is expedient to repeal the Acts hereinafter recited, respecting the erection of a Lunatic Asylum, and to make other provisions in lieu thereof— Preamble.

Be it therefore enacted, by the Governor, Council, and Assembly, in Legislative Session convened, That the Act passed in the Ninth Year of the Reign of Her Majesty, entitled "An Act for the establishment of a Lunatic Asylum in St. John's," and the Act passed in the Tenth Year of the Reign of Her Majesty, entitled "An Act for granting a further Sum for establishing a Lunatic Asylum in St. John's," shall be and the same are hereby respectively repealed. Acts 9th Vic., Cap. 4, and 10th Vic., Cap. 4, respecting the establishment of a Lunatic Asylum, repealed.

II.—*And be it enacted*, That it shall be lawful for the Treasurer of this Island, and he is hereby authorized, to raise on Loan, by Public Advertisement for Tenders thereof, at the lowest rate of Interest, a Sum not exceeding Three Thousand and Five Hundred Pounds, chargeable upon and to be repaid out of the Public Funds of this Colony, together with Interest at a rate not exceeding Six per Centum per Annum, upon Debentures to be issued, signed by the Treasurer aforesaid, and countersigned by the Colonial Secretary, payable in Twelve Years from the date thereof respectively; which said sum, or so much thereof as may be necessary, shall be appropriated towards defraying the expenses of the erection and completion of a Lunatic Asylum in St. John's or the vicinity thereof, and towards the purchase of Land whereon to erect the said Asylum. Treasurer authorized to raise on loan £3500 for the erection of a Lunatic Asylum.

Monies to be paid by warrant of the Governor on requisition of Chairman of Commissioners.

III.—*And be it enacted*, That it shall be lawful for the Governor or Administrator of the Government, from time to time, by Warrant under his Hand and Seal, to draw upon the Treasurer for any Sum or Sums of Money not exceeding Three Thousand and Five Hundred Pounds aforesaid, on the requisition of the Chairman of the Commissioners, to be appointed as hereinafter provided, in favor of any Person or Persons to be applied to the purposes of this Act.

Governor in Council to appoint Board of Commissioners for the purposes of this Act.

IV.—*And be it enacted*, That it shall be lawful for the Governor, or Administrator of the Government, in Council, to appoint Five Persons, and their places from time to time to supply, as occasion may require, any Three of whom shall be a quorum, to be and act as a Board of Commissioners to superintend the building of the said Lunatic Asylum, and to enter into all necessary Contracts for the erection and completion of the said Asylum, and for furnishing all necessary Supplies for the said Asylum, and for the Patients therein: *Provided always*, that Tenders for such Contracts shall be Advertised for; and those relating to the erection and completion of the said Asylum, together with all Plans, Specifications and Estimates, shall, prior to entering into any such Contract, be submitted to the Governor and Council for their approval.

Proviso.

Powers of Commissioners.

V.—*And be it enacted*, That the said Commissioners shall appoint a Chairman, and shall hold Meetings, and shall have power from time to time to make Rules for such Meetings, and for all matters relating thereto, and also for the admission, treatment and discharge of Patients, and, generally, for the efficient superintendence, management and control of the said Asylum, and for the duties and conduct of the Officers thereof, and such Rules to alter and amend as occasion may require. *Provided always*, that such Rules and Regulations shall not be of any force until approved of by the Governor and Council, copies of which Rules and Regulations shall be laid before the Legislature at its then next session.

Proviso.

Governor to appoint Medical Superintendent, and regulate salaries.

VI.—*And be it enacted*, That the Governor or Administrator of the Government shall have power to appoint the Medical Superintendent; and the said Superintendent shall appoint the necessary subordinate Servants, the Salaries of such subordinate Servants being regulated by the Governor and Council. *Provided*, that such appointments shall be signified to the Legislature at its next session, and the Salaries to be deemed at all times under its control.

Proviso.

Commissioners to make annual report.

VII.—*And be it enacted*, That the said Commissioners shall, on or before the Tenth Day of January in each Year, and at all times when required, transmit to the Office of the Colonial Secretary, to be laid before the Legislature, a full and detailed report of the state, progress and condition of the said Asylum, and of such other matters connected therewith as may be in that behalf directed.



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. VI.

AN ACT to repeal certain parts of an Act passed in the Fourteenth Year of Her Majesty's Reign, entitled "An Act for the appointment of Electric Telegraph Commissioners and for Incorporating Electric Telegraph Companies," and also to provide for Incorporating the Newfoundland Electric Telegraph Company.

[Passed, 14th June, 1852.]

WHEREAS it is deemed advisable to repeal certain parts of an Act passed in the Fourteenth Year of Her Majesty's Reign, entitled "An Act for the appointment of Electric Telegraph Commissioners and for Incorporating Electric Telegraph Companies," and to make other provisions in lieu thereof:

Preamble.

Be it therefore enacted, by the Governor, Council, and Assembly, in Legislative Session convened, that from and after the passing of this Act, the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth and Seventeenth Sections of the said in part recited Act shall be, and they are hereby repealed.

2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 11th, 12th, 13th, 14th, 15th and 17th Sections of 14th Vic., Cap. 7, repealed.

II.—*And be it enacted*, That Frederick N. Gisborne and all persons who shall become Proprietors of Shares for the purpose of establishing a Company to carry into effect the provisions of this Act, and their successors and assigns, shall be, and they are hereby created a Body Corporate and Politic, by the name of the "Newfoundland Electric Telegraph Company," and by that name may have a Common Seal, and Sue and be Sued, and may hold Lands and Goods, and Let, Sell, Assign and Convey the same or any part thereof.

F. N. Gisborne and Shareholders created a corporation by the name of the "Newfoundland Electric Telegraph Company."

Capital £100,000
in 1,000 shares
of £100 each.

III.—*And be it enacted*, That the Capital or Joint Stock of the said Company shall be One Hundred Thousand Pounds, in One Thousand Shares of One Hundred Pounds each, and that the Shareholders shall be individually liable for no more than Twenty-five Pounds per Share over and above the full paid up amount of every such Share held by them respectively, and the Company may sue for and recover the amount of any Shares or Instalments not paid in conformity with the Bye-laws: *Provided always* that nothing herein contained shall be construed to exempt the Joint Stock of the said Corporation from being liable for and chargeable with the Debts and Engagements of the same.

Proviso.

Upon subscription
of 500 shares
shareholders may
meet and appoint
directors.

IV.—*And be it enacted*, That so soon as Five Hundred Shares of the said Capital Stock shall be subscribed, the Stockholders may meet at such time and place, and upon such notice, as a majority of them shall appoint, and at such Meeting a Board of Directors of Five Stockholders, owning at least Five Shares each of the Capital Stock, shall be chosen; which Board of Directors shall choose from among themselves a President and Vice-President, and any Three of such Directors, of whom the President or Vice-President shall be One, shall be a quorum for the transaction of business; and such Board of Directors shall appoint a Secretary and other Officers and Servants, and fix their Salaries, and shall frame Bye-laws for regulating and managing the affairs of the Company: *Provided* no Bye-law shall be repugnant to this Act, or any Law or Statute of this Colony.

Quorum.

Proviso.

Boards of direc-
tors to be elected
annually and
others chosen.

V.—*And be it enacted*, That the said Board of Directors shall commence operations, and continue in office until the First Monday in July, One Thousand Eight Hundred and Fifty-Three, on which said Monday of July, and on the First Monday of July in every succeeding Year, there shall be a General Meeting of the Stockholders, at such town or place as a majority of the Shareholders may name, Fourteen Days' notice thereof having been given in Two of the Public Newspapers of such town or place; at which Meeting the Board of Directors for the past Year shall exhibit a full statement of the affairs of the Company; and the Meeting shall thereupon proceed to audit the Accounts, declare a Dividend, elect a Board of Directors for the ensuing Year, amend or annul any Bye-law, or make any new Bye-law, and transact such other business as may then be brought before them; and all Boards of Directors so appointed shall have the like powers with the Board of Directors first above mentioned.

Shares to be per-
sonal property and
liable to Attach-
ment and Execu-
tion.

VI.—*And be it enacted*, That the Shares in the Capital Stock of the said Company shall be deemed Personal Property and be liable to Attachment and Execution in like manner as other Personal Property now is, and that the Process or Warrant in such case shall be served on the President or Vice-President of the Board of Directors, or the Secretary or other principal Agent of the said Company resident in Newfoundland, and such service shall bind the Share or Shares of any Stockholder to the extent of such Attachment or Execution issued against him; and that for the purpose of ascertaining the number of Shares held by any Shareholder against whom any Attachment or Execution may have issued, such President, Vice-President, Secretary, or other principal Agent as aforesaid, or any Director or Officer of the said Company, may be examined in like manner as any third person having in his or her possession any Goods, Monies, Debts or Effects of any Defendant may now be examined; and upon the Sale by the Sheriff of any such Shares under any Execution, such Secretary or other principal Agent of the said Company as aforesaid, shall, on production of a Bill of Sale from the Sheriff, transfer the number of Shares by him sold under such Execution to the purchaser or purchasers thereof, and such transfer shall be valid and effectual to all intents

and purposes: *Provided always* that the proceeds of such Sale shall be subject and liable in the first instance to any Debt that may be due from such Shareholder to the said Company.

VII.—*And be it enacted*, That the said Company may construct and complete a Main or Trunk Line of Magnetic Electric Telegraph from St. John's towards Cape Ray, and may also construct such Lines from St. John's towards Trepassey, or such other part of the South-western coast as may be selected for the purpose, as also Branch Lines connecting the said Main or Trunk Lines with any Town or Village: *Provided always* that the said Lines or Branch Lines shall not interfere with the Lines of the St. John's and Carbonear Electric Telegraph Company.

Company may construct Main Trunk Line from St. John's to Cape Ray and other parts of Western shore. Proviso.

VIII.—*And be it enacted*, That the Company may erect the said lines of Telegraph along the side of any public highways, provided they do not interfere with the right of travelling thereon; and may enter into any Lands, and survey and set off such parts thereof as may be necessary for the Lines of Telegraph, and may take from any of the Public Lands of the Colony any Posts or Building Materials necessary to make or repair the Lines or any Buildings in connection therewith; and in case of disagreement between the Company and the owner or occupier of Lands which the Company may take for the purpose aforesaid, or in respect of any damage done to the same, by erecting the lines thereon, the Company and such owner or occupier, as the case may be, shall each choose an Arbitrator, which Two Arbitrators shall choose a Third, and the decision of any Two of them, in writing, shall be final; and if such owner or occupier, or the Agent of the said Company, shall neglect or refuse to choose and appoint an Arbitrator within Four Days after notice in writing to him from the opposite party, or if such Two Arbitrators when duly chosen and appointed shall disagree in the choice of a Third Arbitrator, in any such case it shall be lawful for the Colonial Secretary for the time being to nominate any such Arbitrator, or such Third Arbitrator, as the case may be, who shall possess the same power as if chosen in manner above provided.

Lines of Telegraph may be erected along highways and lands entered.

Mode of valuation of lands required.

IX.—*And be it enacted*, That the Governor or Administrator of the Government, shall have, at all times, in preference to all others, the right of using the lines of Telegraph to be established by the said Company for the transmission of Messages relating to the public service, and the rates of charges therefor shall not exceed the charges made to private individuals; and the said Company shall at all times transmit the messages of private parties without preference or delay, subject to a scale of charges which shall not exceed in any case a rate of Two Shillings for Ten Words over each Hundred Miles.

Government to have preference in sending messages.

X.—*And be it enacted*, That any person wilfully interrupting the free use of any Telegraph line established by the said Company, or works connected therewith, shall be subject to a penalty of not less than Two Pounds, nor more than Ten Pounds, to be recovered by any person informing and suing for the same, in a summary way, before one or more Justices of the Peace, and be levied by Warrant of Distress and Sale of the Offender's Goods and Chattels, one half whereof shall go to the party suing for the same, and the other half be applied to the public use of the Colony; and in default of Goods and Chattels to satisfy such Warrant, every such Offender shall be committed to gaol by such Justice or Justices for any period not exceeding Thirty Days. And if any person shall wilfully or maliciously obstruct or damage any such Telegraph Line, Works, Buildings or Machinery connected therewith, he shall be guilty of Misdemeanor, and the Court before whom the Offender shall be convicted, shall have power to cause such person to be punished accordingly.

Penalty for interrupting use of Telegraph line or works.

Offenders wilfully damaging works guilty of misdemeanor.

Upon completion of line to Cape Ray, grants to be made to Company upon certain conditions.

XI.—*And be it enacted*, That so soon as the said line of Electric Telegraph shall be built and completed from St. John's to Cape Ray, it shall and may be lawful for the Governor or Administrator of the Government for the time being, to issue Grants under the Great Seal of this Island, to the said Corporation, of any ungranted and unoccupied Wilderness Land, on either side of the said Telegraph, West of Piper's Hole, and in such localities as shall first have been approved of by the Governor and Council, not nearer than One Mile from High-Water Mark, in blocks not exceeding Five Square Miles, and in all not exceeding Thirty Square Miles, when and as applied for by the said Corporation; subject, nevertheless, to such conditions, terms and reservations, respecting all Mines of Gold, Silver, and Coal, and all other Mines and Minerals that may be found in any part thereof, and as to the permanent settlement thereof by One Settler in fee simple to every Five Hundred Acres so granted within Five Years from the date of any such Grant, and the right of the Public to construct any Road in and over the said Lands, or any of them, as the Governor, or Administrator of the Government, with the advice of the Council, may deem just and reasonable: and the said Company shall have power to alien and dispose of the said Lands, or any part or parts thereof, subject to the like conditions, terms, and reservations, as aforesaid.

Compensation—how made—for Road to be made by Company.

XII.—*And be it enacted*, That so soon as the said line of Electric Telegraph from St. John's to Cape Ray shall have been completed, and a good traversable Bridle Path or Road along the course of the said Telegraph shall be constructed and completed from the Ship Harbour Road to Cape Ray, or Port-a-Basque, not less than Four Feet in width, and opened to the Public, it shall be lawful for the Governor, by Warrant on the Colonial Treasurer, to pay to the said Company a sum at the rate of Fifteen Hundred Pounds for every One Hundred Miles of the said Road, and the said Road shall be thereupon deemed and used as a Public Highway, subject to the rights of the said Company therein: *Provided* that all Bridges forming part of the said Bridle Path shall not be less than Eight Feet in width respectively, and that the said Bridle Path in its course across all Marshes shall be drained of the width of not less than Twelve Feet; and further, that no part of the said sum shall be paid until the said Road shall have been inspected by a Government Surveyor, and certified by him to be in conformity to the provisions of this Act.

Act to be inoperative unless half stock subscribed and effective operations commenced in one year and a half.

XIII.—*And be it enacted*, That unless One-half at least of the Capital or Joint Stock of the said Company shall be subscribed, and effective operations commenced for the building and laying down of the said Line of Telegraph, within One Year and a Half from and after the passing of this Act, this Act and every thing herein contained, shall cease to have any force or effect, and every clause, matter and thing herein contained, shall thenceforth be utterly null and void.

Materials may be imported free of duty.

XIV.—*And be it enacted*, That all Wires and Materials required for the use of Main Lines, or Branch Lines of Telegraph, shall and may be imported Free of Duty.

Company to enjoy exclusive right to line upon performance of certain conditions.

XV.—*And be it enacted*, That the Corporation hereby created, (provided the said Line of Electric Telegraph shall have been completed from St. John's to Cape Ray within Three Years from the passing of this Act,) shall have the right to the Building, Making and Working of the said Line, or of any other Line of Electric Telegraph between St. John's and Cape Ray, or any other Western points of the Island, to the exclusion of all other persons, and Bodies Politic or Corporate, for the full period of Thirty Years from the passing of this Act, subject nevertheless to the right of pre-emption by the Government of Newfoundland hereinafter contained.

XVI.—*And be it enacted*, That if at any time after the passing of this Act, it shall be deemed advisable, by the Governor for the time being, in Council, that any Line of Telegraph and Branch Lines established by the said Company, should be transferred to and vested in the Government of this Island, it shall be lawful for such Governor to cause a written notice to be given to the said Company, which shall be served upon the President, or any other principal Officer thereof, or by leaving the same with any Officer in the Office of such Company at St. John's, which notice shall state that the Government have decided on becoming the holders of the said Lines and Branches, and shall require a statement of the actual outlay and expenses which the Company have made or incurred in the construction of such Main or Trunk Lines, and Branch Lines, and Buildings and Erections connected therewith; such statement to be authenticated in such manner as by the Governor and Council may be required; and upon the expiration of Twelve Calendar Months from the service of such notice, and after payment made or tendered in manner hereinafter provided, all and singular the Lands and Estate not previously alienated or disposed of by the said Company, Trunk or Main Line of Electric Telegraph and Branches, Batteries, Posts, Wires, Machinery, and all other things whatsoever then owned and possessed by such Company, under and by virtue of the provisions of this Act, or for the purposes thereof, and all the right, title, and interest of such Company in and to the same respectively, and all Deeds, Conveyances, and Charters relating thereto, shall become transferred, surrendered up, and vested in Her Majesty, Her Heirs and Successors, for the public use and benefit of this Island, and shall be thenceforth held free and discharged from all claims of such Company, or any Shareholder thereof, or any person whomsoever; and it shall thereupon be lawful for the Governor to draw a Warrant or Warrants on the Treasurer for the payment to such Company of the actual outlay and expenses so made or incurred by them as aforesaid, together with an addition of Fifty Pounds per Centum thereto; and the payment or payments in discharge of such Warrant or Warrants shall be made or tendered by the Treasurer aforesaid to the President and Directors of the said Company, or to their principal Officer or Agent in this Island, in such manner as the Governor for the time being shall direct and appoint.

Provision for purchase of line by Government.

XVII.—*And be it enacted*, That all Stockholders resident within this Colony or elsewhere may vote by proxy, upon the production of sufficient authority, in writing, from his constituents, so to act.

Stockholders may vote by proxy.

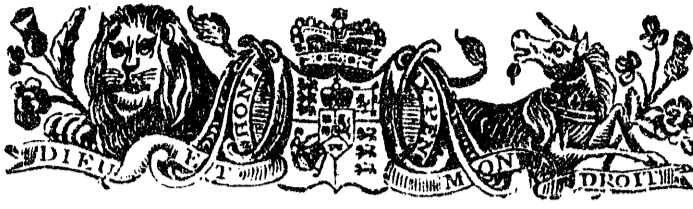
XVIII.—*And be it enacted*, That all and every the Shares in the Capital Stock of the said Company, and all profits and advantages thereof, shall be deemed to be Personal Estate, and shall be transmissible as such according to the Rules and Regulations to be established in that behalf: *Provided* always, that no Assignment or Transfer of any Share shall be valid or effectual until such Transfer be entered and registered in a Book to be kept for that purpose: *and Provided also*, that whenever any Stockholder shall transfer, in manner aforesaid, all his Stock or Shares in the said Company, to any person or persons, such Stockholder shall cease to be a member of the said Corporation; but such Shareholder shall nevertheless be liable in manner and to the extent hereinbefore provided, for any Debts or Liabilities of the said Corporation, incurred or subsisting at the time of any such Transfer.

Shares and profits of Company to be personal estate.

Proviso.

XIX.—*And be it enacted*, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of, and shall have the effect of a Public Act without being specially pleaded.

Act to be deemed a Public Act.



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. VII.

AN ACT to make provision for the protection of Electric Telegraphs.

[Passed 14th June, 1852.]

WHEREAS it is necessary to make better provision for the protection of Electric Telegraphs in this Colony : Preamble.

Be it therefore enacted, By the Governor, Council, and Assembly, in Legislative Session convened, that if any Person shall wilfully and maliciously, and to the prejudice of any Electric Telegraph authorized to be made or established by any Act of this Colony, whether now made or established or hereafter to be made or established, break, throw down, damage and destroy the same, or any part thereof, or any of the Station-Houses, Watch-Houses, Posts, Rails, Wire, Machine, Machinery, or any other Apparatus, Works or Devices, incidental or relative thereto or connected therewith, or do any other wilful hurt or mischief, or shall wilfully or maliciously obstruct and interrupt the free use of any Telegraph as aforesaid, or any of the appurtenances thereof, or obstruct, hinder or prevent the carrying on, completing, supporting, and maintaining, using and working of any Telegraph already made or established, or hereafter to be made or established, such Person shall be adjudged guilty of Felony, and the Court by and before whom such Person shall be tried and convicted, shall have power and authority to sentence such Person to be Imprisoned for a period not exceeding One Year, with Hard Labour, any Act to the contrary notwithstanding.

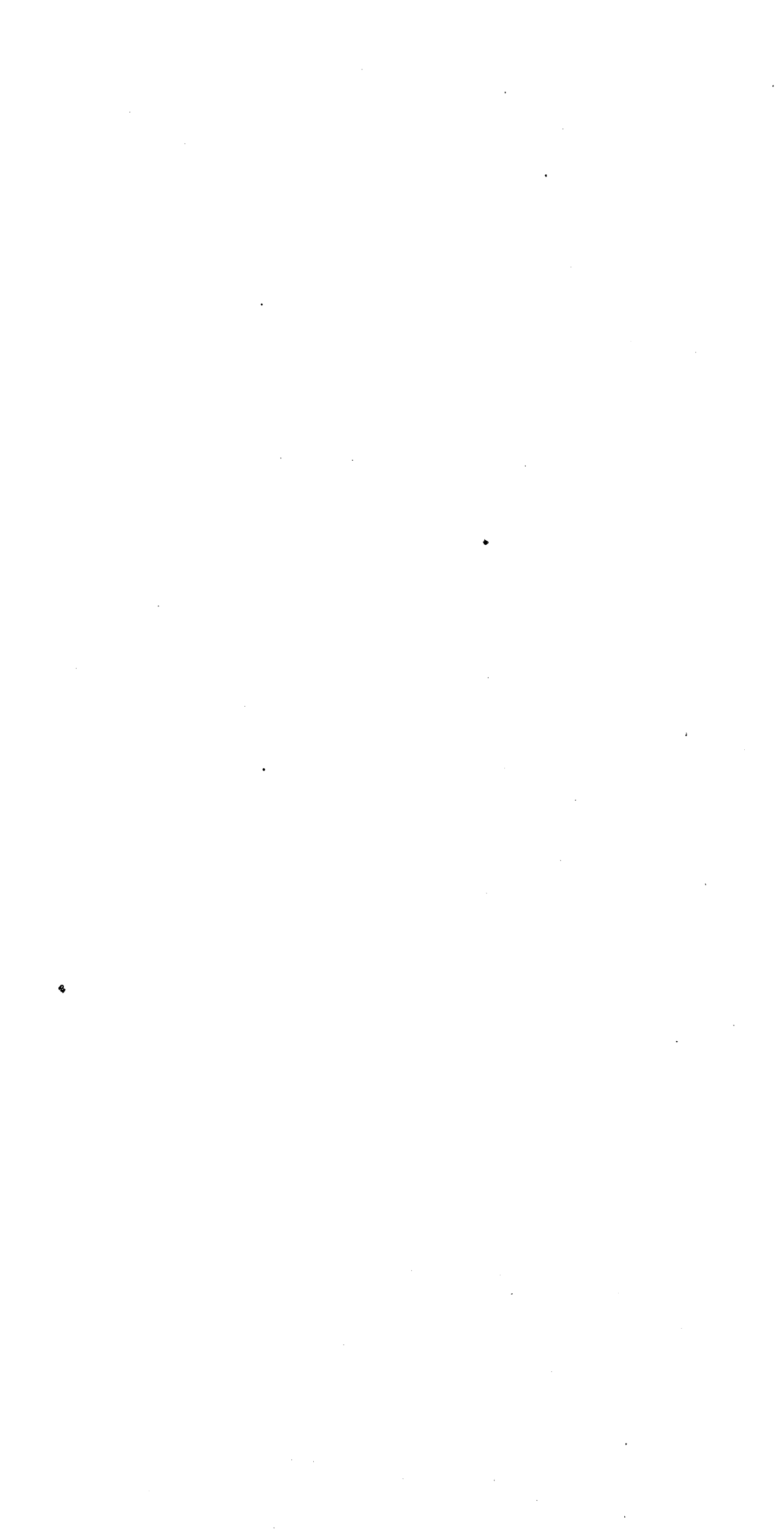
Persons wilfully or maliciously injuring any Electric Telegraph or appurtenances to be adjudged guilty of Felony.

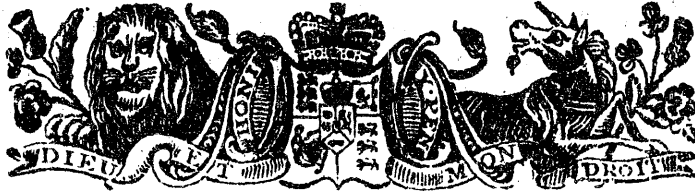
II.—*And be it enacted*, That the Courts of Quarter Sessions of the District where any of the offences mentioned in the First Section shall be committed, shall have jurisdiction to try, convict, and sentence any offender or offenders, concurrently with Her Majesty's Superior Courts of Record in this Colony.

Court of Quarter Sessions to have jurisdiction over offences.

III.—*And be it enacted*, That for the more effectual apprehension of offenders, any Person found committing any offence against this Act, may be immediately apprehended, without a Warrant, by any Person, and forthwith taken before some neighbouring Justice of the Peace to be dealt with according to Law.

Offenders may be apprehended without Warrant.





ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. VIII.

*AN ACT for the Encouragement of Communication
by Steam between certain Ports and St. John's.*

[Passed 14th June, 1852.]

WHEREAS it is expedient to encourage Communication by Steam between Great Britain or Ireland, the United States of America, and the Port of Saint John's in this Colony: Preamble.

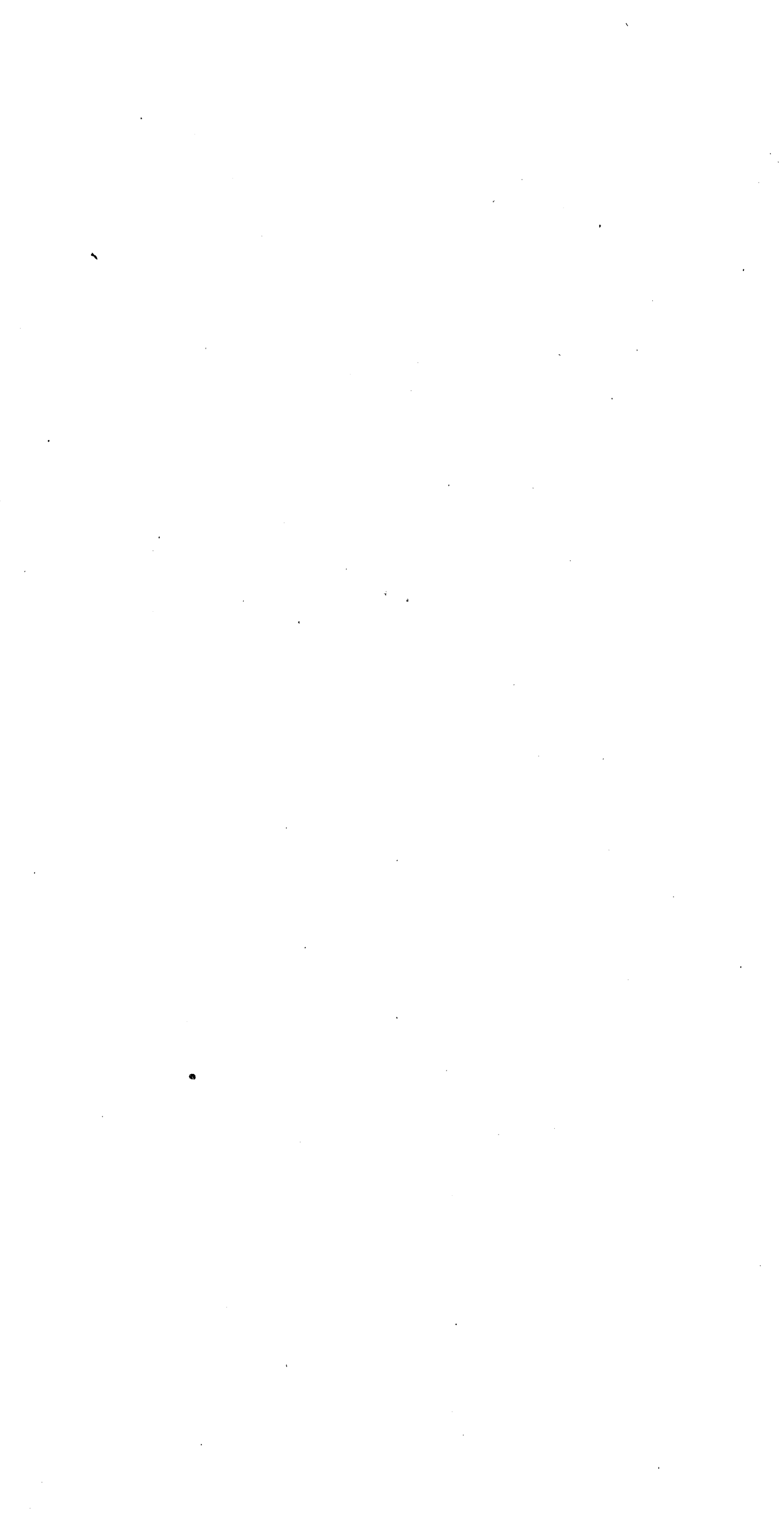
Be it therefore enacted, By the Governor, Council and Assembly, in Legislative Session convened, that it shall be lawful for the Governor or Administrator of the Government, in Council, to appoint Six Persons, who shall be selected in equal numbers from among the Members of Her Majesty's Council and of the House of Assembly in this Colony, as Commissioners, to be called "The Newfoundland Steamship Commissioners," for the purpose of effectually carrying out the provisions of this Act: Provided always, that should any of the said Commissioners die, or be absent from the Colony for Six Months, or cease to be a Member of Her Majesty's Council or of the House of Assembly aforesaid, the place of any such Person shall be supplied by another who shall be a Member of the same Branch of the Legislature as the Person causing the vacancy aforesaid. Government to appoint Six Commissioners for purposes of Act.
Proviso.

II.—*And be it enacted, That the said Commissioners shall be and they are hereby authorized to negotiate and contract with the "New York and Galway Steamship Company," or any other Company or Person or Persons who may be willing to run First Class Steamers of not less than Fifteen Hundred Tons register measurement, and of proportionate power, between New York or Boston, or any Port in British North America, and any Port in Great Britain or Ireland, calling at the Port of St. John's in this Colony once a Fortnight, both on Homeward and Outward bound Voyages, and upon such other terms and conditions as may* Commissioners to negotiate and contract for running of Steamers between St. John's and certain other places.

Proviso. be agreed upon : *Provided* that the said Commissioners shall first open negotiations with the said New York and Galway Steamship Company, and give a preference of the Contract to the said Company, and shall not Contract with any other Company or Person or Persons until at least Two Months after the passing of this Act.

Annual grant of £2,500 to carry out Act. III.—*And be it enacted*, That there be granted to Her Majesty Her Heirs and Successors the sum of Two Thousand and Five Hundred Pounds Annually, to be paid by Warrant of the Governor or Administrator of the Government upon the Colonial Treasurer, in favor of the said New York and Galway Steamship Company, or any other Company or Person or Persons who shall Contract with the said Commissioners for the purposes aforesaid ; the said Sum to be paid at the expiration of each Year from the commencement of the service, upon the certificate of the said Commissioners that the same has been faithfully performed.

Continuance of Act. IV.—*And be it enacted*, That this Act shall continue in force for the period of Five Years, and no longer.





ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. IX.

*AN ACT to Incorporate a Company under the
Style and Title of the Newfoundland Steam
Packet Company.*

[Passed 14th June, 1852.]

BE it enacted by the Governor, Council, and Assembly, in Legislative Session convened, That John Munn, Thomas H. Ridley, Edward E. Brown, Patrick Devereux, John Rorke, William Brown, James Cormack, William Donnelley, William S. Green, Azariah Munden, John Norman, James J. Rogerson, and John Fox, and their respective Successors, and all such other Persons as may have associated with them for the purpose of establishing a regular and efficient Steam Communication between certain Ports of this Island; and also all such other persons as shall hereafter become Stockholders in the Company hereby established in manner hereinafter provided, and their respective Successors, shall be, and they are hereby united into a Company for the purpose aforesaid, and shall be a Body Corporate and Politic, in Law, in Fact, and in Name, by the style and title of "Newfoundland Steam Packet Company," and by that name shall have perpetual succession, and a Common Seal, with power to alter the same; and shall and may be capable in Law, or in Equity, to sue and be sued, implead and be impleaded, answer and be answered unto in all Courts and Places whatsoever; and shall and may purchase, hold, receive, enjoy, assign, and convey, any Lands and Tenements, Ships or Vessels, Goods and Chattels, and shall and may do and execute all other things in and about the same as may be necessary for the advantage of the said Corporation; and also that they the said Company, or the major part present at any General Meeting of the said Company, to be convened as hereinafter provided, shall and may from time to time, and at all times, have full power and authority to ordain, make, and establish, all such Rules and Bye-laws, and repeal, alter, amend, and add to the same, and to do and perform all such other Acts, Deeds, Matters and Things whatsoever, as may be necessary for the good government of the said Corporation; and as to them as such Body Corporate and Politic shall appertain to do: *Provided*, that such Rules and Bye-laws shall not be inconsistent with the true intent and meaning of this Act, nor repugnant to the Laws of this Colony.

Company incorporated under name of "Newfoundland Steam Packet Company."

Capital Stock
£6,000, in 600
Shares of £10
each.

Proviso.

Appointment of
Directors.

Directors appoint-
ed annually at
General Meeting
of Stockholders.

Directors to con-
sist of 13 persons,
who are to choose
Chairman and
Vice-Chairman.

Directors to ap-
point Officers and
Clerks of Com-
pany.

II.—*And be it further enacted*, That the said Company may raise and contribute among themselves, as the Stock of the said Company, a Sum not exceeding in the whole Six Thousand Pounds Currency, in Six Hundred Shares of Ten Pounds each, and such Sum shall be paid by the Stockholders respectively at such times and in such manner as the Directors of the said Company may from time to time appoint, and shall be appropriated to the purchase of a Steamer, and towards her necessary contingent expenses and support, and for carrying into effect the objects of the said Company, and the purposes of this Act : *Provided always*, that whenever the business of the said Company shall be found to require a further and additional amount of Capital Stock, it shall and may be lawful for the said Stockholders at any General Meeting to be called for that purpose, and of which due notice of not less than Ten Days shall be first given in One or more of the Public Prints of this Colony, to open a list for the purpose, and to increase the said Capital Stock, by a further amount not exceeding One Half their original Stock, in Shares of Ten Pounds each; and such additional Stock may be made and added either in one gross amount and at one time, or at two or more distinct and separate times, and in such amounts severally as shall be resolved and agreed upon at the said or any subsequent Meeting of the said Stockholders to be called as aforesaid.

III.—*And be it further enacted*, That the Persons whose names are before mentioned, having been duly elected Directors at a General Meeting of the Stockholders of the said Company, shall be and are hereby declared to be Directors of the said Company, and they are hereby empowered to make, ordain, and establish such Rules and Bye-laws for the good conduct and management of the affairs of the said Company, and the carrying into effect the purposes of this Act, as may be deemed necessary.

IV.—*And be it further enacted*, That the said Directors so appointed as aforesaid, shall commence the operations of the said Company, and shall continue in office until the First Monday in February, One Thousand Eight Hundred and Fifty-three; and that on the said First Monday in February, and on the First Monday in February in each succeeding Year, a General Meeting of the Stockholders of the said Company shall, upon due notice as aforesaid, be holden, at which Meeting the Directors for the then past Year shall exhibit a full and unreserved statement of the affairs of the said Company, and such Meeting shall thereupon proceed to Audit the Accounts so exhibited, to Declare a Dividend thereon, to Elect Directors for the then ensuing Year, who shall be Shareholders in the said Company to the amount of Fifty Pounds Currency, to amend, if necessary, or to annul any Rule or Bye-law of the Company, and to transact such other business as may then be brought before them.

V.—*And be it further enacted*, That the said Board of Directors shall be Thirteen in number, Five of whom shall be a Quorum for the transaction of business, and that as soon after their election as may be, such Directors shall choose a Chairman and Vice-Chairman, and that in case any vacancy shall arise, previously to such Annual Meeting as aforesaid, by the Death, Resignation, or Six Months' Absence from the Colony, of any Member of the said Board of Directors, the remaining Directors shall be and they are hereby authorized to fill up such vacancy from among the Stockholders of the said Company, and the Person appointed to such vacancy shall continue in Office until the time of the holding of the next Annual Meeting of Stockholders.

VI.—*And be it further enacted*, That the Directors for the time being shall have power to appoint such Officers, Clerks, and Servants, as they shall think necessary for executing the business of the said Company, and shall allow them such Compensation for their respective services as may be reasonable and proper, all which, together with all other contingent

expenses, shall be defrayed out of the funds of the Corporation, and the said Directors shall likewise exercise such other powers and authorities for the well regulating the Officers of the said Corporation as shall be prescribed by the Rules and Bye-laws of the same.

VII.—*And be it further enacted*, That the said Directors shall be and are hereby authorized to procure, out of the Funds of the said Corporation, One or more good and efficient Steamer or Steamers suited to the service, which shall ply between Carbonear, Harbour Grace, Brigus and Topsail or Portugal Cove, and between such other places in this Island as the Directors may appoint. And the said Directors are hereby authorized to make such Rules and Regulations with regard to the times of such Steamer or Steamers starting, to fix such Rates for Passengers, Freight, and any other matter, and also with respect to the General Management of the said Steamer or Steamers and the business of the said Company, as they shall think fit and proper; and the said Directors are hereby also authorized to alter and change the various Ports or Places of Call as they may find necessary.

Directors to procure one or more efficient Steamers to ply in Conception Bay or other places in this island.
To make rules, &c

VIII.—*And be it further enacted*, That on every occasion when, in conformity with the provisions of this Act, the Votes of the Stockholders are to be given, each Stockholder of One Share shall have One Vote, Five Shares Two Votes, Ten Shares Three Votes, Fifteen Shares Four Votes, Twenty Shares Five Votes, and One Vote for every Five Shares over and above the said Twenty Shares; and that in any case whereupon any question being under consideration of the Board of Directors, the number of Votes for and against such question shall be equal, the Chairman shall have a Casting Vote.

Votes—how regulated.

IX.—*And be it further enacted*, That any Stockholder or Stockholders may vote by Proxy: *Provided* that such Proxy be a Stockholder and do produce a sufficient authority in writing from his constituents.

Votes by proxy. Proviso.

X.—*And be it further enacted*, That all and every the Shares in the Capital Stock of the said Company, and the profits and advantages thereof, shall be deemed and shall be personal estate, and transmissible as such according to the Rules and Regulations to be established in that behalf: *Provided always*, that no assignment or transfer of any Share shall be valid or effectual until such transfer be entered and registered in a book to be kept for that purpose; *and provided also* that whenever any Shareholder shall transfer all his Stock or Shares in the said Company to any other person or persons, such Shareholder shall cease to be a member of the said Corporation.

Shares to be personal estate.

Provision for registry of Shares.

XI.—*And be it further enacted*, That the Shares in the Capital Stock of the said Company shall be liable to Attachment and Execution in like manner as other personal property now is, and that the Process or Warrant in such case shall be served on the Chairman or Vice-Chairman of the Board of Directors, and such service shall bind the Shares of such Stockholder to the extent of such Attachment or Execution. And that for the purpose of ascertaining the number of Shares held by any Shareholder against whom any Attachment or Execution may have issued, such Chairman or Vice-Chairman, or any Director or Officer of the said Company, may be examined in like manner as any third person having in his or her possession any goods, monies, debts or effects of any Defendant, may now be examined; and upon sale by the Sheriff of any such Shares under any such execution, or under execution issued upon a Judgement obtained in the cause wherein the attachment shall have been made on mesne process, the Secretary of the said Company shall, on production of a Bill of Sale from the Sheriff, transfer the number of Shares by him sold under such execution to the Purchaser or Purchasers thereof; and such transfer shall be valid and effectual to all intents and purposes:

Shares subject to Attachment and Execution.

- Proviso. *Provided always*, that the Proceeds of such Sale shall be subject and liable in the first instance to any Debt that may be due from the said Defendant to the said Corporation.
- Liability of Stockholders. XII.—*And be it further enacted*, That the holders of Stock in the said Corporation shall be chargeable in their private and individual capacity for the payment of all Debts due at any time from the said Corporation in proportion to the Stock they respectively hold: *Provided, however*, that in no case shall any one Stockholder be liable to pay a sum exceeding the amount of Stock then actually held by him: *Provided nevertheless*, that nothing previously herein contained shall be construed to exempt the Joint Stock of the said Corporation from being liable for, and chargeable with, the Debts and Engagements of the same.
- Proceedings on dissolution. XIII.—*And be it further enacted*, That on a dissolution of the said Corporation, immediate and effectual measures shall be taken by the Directors then in office, for closing all the Concerns of the said Corporation, and for dividing the Capital and Profits thereof which may remain after the discharge of all existing Debts and Liabilities, among the Stockholders in proportion to their respective interests. *Provided* that such Stockholders shall be chargeable in their private and individual capacity for the payment and discharge of all the then existing Debts and Liabilities of the said Corporation in proportion to the Stock that they shall then respectively hold; subject, however, to the proviso mentioned in the preceding Section of this Act. *Provided however*, that such Liability shall continue for Two Years only, from and after the time of such dissolution.
- Proviso. XIV.—*And be it further enacted*, That a majority of Stockholders shall have power at any time to call a General Meeting of Stockholders for purposes relating to the business of the said Corporation, giving at least Ten Days' Notice of such Meeting in one or more of the Public Prints of this Colony and specifying in such Notice the time and place of such Meeting and the object thereof; and the Board of Directors, or any four of them, shall have the like power at any time, upon observing the like formalities, to call a General Meeting as aforesaid.
- General Meetings—how convened. XV.—*And be it further enacted*, That if any person or persons who now are, or hereafter may become, a Shareholder or Shareholders in the said Company, shall neglect or refuse to pay the amount of his, her or their respective Share or Shares to the said Company, when the same shall be required by the Directors thereof for the time being, to be paid, it shall and may be lawful for the said Directors of the said Corporation for the time being, in the name thereof, to commence proceedings in law, by summons or otherwise, against such person or persons and proceed to judgment and execution thereon.
- Shareholders may be sued upon default in payment of shares. XVI.—*And be it enacted*, That any Steamer employed by the said Company shall, between the hours of sunset and sunrise, when under speed, exhibit a sufficient Light or Lights in some conspicuous part, and in default of so doing, the Master of any such Steamer shall, for every offence as aforesaid, forfeit a sum not exceeding Five Pounds, to be recovered in a summary manner before a Justice of the Peace, by any person who shall sue for the same, and the amount thereof, with costs, levied by distress and sale of the offender's goods and chattels; one half the amount to be paid to the informer and the other half to the Treasurer for the use of the Colony.
- Steamers running to exhibit a light. XVII.—*And be it enacted*, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of, and have the effect of a Public Act without being specially pleaded.
- Act to be deemed a Public Act.



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. X.

*AN ACT to Incorporate the Shareholders of the
St. John's Athenæum.*

[Passed 14th June, 1852.]

WHEREAS the Erection in the Town of St. John's of a spacious Building or Hall, will be of great public advantage, in affording accommodation to Societies formed for the acquisition and diffusion of useful knowledge, and be also serviceable for the Holding of Public Meetings convened for moral and useful purposes: And whereas the several Persons hereinafter named, and others, have entered into a subscription to raise in Shares such sum as may be requisite as a Joint Stock or Fund for that purpose:

Be it therefore enacted, by the Governor, Council, and Assembly, in Legislative Session convened, and by the authority of the same, that Edward M. Archibald, James Crowdy, William Thomas, Charles Fox Bennett, John Kent, Robert Carter, Hugh W. Hoyles, Thomas B. Job, Philip F. Little, Robert Prowse, Peter McBride, Samuel Carson, John Winter, John O'Mara, John B. Barnes, John Fox, Thomas G. Morry, Peter G. Tessier, James S. Clift, John Bulley, John Bowring, William Coyell, Thomas M'Connan, James Seaton, Philip Duggan, and all and every such Person and Persons as shall from time to time become Proprietors of Shares in the Company and undertaking hereby established, and their respective Successors, Executors, Administrators, and Assigns, shall and they are hereby declared to be a Body Politic and Corporate, by the name of "The St. John's Athenæum Company," and by that name shall and may Sue and be Sued, Plead and be Impleaded, in all Courts of Law and Equity within this Island.

II.—*And be it enacted*, That the said Company shall and may take, purchase and hold any Lands, Houses, Tenements and Hereditaments, in fee-simple or otherwise, and also Rents, Monies, Securities for Monies, Goods and Chattels; and shall and may Demise and Let, Sell and Convey,

Proviso.

Parties incorporated under name of "The St. John's Athenæum Company."

General powers of Company.

or Mortgage the same, or any part thereof, subject to the restrictions hereinafter mentioned, and do and execute all other things in and about the same, which may be necessary and proper for the benefit of the said Company; and shall have full power and authority to make and establish such Bye-laws and Ordinances as may from time to time be required, and to alter or amend the same: *Provided* such Bye-laws and Ordinances be not contradictory or repugnant to this Act, or to the Laws and Statutes of this Island.

Proviso.

Capital not to exceed £6000.

III.—*And be it enacted*, That the Capital of the said Company shall consist of such sum, not exceeding in the whole Six Thousand Pounds, as shall from time to time be limited and fixed at any General or Special Meeting of the Company duly holden, and shall be divided into Shares of Three Pounds each, and such Shares shall be assignable and transferable in such manner and upon such terms as by the said Bye-laws may be provided and directed; and whenever any shareholder shall transfer, in manner aforesaid, all his Stock or Shares in the said Company to any other Person or Persons, such Shareholder shall cease to be a Member of the said Corporation.

Calls on shares—how paid, and penalty of default.

IV.—*And be it enacted*, That the several Persons who now are, or hereafter may become Subscribers towards the said undertaking, shall and they are hereby required to pay the Sums of Money by them respectively subscribed, in such proportion, and at such times and places, as shall be directed by the said Bye-laws; and in case any Person shall neglect or refuse to pay the same, at the time or times, and in the manner prescribed for that purpose, it shall be lawful for the said Company to sue for and recover the same in any Court of competent jurisdiction; or the Share or Shares of any such Defaulter, and upon or in respect of which any such Payments shall be due, shall become forfeited to the Corporation, at the election of the Directors.

General Meeting to organize—how to be called

V.—*And be it enacted*, That as soon after the passing of this Act as may be convenient and deemed expedient, the Persons named in this Act, or any Three or more of them, shall, by Public Advertisement, to be Printed in at least two of the Newspapers in St. John's during Ten Days, appoint a day and place for the first General Meeting of the Subscribers to the Joint Stock of the said Company, and shall assemble such Meeting, and a Chairman thereof being chosen from among the Subscribers present, with a Secretary, the Company hereby Incorporated shall be formed and organized, and go into operation under this Act; and the said Subscribers then and there present shall and may forthwith proceed to elect Thirteen Directors (one of whom shall be chosen by the said Directors by Ballot as President, and one other shall be chosen in like manner as Vice-President,) and the said Directors so to be elected, Five of whom, including the President, or in his absence the Vice-President, shall be a Quorum, shall hold, exercise and enjoy, and retain their respective Offices from the day of such their election until the First Annual General Meeting thereafter, and until re-elected, or a new choice of Officers be made by the Company, pursuant to this Act and the Bye-laws of the said Company.

Annual general meetings.

VI.—*And be it enacted*, That the General Annual Meeting of the said Company shall be held on the Second Monday of January in every Year after this present Year at some convenient place in the Town of St. John's, to be appointed and duly notified by Public Advertisement to the Shareholders by the Board of Directors. And at such General Annual Meeting the Directors for the Year past shall exhibit a full statement of the Affairs of the Corporation; and the said Meeting shall audit the Accounts, declare a Dividend, elect Directors for the then ensuing Year, amend or annul any Bye-law, and transact any other necessary Business.

VII.—*And be it enacted*, That special Meetings of the Company shall be summoned by the Directors, when they shall deem the same necessary, or whenever a requisition in writing therefor shall be delivered to the Board, signed by Twenty Shareholders, or by Ten Shareholders owning together at least One Hundred Shares, and specifying the object of such Meeting : *Provided always* that at least 'Ten Days' notice of such Special Meeting, and of the object thereof, shall be given in some Two of the Public Newspapers published at St. John's aforesaid, and that all such General or Special Meetings may be adjourned from time to time, and from place to place, as may be found expedient.

Special general meetings.

Proviso.

VIII.—*And be it enacted*, That at any Annual or Special Meeting of the Company, each Proprietor or Shareholder having paid up all Calls on him made, and then due and payable, shall be entitled to give one Vote for and in respect of every Share held by him : *Provided* that no one Shareholder shall give more than Thirty Votes, notwithstanding he may hold more than Thirty Shares ; and the said Proprietor may give such Vote or Votes by his Proxy duly constituted according to the By-laws, such Proxy being a Shareholder and entitled to vote, and every such Vote by Proxy shall be as good and sufficient to all intents and purposes as if such Principal had voted in person ; and at every Meeting of the Board of Directors, each Director shall have One Vote only, and every Question, Matter, or Thing which shall be discussed or considered at any Meeting of the Board of Directors, shall be determined by the majority of Votes then given by the Directors there present ; and in case it should so happen that at any General or Special Meeting of Shareholders, or at any Meeting of the Board of Directors, the Votes shall be equal, then the President of the Company, or, in his absence, the Chairman of the Meeting, or of the Board, shall be entitled to a Casting Vote in addition to his own Personal Vote.

Votes—how given and regulated.

Proviso.

Proxies.

IX.—*And be it enacted*, That the Joint Property or Stock of the said Company shall be alone liable for its Debts and Engagements, and that no Shareholder in the said Company shall be responsible, chargeable, or accountable, by any ways or means, for any other or greater sum of money than the amount of the Shares which he shall actually and bona fide possess, or be entitled to, in the Capital or Joint Stock of the said Corporation.

Liability of shareholders.

X.—*Provided always, and be it enacted*, That no Person concerned or interested in any Contract under the said Company shall be capable of being chosen or if chosen of continuing a Director of the said Company ; and no Person during such time as he shall be such Director shall be capable of taking any Contract under the said Company.

No director to be a contractor.

XI.—*And be it enacted*, That when and so often as any Director named or elected by virtue of this Act shall be absent from the Island for Three Months at any one time, or shall die or resign, or shall become otherwise disqualified or incompetent to act as such Director, before his term of office shall have expired, it shall be lawful for the remaining Directors, if they shall think fit, to elect some other Proprietor duly qualified to fill up such vacancy.

Vacancies in directory—how supplied.

XII.—*And be it enacted*, That the Directors for the time being shall have power to appoint a Secretary and Treasurer, and such other Officers and Servants as may be necessary for executing the business of the said Corporation, and shall allow them such compensation for their respective services as may be reasonable, subject to the approval of the Shareholders at the next General Meeting, to be defrayed out of the Funds of the Corporation ; and the said Directors shall likewise exercise such other powers and authorities for the management of the affairs of the said Corpe-

Powers of directors.

ration as shall be prescribed by the Bye-laws and Regulations of the same.

How and in what case property may be mortgaged or sold.

XIII.—*And be it enacted,* That the Directors of the said Corporation shall be authorized and empowered at any time, by and with the assent of Shareholders owning at least Three-fourths of the Stock of the said Company, to be given in writing at any General or Special Meeting regularly convened for that purpose, and not otherwise, to Borrow on Mortgage of the Property belonging to the said Corporation, such sums of Money as may be required for the uses thereof, or absolutely to Sell and Dispose of the Real Estate and Property of the said Company, or any part thereof, if deemed expedient; and the said Directors are hereby authorized to convey in Mortgage any Lands or Real Estate of the said Corporation, for the purpose of securing the Monies so to be Borrowed as aforesaid, or in case of an absolute Sale of the said Real Estate, or any part thereof, to Grant and Convey the same, and to make the necessary Deeds and Conveyances for that purpose.

Act to be deemed a Public Act.

XIV.—*And be it enacted,* That this Act shall be deemed a Public Act, and shall be judicially noticed as a Public Act without being specially pleaded.



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. XI.

AN ACT to Incorporate a Company under the Style and Title of the Harbour Grace Gas Light Company.

[Passed 14th June, 1852.]

WHEREAS the Lighting of the Houses, Public Places and Streets of Harbour-Grace with Gas, would be of great public utility; And Whereas the several Persons hereinafter named are desirous of being united into a Company for carrying into effect the purpose aforesaid, but the same cannot be effectually accomplished without the authority of the Legislature:

Be it therefore enacted, by the Governor, Council, and Assembly, in Legislative Session convened, That John Munn, William H. Ridley, Daniel Green, John J. Roddick, Patrick Devereaux, Hugh W. Trapnell, and Thomas Higgins, and their respective Successors, Executors, Administrators and Assigns, and all such other Persons as may have associated with them for the purpose aforesaid, and also all such other Persons as shall hereafter become Stockholders in the Company hereby established in manner hereinafter provided, and their respective Successors, Executors, Administrators or Assigns, shall be and they are hereby united into a Company for the purpose aforesaid, and shall be a Body Corporate and Politic, in Law, in Fact, and in Name, by the style and title of the "Harbour Grace Gas Light Company," and by that name shall have perpetual succession, and a Common Seal, with power to alter the same; and shall and may be capable in Law, or in Equity, to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and Places whatsoever; and shall and may purchase, hold, receive, enjoy, assign, and convey, any Lands, Tenements, Goods and Chattels, and shall and may do and execute all other things in and about the same, as may be necessary for the advantage of the said Corporation; and also that they the said Company, or the major part present at a General

Proviso.

Company Incorporated.

Proviso.

Meeting of the said Company, to be convened as hereinafter provided shall and may, from time to time, and at all times, have full power and authority to ordain, make, and establish, all such Rules and Bye-laws, and repeal, alter, amend, and add to the same, and to do and perform all such other Acts, Deeds, Matters and Things whatsoever, as may be necessary for the good government of the said Corporation, and as to them as such Body Corporate and Politic shall appertain to do: *Provided always*, that such Rules and Bye-laws shall not be in anywise inconsistent with the true intent and meaning of this Act, nor repugnant to the Laws of this Colony.

Capital Stock to be £700 in 700 shares of £1 each.

II.—*And be it further enacted*, That the said Company may raise and contribute among themselves, as the Stock of the said Company, a sum not exceeding in the whole Seven Hundred Pounds Currency, in Seven Hundred Shares of One Pound each; and such Sum shall be paid by the Stockholders respectively, at such times and in such manner as the Directors of the said Company may from time to time appoint, and shall be appropriated to the Constructing, Completing, and Maintaining the Gas Works of the said Company, and for carrying into effect the purposes of this Act: *Provided always*, that whenever the Business of the said Company shall be found to require a further and additional Amount of Capital Stock, it shall and may be lawful for the said Stockholders, at a General Meeting to be called for that purpose, and of which due notice of not less than Twenty Days shall be first given in one or more of the Public Prints of this Colony, to open a List for the purpose, and to increase the said Capital Stock by a further amount not exceeding the amount of their Original Stock, in Shares of One Pound each, and such additional Stock may be made and added either in one gross amount and at one time, or at two or more distinct and separate times, and in such amounts severally as shall be resolved and agreed upon at the said or any subsequent Meeting of the said Stockholders to be called as aforesaid.

Appointment of Directors.

III.—*And be it further enacted*, That the Persons aforesaid, whose names are mentioned in the First Section, shall be, and are hereby declared to be, Directors of the said Company, and they are hereby empowered to make, ordain, and establish such Rules and Bye-laws for the good conduct and management of the affairs of the said Company, and the carrying into effect the purposes of this Act, as may be deemed necessary.

Directors to commence operations, and to be elected annually at General Meetings.

IV.—*And be it further enacted*, That the said Directors so appointed as aforesaid, shall commence the operations of the said Company, and shall continue in Office until the First Wednesday in May, One Thousand Eight Hundred and Fifty-three; and that on the said First Wednesday in May in each succeeding Year, a General Meeting of the Stockholders of the said Company shall, upon due notice as aforesaid, be holden, at which Meeting the Directors for the then past Year shall exhibit a full and unreserved Statement of the Affairs of the said Company, and such Meeting shall thereupon proceed to audit the said Accounts so exhibited, to declare a Dividend thereon, to elect Directors for the then ensuing Year, who shall be Shareholders in the said Company to the amount of Twenty Shares, to amend, if necessary, or to annul any Rule or Bye-law of the Company, and to transact such other Business as may then be brought before them.

Boards of Directors to consist of seven persons.
Quorum.
To elect Chairman and Vice-Chairman.

V.—*And be it further enacted*, That the said Board of Directors shall consist of Seven in number, Five of whom shall be a Quorum for the transaction of Business, and that as soon after their Election as may be, such Directors shall choose a Chairman and Vice-Chairman, and that in case any vacancy shall arise previously to any such Annual Meeting as aforesaid by the Death, Resignation, or Absence from the Colony, of any

Member of the said Board, the remaining Directors shall be and they are hereby authorized to fill up such vacancy from among the Stockholders of the said Company, and the Person appointed to such vacancy shall continue in Office until the time of the holding of the next Annual Meeting of Stockholders.

VI.—*And be it further enacted*, That the Directors for the time being shall have power to appoint such Officers, Clerks, and Servants, as they shall think necessary for executing the Business of the said Company, and shall allow them such Compensation for their respective Services as may be reasonable and proper, all which, together with all other Contingent Expenses, shall be defrayed out of the Funds of the Corporation; and the said Directors shall likewise exercise such other powers and authorities for the well regulating of the Affairs of the said Corporation as shall be prescribed by the Bye-laws and Regulations of the same.

Appointment of Clerks and Officers of Company.

VII.—*And be it further enacted*, That on every occasion, when in conformity with the Provisions of this Act, the Votes of the Stockholders are to be given, each Stockholder shall be entitled to One Vote for every Share; and that in any case where, upon any Question being under the consideration of the Board of Directors, the number of Votes for and against such Question shall be equal, the Chairman shall have a Casting Vote.

Votes—how regulated among Stockholders.

VIII.—*And be it further enacted*, That all Stockholders, resident within this Colony or elsewhere, may vote by Proxy: *Provided* that such Proxy be a Stockholder, and do produce a sufficient authority in writing from his Constituent so to act.

Vote by Proxy. Proviso.

IX.—*And be it further enacted*, That all and every the Shares in the Capital Stock of the said Company, and the Profits and Advantages thereof, shall be deemed and shall be Personal Estate, and transferable as such according to the Rules and Regulations to be established in that behalf: *Provided always* that no Assignment or Transfer of any Share shall be valid or effectual until such Transfer be entered and registered in a Book to be kept for that purpose; *and provided also*, that whenever any Stockholder shall transfer, in manner aforesaid, all his Stock or Shares in the said Company to any other Person or Persons, such Stockholder shall cease to be a Member of the said Corporation.

Shares to be personal estate.

Proviso as to registry of shares.

X.—*And be it further enacted*, That the Shares in the Capital Stock of the said Company shall be liable to Attachment and Execution in like manner as other Personal Property now is, and that the Process or Warrant in such cases respectively shall be served on the Chairman or Vice-Chairman of the Board of Directors, and such service shall bind the Shares of such Stockholder to the extent of such Attachment or Execution; and that for the purpose of ascertaining the number of Shares held by any Stockholder against whom any Attachment or Execution may have issued, such Chairman or Vice-Chairman, or any Director or Officer of the said Company, may be examined in like manner as any Third Person having in his or her possession any Goods, Money, Debts, or Effects of any Defendant, may now be examined; and upon Sale by the Sheriff of any such Shares under any such Execution, or under Execution issued upon a Judgment obtained in the cause wherein the Attachment shall have been made on Mesne Process, the Secretary of the said Company shall, on production of a Bill of Sale from the Sheriff, transfer the number of Shares by him sold under such Execution, to the Purchaser or Purchasers thereof, and such Transfer shall be valid and effectual to all intents and purposes: *Provided always*, that the Proceeds of such Sale shall be subject and liable in the first instance to any Debt that may be due from the said Defendant to the said Corporation.

Shares to be subject to Attachment and Execution.

Proviso.

Liability of Stockholders. XI.—*And be it further enacted*, That the holders of Stock in the said Corporation shall be chargeable in their private and individual capacity for the payment of all Debts due at any time from the said Corporation in proportion to the Stock they respectively hold: *Provided, however*, that in no case shall any one Stockholder be liable to pay a sum exceeding the amount of Stock then actually held by him: *Provided nevertheless*, that nothing herein contained shall be construed to exempt the Joint Stock of the said Corporation from being also liable for, and chargeable with, the Debts and Engagements of the same.

Proviso.

Further proviso.

Proceedings on dissolution.

XII.—*And be it further enacted*, That on a dissolution of the said Corporation, immediate and effectual measures shall be taken by the Directors then in office, for closing all the concerns of the said Corporation, and for dividing the Capital and Profits thereof which may remain after the discharge of all existing Debts and Liabilities, among the Stockholders, in proportion to their respective interests. *Provided* that such Stockholders shall be chargeable in their private and individual capacity for the payment and discharge of all the then existing Debts and Liabilities of the said Corporation in proportion to the Stock they shall then respectively hold; subject, however, to the proviso mentioned in the preceding Section of this Act. *Provided however*, that such Liability shall continue for Two Years only, from and after the time of such dissolution.

Proviso.

Further proviso.

General Meetings—how convened.

XIII.—*And be it further enacted*, That any number of Stockholders, not less than Ten, who together shall be Proprietors of One Hundred and Fifty Shares, shall have power at any time to call a General Meeting of Stockholders for purposes relating to the business of the said Corporation, giving at least Ten Days' Notice in one or more of the Public Prints in this Colony and specifying in such Notice the time and place of such Meeting and the object thereof; and the Board of Directors, or any Four of them, shall have the like power at any time, upon observing the like formalities, to call a General Meeting as aforesaid.

Powers of Corporation to break up roads, lay pipes, &c.

XIV.—*And be it further enacted*, That it shall be lawful for the said Company, and they are hereby empowered, from time to time to break up, dig and trench, so much and so many of the Streets, Squares, and Public Places of the said Town of Harbour Grace, commencing at the Works of the said Corporation, or such other place as may be expedient, and running throughout the said Town, as may be necessary for laying or taking up the Main Pipes to conduct the Gas from the Works of the said Corporation to the places where the same is to be consumed, or for conveying away the Wastings of the said Works; and also from time to time to cause such Lamps, Lamp Irons, Lamp Posts, or other Posts, to be placed, fixed, put up or erected within or upon all or any of the said Roads, Streets and Places, as they shall think proper, doing no unnecessary damage in any of the premises, and taking care, as far as may be, to preserve a free and uninterrupted passage through the said Streets, Squares, and Public Places, while such works are in progress, placing guards or fences, with lamps during the night, and taking such other precautions as may be necessary for the prevention of accidents by any openings, and finishing and replacing the said Streets, Squares and Public Places in as good condition as before the commencement of the Works, without any unnecessary delay; and in case of the neglect of any of the duties herein prescribed, the said Corporation shall be subject to pay a fine of Five Pounds, over and above such damages as may be recovered against the said Corporation in any Civil Action.

Provision for the protection of individuals.

Powers of Corporation where buildings owned or occupied by different proprietors.

XV.—*And be it further enacted*, That where there are Buildings within the said Town, different parts whereof shall belong to different Proprietors, or shall be in possession of different Tenants or Lessees, the said Corporation shall have power to carry Pipes to any part of any Buildings so

situated, passing over the Property of one or more Proprietors, or in possession of one or more Tenants, to convey the Gas to that of another, or in possession of another, and also to break up and uplift all passages which may be a common servitude to neighbouring Proprietors, and to dig or cut trenches therein for the purpose of laying down Pipes, or taking up or repairing the same, the said Corporation doing as little damage as may be in the execution of the powers granted by this Act, and making satisfaction to the Owners or Proprietors of Buildings or other Property, or to the Public, for all damage to be by them sustained in or by the execution of all or any of the said powers.

XVI.—*And be it further enacted,* That the said Corporation shall so construct and locate their Gas Works and all Apparatus and Appurtenances thereto appertaining, as in nowise to endanger the public health and safety ; and for the purpose of better insuring the due execution of the provisions of this Section, all such Works, Apparatus and Appurtenances aforesaid shall be subject to the Visits and Inspection of the Stipendiary Magistrates for the said Town of Harbour Grace ; and the said Corporation shall at all times obey all such just and reasonable Orders and Directions as they shall receive from the said Magistrates for the purpose of ensuring the execution of the provisions of this Section, under a Penalty not exceeding Five Pounds for every such offence : *Provided always,* that nothing in this Section contained shall extend or be construed to prevent the said Corporation, their Officers, Servants or Workmen, from being prosecuted for Public or Private Nuisances arising from the said Gas Works, or any Apparatus or Appurtenances thereof, or to prevent the effect of any Judgment or Sentence lawfully rendered upon any such prosecution.

Gas works to be subject to the inspection of Stipendiary Magistrates.

Penalty.
Proviso.

XVII.—*And be it further enacted,* That if any Person or Persons shall lay, or cause to be laid, any Pipe or Main to communicate with any Pipe or Main belonging to the said Corporation, or in anyway obtain or use its Gas without the consent of the Board of Directors or their Officers appointed to grant such consent, or shall increase the supply of Gas agreed for with the said Corporation, by increasing the number or size of the holes in the Gas-burners, or using the Gas without Burners, or otherwise wrongfully or improperly wasting the Gas, every such Person shall forfeit and pay to the said Corporation the sum of Ten Pounds for every such offence, over and above the value of the Gas which may have been so wrongfully used, consumed or wasted ; and the same, together with Costs of Suit in that behalf incurred, may be recovered in any Civil Action to be brought by the said Corporation in any of Her Majesty's Courts of Record.

Penalties on persons found unlawfully using Gas.

XVIII.—*And be it further enacted,* That if any Person or Persons shall wilfully or maliciously break up, pull down, injure, damage, put out of order, or destroy, any Main Pipe, Lamp, Lamp Iron or Post, or any other Apparatus or Appurtenance of the said Corporation, or any Materials used or provided for the same ; or shall in anywise wilfully do any other injury or damage, for the purpose of obstructing, hindering, or embarrassing the Construction, Completion, Maintaining or Repairing of the said Works, or of the Apparatus or Appurtenance thereof, or shall wilfully extinguish the light of any such Lamp as aforesaid, every such Person or Persons shall, on conviction thereof, to be had in a summary manner before any Justice of the Peace, forfeit for every such offence a sum not exceeding Five Pounds, and shall also make full satisfaction for the damage so occasioned ; and it shall be lawful for any Person or Persons who shall see the offence committed, to apprehend without any Warrant, and for any other Person or Persons to assist in apprehending, the Offender or Offenders, and to convey him, her or them, to any Constable, who is to keep him, her or them in safe custody, and with all reasonable despatch to convey him,

Penalties against persons wilfully damaging pipes, apparatus, &c.

her or them before any Justice of the Peace, in order to his, her or their conviction for such offence; and in case any such Offender or Offenders shall not on conviction pay the said forfeiture and satisfaction, such Justice is hereby required to commit such Offender or Offenders to the common Gaol for any period not exceeding Three Calendar Months, unless such forfeiture and satisfaction shall be sooner paid.

Penalties on persons wilfully damaging lamps, &c.

XIX.—*And be it further enacted*, That if any Person or Persons shall carelessly or accidentally break any of the said Lamps, Lamp Irons, or Lamp Posts, or do any other such injury or damage as hereinbefore is mentioned, and shall not upon demand make satisfaction for the injury so done, it shall and may be lawful for any Justice of the Peace, upon any complaint thereof, to summon the party complained of before him, and upon hearing thereof by the parties on both sides, or on the non-appearance of the party complained of, to examine the matter of complaint and award such sum of money, by way of satisfaction for such damage, as such Justice shall think reasonable; and in case of neglect or refusal forthwith to pay such money, then the same, and all expenses attending the recovery thereof, may be levied by Distress and Sale of the Defendant's Goods and Chattels.

Recovery of penalties not hereinbefore provided for.

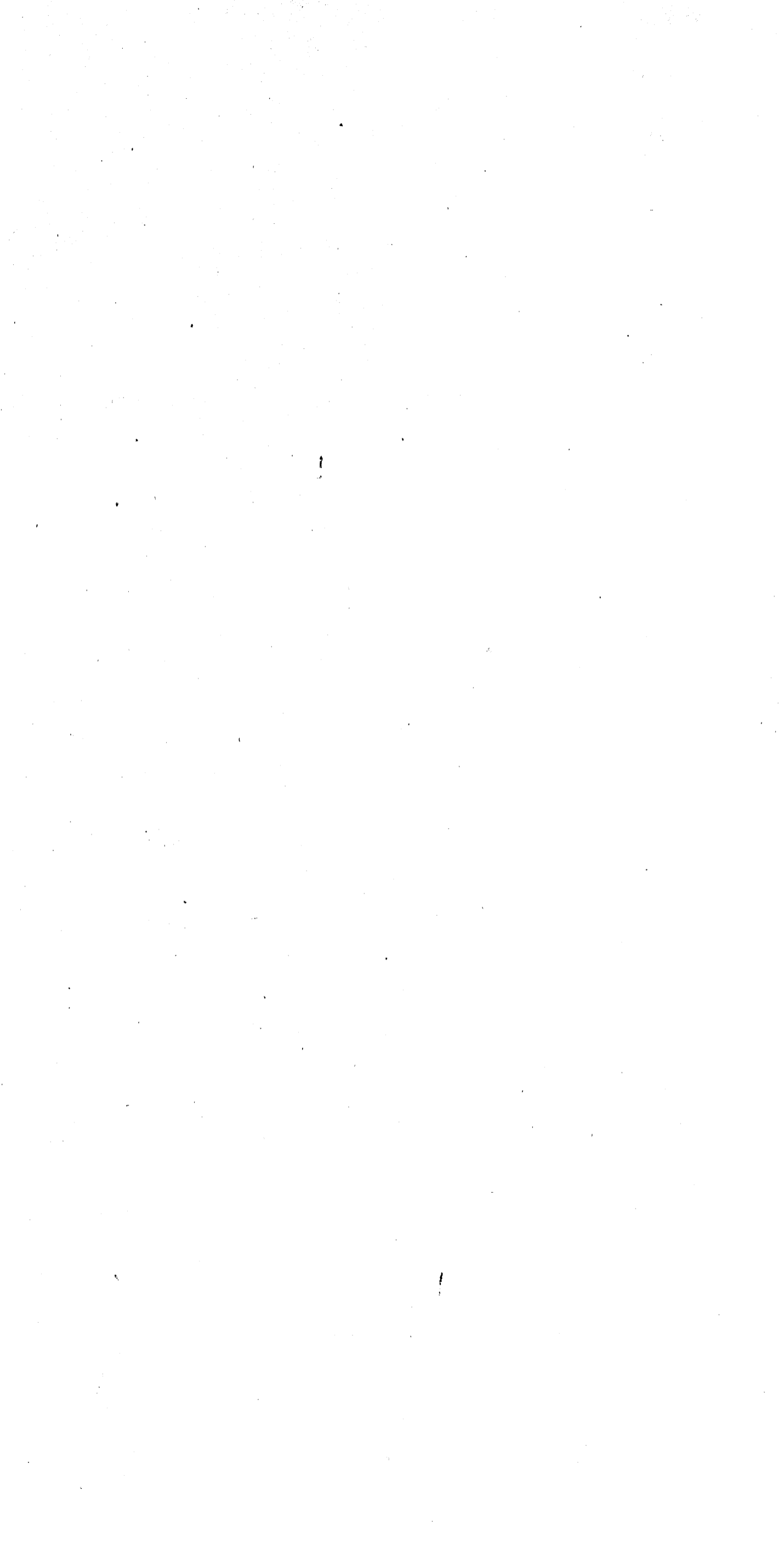
XX.—*And be it further enacted*, That all Penalties imposed by this Act, for the recovery of which no method is hereinbefore prescribed, may be sued for and recovered, together with Costs of Suit, by an Action of Debt, to be brought in any of Her Majesty's Courts of Record, or in a summary manner before Two or more of Her Majesty's Justices of the Peace, and by Distress and Sale of the Offender's Goods and Chattels; and no conviction which may be had under this Act, shall be quashed for want of form, provided sufficient appear on the face thereof to warrant such conviction.

Corporation may sue defaulters for shares.

XXI.—*And be it further enacted*, That if any Person or Persons who now are, or hereafter may become, a Shareholder or Shareholders in the said Corporation, shall neglect or refuse to pay the amount of his, her or their respective Share or Shares to the said Corporation, when the same shall be required by the Directors thereof for the time being, to be paid, it shall and may be lawful for the said Directors of the said Corporation, in the name thereof, to commence proceedings in law, by summons or otherwise, against such Person or Persons, and proceed to judgment and execution thereon.

Act to be deemed a Public Act.

XXII.—*And be it further enacted*, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of and have the effect of a Public Act without being specially pleaded.







ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. XII.

AN ACT to Incorporate sundry Persons by the name of the Newfoundland Marine Assurance Company.

[Passed 14th June, 1852.]

WHEREAS the establishment of a Company at St. John's for making Assurances on Ships, Goods and Freights, against the perils and dangers of the Seas and Navigation, will be advantageous to the Commerce of the Colony: And whereas the several Persons hereinafter named, with others, have entered into a Subscription to raise in Shares such sums as may be sufficient for a Joint Stock or Fund for the said purposes, and have prayed to be Incorporated:

Preamble.

Be it therefore enacted, by the Governor, Council, and Assembly, in Legislative Session convened, and by the authority of the same, That Laurence O'Brien, Eugenius Harvey, James J. Grieve, Robert Prowse, James Furlong, Henry K. Dickenson, James J. Rogerson, Thomas Row, John Munn, Thomas H. Ridley, William Donnelly, Peter McBride, James S. Clift, Edward Bowring, George H. Wilson, William H. Mare, Richard O'Dwyer, Edward L. Jarvis, and all such other Persons as may hereafter become Stockholders in the Company hereby established, their respective Successors, Executors, Administrators and Assigns, shall be and they are hereby united into a Company, and declared to be a Body Politic and Corporate by the name of "The Newfoundland Marine Assurance Company," and by that name shall have perpetual succession, and a Common Seal, with power to alter the same; and by that name also shall and may sue and be sued, plead and be impleaded, at Law or in Equity; and also shall and may from time to time, and at all times, have full power and authority to ordain, make and establish all such Rules and Bye-laws, and to do and perform all such other acts, deeds, matters and things whatsoever as may be necessary to the good government and management of the business of the said Corporation, and as to them as

Company Incorporated.

Proviso.

such Body Politic and Corporate shall appertain to do: *Provided always* that such Rules and Bye-laws shall not be inconsistent with the true intent and meaning of this Act, nor repugnant to the Laws of this Colony.

Capital to be £25,000 in 1000 shares of £25 each, £2,500 to be paid in twelve months.

II.—*And be it enacted*, That the Capital, or Joint Stock of the said Corporation, shall consist of the Sum of Twenty-five Thousand Pounds, in One Thousand Shares of Twenty-five Pounds each; to be paid in Dollars at Five Shillings each, or in other Coins at equivalent value; Two Thousand Five Hundred Pounds whereof, being one-tenth part of the said Capital or Joint Stock, shall be paid within Twelve Calendar Months after the passing of this Act, and the remaining Nine-tenths, or Twenty-two Thousand Five Hundred Pounds, shall be paid at such time or times, and in such parts or portions, as the Directors for the time being of the said Corporation, or a majority of them, shall from time to time think necessary.

Subscribers to pay 2½ per cent. on shares before first meeting.

III.—*And be it enacted*, That all the Subscribers for Stock or Shares in the said Corporation shall, previous to the day of the First General Meeting of the Members and Stockholders of the said Corporation, to be called as hereafter mentioned, pay into the hands of such person or persons as the persons mentioned by name in and by the First Section of this Act, or the major part of them, or in case of the death of any of them, the major part of the survivors, may direct, a deposit of two and one-half per centum upon the amount of Capital Stock of the said Corporation for which they shall have subscribed; and the said deposit shall be taken and allowed to every Subscriber who shall pay the same as part and parcel of the first one-tenth part of the Capital Stock required to be paid in, under and by virtue of this Act; and every Subscriber who shall neglect or refuse to pay in the said deposit, shall, for every Share in respect of which he or she shall neglect or refuse to pay in, be deemed a defaulter, and the said Share or Shares shall be forfeited to the Corporation; and no Subscriber shall, upon any pretence whatever, vote at the First General Meeting in respect of any Share or Shares upon which he or she shall not have paid the said deposit.

Ten per cent., including paid 2½, to be paid within six months and security to be given.

IV.—*And be it enacted*, That every Stockholder or Subscriber shall, within the said twelve months after the passing of this Act, pay into the hands of the Directors for the time being of the said Corporation, or into the hands of such person or persons as they or a majority of them shall appoint, one tenth part, or ten per centum on the whole amount of his or her Shares, deducting the deposit mentioned in the Third Section of this Act, and shall give to the President and Directors hereinafter mentioned, good and satisfactory security or securities, either by bond and mortgage on real estate or otherwise, at the option and to the satisfaction of the said President and Directors, or a majority of them, renewable at least as often as once in every year, unless secured on real estate, and oftener if the said President and Directors, or a majority of them, shall require, that one other tenth part or ten per centum on the whole of his or her Share or Shares shall also be paid to the said President and Directors for the time being of the said Corporation, within the said twelve months after the passing of this Act, in the manner hereinafter provided, and that the residue of the whole amount of his Share or Shares shall be paid to the said President and Directors for the time being of the said Corporation, from time to time, and in such parts and portions, and in such manner, as to them the said President and Directors, or a majority of them, shall seem advisable; provided that the amount so to be called in shall not exceed at any one time twenty per centum on the whole amount of the Capital Stock of the said Corporation belonging to any individual, and that not less than thirty days' notice of such payment being required shall be given in one or more of the newspapers published at St. John's: *Provided also*, that nothing herein contained shall be so construed as to pre-

vent any Shareholder from paying up the whole amount of his or her Share or Shares, if he may desire to do so, in preference to giving security for any unpaid portion of such Shares, and if the Directors for the time being shall consent to receive such amount in money, upon which such Shareholder shall be entitled to receive dividends in proportion to the sum or sums of money so paid and received: Provided always, that the said Corporation shall not go into operation until the said sum of Two Thousand Five Hundred Pounds shall have been paid, and shall then be in the vault or office of the said Corporation, or deposited in an Incorporated Bank established in St. John's; and that as soon as the said sum of Two Thousand Five Hundred Pounds shall have been so paid, the President shall give notice thereof to the Secretary of the Colony for the time being, for the information of His Excellency the Governor, or Commander-in-Chief for the time being, who is hereby authorised, by and with the advice of Her Majesty's Council, to appoint Three Commissioners, not being Stockholders, whose duty it shall be to examine and certify to His Excellency that the said Money is in the vault or office, or in a Bank as aforesaid; and also to ascertain by the oaths of a majority of the Directors, (which oaths any one of Her Majesty's Justices of the Peace for the District of St. John's is hereby authorized to administer) that one tenth part of the Capital Stock of the Corporation has been paid in by the Stockholders towards the payment of their respective Shares and not for any other purpose.

V.—*And be it enacted*, That when Two Hundred and Fifty Shares of the Capital Stock of the Corporation shall have been subscribed for, a General Meeting of the Members and Stockholders of the said Corporation shall be called, to take place in St. John's, by notice in one or more of the public newspapers published there, fourteen days at least previous to the day of such Meeting, which notice Edward L. Jarvis, of St. John's, or, in case of his death, neglect, or refusal, any other one of the persons mentioned by name in and by the First Section of this Act is hereby authorised and empowered to give, for the purpose of making, ordaining, and establishing such bye-laws, ordinances, and regulations, for the good order and management of the affairs of the said Corporation as they shall deem necessary, and also for the purpose of choosing, by ballot, Nine Directors, being Members and Stockholders of the said Corporation, under and in pursuance of the Rules and Regulations hereinafter made and provided; which Directors shall, as soon thereafter as may be convenient, meet together and choose, by ballot, out of their number, a President, and shall also appoint, at the same time, or at any future Meeting, a Secretary, and so many and such other Officers, Clerks, Servants, and Agents, for carrying on the said business, as they shall deem requisite and necessary, and shall take such security from them, for the due performance of their duties, as they shall think meet and advisable, and shall, at the same time, or at any future Meeting, accept and receive what remains due of the first instalment of the ten per centum on each Subscriber or Stockholder's Share or Subscription, and shall take from such Subscribers such Securities for the remainder of their Subscriptions as hereinbefore pointed out, and shall commence the operations of the said Assurance Company, subject to the Rules and Regulations as hereinafter provided, and shall continue and serve as Directors as aforesaid, until the First Annual Meeting for the choice of Directors, as hereinafter provided, or until others are chosen in their room.

VI.—*And be it enacted*, That there shall be a General Annual Meeting of the Stockholders and Members of the said Corporation held on the Second Tuesday in May, in each and every year after the present year One Thousand Eight Hundred and Fifty-two, at St. John's; at which Annual Meeting the Stockholders and Members of the said Corporation

Proviso.

When 250 shares are subscribed notice to be given and meeting called to choose Directors, adopt Bye-laws and appoint officers, &c.

Annual Meetings on second Tuesday in May, for elections, &c.

then present, or represented by proxy, shall first elect, by ballot, Five Directors for the ensuing year, out of the Nine Directors who shall have served for the preceding year, of which Five Directors the President shall always be one (subject, nevertheless, to removal from his said Office of President in manner hereinafter provided). And the said Stockholders shall then elect, by ballot, Four other Directors from the Stockholders of the Company qualified to become Directors. *Provided always*, that it shall be competent for the said Stockholders to re-elect the four persons who were Directors for the preceding year, if they shall think fit so to do.

Proviso.

Powers and duties of Directors.

VII.—*And be it enacted*, That the Directors for the time being of the said Corporation shall have power to do and execute all the matters and things contained in the preceding Sections of this Act, as far as the same may be left unexecuted by the Directors therein mentioned, and they shall manage the whole concerns of the said Corporation, agreeably to this Act of Incorporation, and such Bye-laws, Rules and Regulations as the Stockholders and Members thereof may from time to time establish, and also do and execute all other matters and things that may be necessary and requisite for the benefit of the said Corporation, and also shall have power to appoint and remove at pleasure a Secretary, and such other Officers, Clerks and Agents, as they, or the major part of them, shall think necessary for executing the business of the said Corporation, and shall allow the said Secretary, Officers, Clerks, Agents and Servants, such compensation for their respective services as to them, the said Directors, shall appear reasonable and proper; all which, together with the expenses of Buildings, House or Office Rent, and all other contingencies, shall be defrayed out of the Funds of the said Corporation.

Three Directors including the President to form a Board.

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

Compensation to Directors not exceeding five shillings for each day's attendance.

IX.—*And be it enacted*, That the said Directors, and such others as may be chosen by the said Stockholders, shall receive reasonable compensation for their attendance at the Board, to be ascertained and determined by a Bye-law or Rule of the Corporation, which compensation shall not exceed Five Shillings for each day's attendance at the Board by the President or any of the Directors.

Each Director to hold not less than ten shares.

X.—*And be it enacted*, That no Person shall be eligible as a Director unless such Person is a Stockholder, and holds not less than Ten Shares of the Capital Stock of the said Corporation in his own right.

Stockholders and Officers to be witnesses.

XI.—*And be it enacted*, That in all Actions, Suits and Prosecutions in which the said Corporation may be at any time engaged, the Stockholders, Secretary, and other Officers of the said Corporation, shall be competent Witnesses, notwithstanding any interest they may have therein.

Stockholders may vote by proxy.

XII.—*And be it enacted*, That on every occasion when, in conformity to the Provisions of this Act, the Votes of the Stockholders are to be given, every Stockholder may vote by Proxy, provided such Proxy be a Stockholder, and, previous to voting, produce a sufficient authority in writing, from his Constituent or Constituents, so to act; that all questions be decided by a majority of the Votes of all the Stockholders then

present or represented by Proxy ; and that the number of Votes which each Stockholder shall be entitled to give, shall be One Vote for each Share he may hold in the Capital Stock of the said Corporation ; provided that no Stockholder shall hold at any one time more than Five Proxies : *And provided also*, that no Stockholder shall be allowed to give more than One Hundred Votes upon any question, either in respect of his own Shares or in respect of any Proxy or Proxies of which he may be the holder.

No Stockholder to hold more than five proxies, nor to give over one hundred votes.

XIII.—*And be it enacted*, That if it should so happen that the Directors should not be chosen on the Second Tuesday in May in any Year, as aforesaid, it shall and may be lawful to choose them on any other day, between the hours of Eleven in the Forenoon and Four in the Afternoon of the said Day, upon giving Fourteen Days' Notice of the time and place of meeting, which shall take place at St. John's ; and in case the President, or any other Director, should disqualify himself by the Sale, Disposal or Transfer of his Shares or any of them, so as to reduce his interest in the said Capital Stock to less than the Ten Shares required for the qualification of a Director, or in case of the removal of the President, or any other Director, by the Stockholders, for misconduct or mal-administration, his place shall be filled up by the said Stockholders, Fourteen Days' notice of the time and place being first given ; and in case of any vacancy among the said Directors by the death, resignation, or absence from the Colony for Three Months, the said Directors for the time being shall and may, if they shall think fit, fill up the same by choosing One of the Stockholders, duly qualified, and the Person so chosen by the said Stockholders, or by the said Directors, shall serve until another be chosen in his room.

If Directors be not chosen on second Tuesday in May, they may be chosen any other day upon fourteen days' notice being given.

Vacant Directorships to be filled up.

XIV.—*And be it enacted*, That as soon as One-half of the Capital Stock of the said Company shall have been subscribed, and instalments amounting to Two Thousand Five Hundred Pounds, shall have been actually paid in manner and form as hereinbefore provided, and good and satisfactory Security for the sum of Ten Thousand Pounds of the said subscribed Stock shall have been given in the manner provided by the Fourth Section of this Act, on account of the Subscriptions to the said Capital Stock, notice thereof shall be given in the *Royal Gazette* and One or more of the other Newspapers published in this Colony, and the Directors shall commence with the business and operations of the said Corporation : *Provided always*, that no Insurance shall be effected, nor shall any Policy be signed, in manner as hereinafter provided, until the said sum of Two Thousand Five Hundred Pounds shall be actually paid in and received on account of the Subscriptions to the Capital Stock of the said Corporation.

Company to commence business when £5,000 are paid, and £10,000 secured.

XV.—*And be it enacted*, That the said Corporation shall have power and authority to make Marine Insurance on Vessels, Freights, Monies, Goods and Effects, and in case of Money lent upon Bottomry and Respondentia, and to fix the provisions and terms of payment, and all Policies of Insurance by them made shall be subscribed by the President, or in case of his death, absence, sickness or inability, by any Two of the Directors, and shall be countersigned by the Secretary of the said Corporation, or in case of the sickness, absence, or inability of the said Secretary, then by such Person or Persons as the Directors or a majority of them may appoint to act in his stead, and shall be binding and obligatory on the said Corporation ; and that all losses duly arising under any Policy so subscribed and countersigned shall and may be adjusted and settled by the Board of Directors, and the same shall be binding on the said Corporation, and shall be paid to the Assured within Sixty Days after such adjustment : *Provided always*, that the said Directors shall

Corporation to fix premiums and make Marine Assurances.

No risk to exceed £3,000. not in any case make Insurance on any single risk to an amount exceeding Three Thousand Pounds.

To make half-yearly dividends. XVI.—*And be it enacted*, That it shall be the duty of the Directors of the said Corporation, or a quorum thereof, to make Half-yearly Dividends of all the Profits, Rents, Premiums and Interest of the said Corporation, or of so much thereof as they shall think fit, payable at such time and place as the said Directors or a quorum thereof shall appoint, of which they shall give Thirty Days' previous notice in one or more of the Newspapers published in this Colony: *Provided* that the Monies received and Notes taken for Premiums of Risks which shall be undetermined and outstanding at the time of making any such Dividend, shall not be considered as part of the said profits of the said Corporation: *And provided further*, that no Dividend or Bonus shall be declared or paid out of the Capital Stock of the said Corporation.

Corporation may hold real estate to the value of £5,000, and over if as collateral security. XVII.—*And be it enacted*, That the said Corporation shall have full power and authority to take, receive, hold, possess and enjoy, any Lands, Tenements, and Real Estate and Rents, to any amount not exceeding Five Thousand Pounds: *Provided nevertheless*, that nothing herein contained shall prevent or restrain the said Corporation from taking or holding Real Estate or Chattels to any amount whatsoever, by Mortgage taken as collateral security for the payment of any sum or sums advanced by or debts due to the said Corporation, or for the security of the payment of the amount of such part of the Capital Stock of the said Corporation as shall at any time or times remain unpaid.

Investment of Capital and Funds. XVIII.—*And be it enacted*, That the Capital Stock of the said Corporation, collected at each instalment and at the times and manner hereinbefore provided, shall be by the said Directors invested in such Public Funds or Loaned to and invested on the security of such Public or Corporate Bodies or Associations, or Joint Stock Companies, as may by the said Directors be deemed advisable; and in the event of there being no Public Funds or Public or Corporate Bodies or Associations, or Joint Stock Companies, to which the same can be advantageously lent and disposed of, or in which the same can be safely invested, then it shall and may be lawful for the said Directors, or a majority of them, to apply the same and dispose thereof by letting out the same at Interest upon the security of Lands, or upon other security, as they may think fit: *Provided* that no Loan of the Capital Stock at any time to be created under the provisions of this Act, or any part thereof, shall be made directly or indirectly to any Director of the said Company, nor shall any such Director be a party to any Security for any such Loan; and no Stockholder to whom any part of the said Capital Stock shall have been lent shall be eligible as a Director while the Loan continues.

Directors not to become borrowers

Investments. XIX.—*And be it enacted*, That it shall and may be lawful to and for the Directors of the said Corporation to use, apply, and dispose of the Monies arising in the course of the dealing of the said Corporation, and all the Profits, Rents, Premiums and Interest thereof, by letting the same out at Interest, either upon the security of Lands or other Property, or otherwise, as the Directors thereof may think fit, anything contained in this Act to the contrary notwithstanding; and the restrictions as to loans to Directors, and to the eligibility as Directors of Stockholders to whom Money may have been loaned, which are contained in the last preceding section with regard to the Capital Stock, shall extend and apply in all respects to any loans of money to be made by virtue of this present section, in like manner as if the same were repeated herein: *Provided always*, that nothing herein contained shall be so construed as to prevent any Director's Note from being received by the said Corporation on account of any Premium for a Policy of Insurance granted on behalf of

such Director, as a party assured, either on his individual account, or as Agent for others.

XX.—*And be it enacted*, That the said Corporation shall not directly or indirectly Deal or Trade in Buying or Selling any Goods, Wares, Merchandize or Commodities whatsoever: *Provided nevertheless* that it shall be lawful for the said Corporation to take, receive, hold, possess and enjoy any Ships, Goods, Merchandize, Chattels or Commodities whatsoever, which shall have been abandoned to the said Corporation by reason of any loss or damage having occurred to the same, and shall and may sell and dispose of the same at such time or times, and in such manner, as to the said Directors for the time being shall seem expedient.

Corporation not to trade, but may possess Ships, &c. abandoned to them.

XXI.—*And be it enacted*, That the Shares or Capital Stock of the said Corporation shall be liable to Attachment and Execution in like manner as the Shares in the St. John's Gas Light Company, and shall be assignable or transferable according to such Rules and Regulations as may be by the Members and Stockholders established in that behalf, but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall be entered and registered in a book to be kept by the Directors for that purpose, and in no case shall any fractional part of a Share be assignable or transferable; and whenever any Stockholder shall transfer in manner aforesaid all his or her Stock or Shares in the said Corporation, to any other Person or Persons whomsoever, the Person so transferring shall cease to be a member of the said Corporation, and the Person or Persons so purchasing shall become a member of the said Corporation in his or her stead, and be entitled to all the privileges and subject to all the liabilities as such: *Provided always*, that nothing herein contained shall be construed to exempt any Shareholder who may transfer his Share aforesaid from any liability he may have incurred as a member of the said Corporation up to the time of the transfer aforesaid.

Shares to be assigned &c. liable to attachment and execution.

Proviso.

XXII.—*And be it enacted*, That in case of any loss or losses taking place, which shall be equal to the Capital Stock of the said Corporation, and the President and Directors after knowing of such loss or losses taking place shall make any further Policy of Assurance, they and their estates jointly and severally shall be accountable for the amount of any and every loss which shall take place under such Policy or Policies so made.

Further liabilities of Directors.

XXIII.—*And be it further enacted*, That the Stockholders of the said Corporation shall be individually liable for the payment of the Debts and Engagements of the said Corporation to an amount equal to that of the Stock owned by them respectively: *Provided* that nothing herein contained shall be construed to exempt the Joint Stock of the said Corporation from being liable for, and chargeable with, the Debts and Engagements of the same.

Stockholders liable for debts of Corporation.

Proviso.

XXIV.—*And be it enacted*, That the Bonds and other Securities of what nature or kind soever, taken for the payment of the Second Instalment and residue of the said Capital Stock as is hereinbefore directed, shall from time to time be renewed or changed, and other and further security or securities for the same be given, as is provided in and by the Fourth Section of this Act; and in case of any refusal or delay to renew or change any such security or securities, or to give and grant other and further security or securities therefor to the satisfaction of the said Directors, or a majority thereof, within Thirty Days after notice thereof given, then and in such case it shall and may be lawful to and for the said Directors, or a majority of them, to cause such proceedings both in Law or Equity, or either, as may be deemed requisite, to be taken for the

Securities to be renewed or Shares to be forfeited.

recovery of the amount of such several and respective securities, or it shall and may be lawful to and for the said Directors or a majority of them, if they shall think fit, to declare the Shares in the Capital Stock of the said Corporation for the amount of the residue of which such security or securities shall have been given, forfeited to the said Corporation, together with all deposits, instalments, interests, profits or dividends thereto belonging or appertaining; and that such Stock so forfeited shall be Sold by Public Auction for and on account of the said Corporation, and the purchaser or purchasers thereof shall give such security or securities for the payment of the amount due to the said Corporation on account of such forfeited Shares at the time of such forfeiture, as is hereinbefore provided, and shall likewise be subject to all the provisions of this Act, anything herein contained to the contrary notwithstanding.

Books and papers to be open to the inspection of the Directors.

XXV.—*And be it enacted*, That the Books, Papers, Correspondence and all other Matters and Things belonging to the said Corporation, shall at all times be subject to the inspection of the Directors or any of them; but no Stockholder not a Director shall inspect the account of any Individual or Corporate Body with the said Corporation, unless at any General or Special Meeting of Stockholders.

Annual statement of affairs.

XXVI.—*And be it enacted*, That the Directors shall, at the General Meeting to be holden on the Second Tuesday in May, in each and every Year, lay before the Stockholders, for their information, an exact and particular statement in Triplicate of the then state of the affairs and business of the said Corporation, agreeably to the several Regulations of this Act and such other Rules and Regulations as may by the Members and Stockholders of the said Corporation be made by virtue hereof, so as the same may contain a true account of the whole of the affairs of the said Corporation, which statement in Triplicate, as aforesaid, shall be signed by the Directors, and shall be transmitted to the Secretary of the Colony for the information of His Excellency the Governor or Commander-in-Chief for the time being, and the Legislature.

Committee of Council and Assembly to have free access to books.

XXVII.—*And be it enacted*, That any Joint Committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the Corporation, shall, either during the Session or Prorogation of the General Assembly, have free access to all the Books and Accounts of the same.

Twelve Proprietors of 400 Shares may call a Special Meeting of Stockholders.

XXVIII.—*And be it enacted*, That any number of Stockholders, not less than Twelve, who together shall be proprietors of Four Hundred Shares, shall have power at any time, by themselves or their Proxies, to call a General Meeting of the Stockholders for any purpose relating to the business of the said Corporation, other than a Dissolution thereof, giving at least Thirty Days' notice in Two of the Newspapers published in this Colony, and specifying in such notice the time and place of such Meeting, with the object thereof; and the Directors, or any Five of them, shall have the like power, at any time, upon observing the like formalities, to call a General Meeting as aforesaid.

Twenty Proprietors of 750 Shares may call meeting to dissolve the Company.

XXIX.—*And be it enacted*, That any number of Stockholders, not less than Twenty, who together shall be Proprietors of Seven Hundred and Fifty Shares in the Capital Stock of the said Corporation, shall have the power, at any time by themselves or their Proxies, to call a General Meeting of the Stockholders for the purpose of taking into consideration the propriety of dissolving the said Corporation, giving at least Three Months' previous notice in two or more of the Newspapers published in this Colony, and specifying in such notice the time and place of such Meeting, with the objects thereof; and should it be agreed upon at such Meeting that the said Corporation should be dissolved, such Stockholders

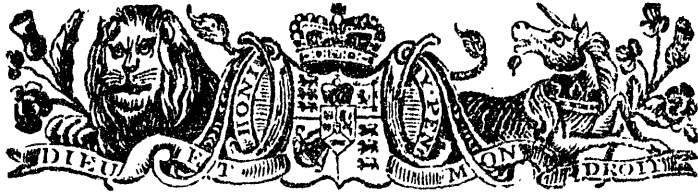
are hereby authorised and empowered to take all legal and necessary ways and means to dissolve the said Corporation ; and upon such or any other dissolution of the said Corporation, the Directors then in Office shall take immediate and effectual measures for closing all the concerns of the said Corporation, and for dividing the Capital and Profits which may remain, among the Stockholders, in proportion to their respective Shares.

XXX.—*And be it enacted*, That the Secretary of the said Corporation shall, on the Second Thursday in January in each and every Year, make a Return in Triplicate of the state of the affairs of the said Corporation, as they existed at Three of the Clock in the afternoon of that Day, and shall forthwith transmit the same to the Office of the Secretary of the Colony, which Return shall specify the aggregate amount of the risks at that time taken by the said Corporation, the amount of losses incurred during the preceding Year, the amount of Capital actually paid in, how the same has been invested and secured ; also, a particular statement of the manner in which the residue of the Capital has been secured, and the amount of the Dividends for the preceding Year, and when declared, together with the amount of Surplus Profits, if any, then belonging to the said Corporation, and how the same have been invested and secured ; the amount of Real Estate owned by the said Corporation, together with a particular statement of all other the affairs of the said Corporation ; which Return shall be signed by the Secretary of the said Corporation, who shall make Oath or Affirmation before some Justice of the Peace for St. John's, as to the truth of the said Return, according to the best of his knowledge and belief ; and the Secretary of the said Corporation shall also at the same time make a Return, under Oath or Affirmation, of the names of the Stockholders, and the amount of Stock owned by each ; and a majority of the Directors of the said Corporation shall certify that the Books of the said Corporation indicate the state of facts so returned by their Secretary, and that they have full confidence in the truth of the return so made by him ; and it shall be the duty of the Secretary of the Colony annually to lay before the Legislature of this Colony, so soon after the opening of the Session as practicable, such Returns as aforesaid, as he may have received since the then next preceding Session.

A statement of the affairs to be made up on the second Thursday in January for the information of the Legislature.

XXXI.—*And be it enacted*, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such in all Courts of Law and Equity in this Colony by all Judges, Justices and other Persons; whatsoever, without the same being specially shewn or pleaded.

This Charter made a public Act.



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. XIII.

AN ACT to amend the Act for the Establishment and Regulation of Inland Posts.

[Passed 14th June, 1852.]

WHEREAS it is expedient to amend an Act passed in the last Session of the Legislature of this Colony, entitled "An Act for the Establishment and Regulation of Inland Posts in this Colony": Preamble.

Be it therefore enacted, by the Governor, Council, and Assembly, in Legislative Session convened, that it shall be lawful for the Governor in Council to give orders for the preparing and distributing Colonial Stamps for the pre-payment of all Letters and Packages, which Stamps shall be evidence of the pre-payment of Postage to the amount mentioned on such Stamp; for making, authorising, sanctioning or giving effect to any arrangement which may require to be made with the Postal Authorities of the United Kingdom, or of any British Possession, or of the United States or any Foreign Country, with regard to the collecting and accounting for Postage; for making a reasonable compensation to the Masters of Vessels, and others, for Letters conveyed by them from any places without the limits of the Colony, and brought by them to the Post Office for delivery; and generally to make Regulations for the effective working of the Post and Postal Business and Arrangements, and to alter or rescind the same, or any heretofore made; and every Regulation shall, until otherwise ordered by any subsequent Regulation, have force and effect as if it formed part of the provisions of this Act, unless inconsistent with the enactments thereof; and to subject any party offending against any such Regulations to the Penalty in that behalf prescribed by the Act of the last Session aforesaid, for the establishment and regulation of the Inland Posts. Governor and Council to prescribe Rules for the effective working of the Postal business and arrangements.

Colonial Postmaster General to have exclusive right of forwarding letters, &c.

II.—*And be it enacted*, That, subject always to the provisions and regulations aforesaid, the Colonial Postmaster General shall have the sole and exclusive privilege of Conveying, Receiving, Collecting, Sending and Delivering Letters within this Colony; and that any Person or Persons who shall (except in the cases hereinafter excepted) Collect and Convey, or Deliver, or undertake to Convey or Deliver, any Letter within this Colony, or who shall receive or have in his possession any Letter for the purpose of Conveying or Delivering it otherwise than in conformity with this Act, shall, for every such Letter so unlawfully Conveyed, or undertaken to be Conveyed, Received, Delivered or Found in his possession, incur a penalty not exceeding Five Pounds; but such exclusive privilege, prohibition and penalty, shall not apply to Letters sent by a private friend in his way, journey, or travel, provided such Letters be delivered by such friend to the party to whom they are addressed; Letters sent by a Messenger or Passenger on purpose, concerning the private affairs of the sender or receiver; Letters addressed to a place out of the Colony, and sent by sea, and by a private Vessel, not being a Packet-boat; Letters lawfully brought into this Colony, and immediately posted at the nearest Post Office; Letters of Merchants, Owners of Vessels, of Merchandize, or of the Cargo, or Loading therein, sent by such Vessel of Merchandize, or by any Person employed by such Owners for the carriage of such Letters, according to their respective address, and delivered to the Persons to whom they are respectively addressed, without pay, hire, reward, advantage or profit for so doing; Letters received by Private Ships, from Spain, Portugal, Italy, Brazils and West Indies, and commonly known as Market Circulars; Letters concerning Goods or Merchandize, sent by Common Carriers, to be delivered with the Goods to which such Letters relate, with no reward, profit, or advantage, for receiving or delivering them: *Provided always*, that nothing herein contained shall authorise any Person to collect any such excepted Letters for the purpose of sending or carrying them as aforesaid: *And provided also*, that nothing in this Act shall be construed to oblige any Person to send any Newspaper, Pamphlet, or Printed Book, by Post.

Penalties.

Exceptions.

Proviso.

Postmasters not obliged to give change.

III.—*And be it enacted*, That for avoiding doubts, and preventing inconvenient delay in the delivery of Letters, the Postmaster General or Postmasters shall not be bound to give change; but the exact amount of the Postage on any Letter or Packet shall be tendered or paid to him or them, in Current Coin, or in Colonial Postage Stamps.

Powers of the Post Master General defined.

IV.—*And be it enacted*, That, subject to the provisions of this Act, and to the Regulations to be made under it, and the Instructions he may receive from the Governor, the Postmaster General shall have power to open and close Post Offices and Mail Routes; to suspend any Postmaster, or other Officer or Servant of the Department, until the pleasure of the Governor be known, and to appoint a Person to act in the meantime in the place and stead of such Officer or Servant; to enter into and enforce all Contracts relating to the Conveyance of the Mails, the local accommodation of the Department, and to other matters connected with the business thereof; and to make Rules and Orders for the conduct and management of the business and affairs of the Department, and for the guidance and government of the Officers and Servants thereof in the performance of their duties; to sue for and recover all Sums of Money due for Postage, and for Penalties under this Act, or by any Postmaster, or Officer or Servant of the Department, or his Sureties; and all Suits, Proceedings, Contracts, and Official Acts, to be brought, had, entered into, or done, by the Postmaster General, shall be so in and by his Name of Office, and may be continued, enforced, and completed by his Successors, as fully and effectually as by himself; nor shall the appointment of the Postmaster General, or any Postmaster, Officer or Servant of the Colonial

Post Office, be liable to be traversed or called in question in any case except by those who act for the Crown.

V.—*And be it enacted*, That in every case in which any Seaman in Her Majesty's Navy, Serjeant, Corporal, Drummer, Trumpeter, Fifer, or Private Soldier, in Her Majesty's Service, shall be entitled to send or receive Letters on the payment of a certain sum, and no more, in place of all British Postage thereon, the payment of such sum shall likewise free such Letter from all Colonial Postage thereon; and in all cases in which a Letter or Packet addressed to a Commissioned Officer of the Army, Navy, Ordnance, or any of the Departments belonging thereto, respectively, at a place where he shall have been employed on actual service, would be free from British Postage on the transmission thereof from such place to any place to which he shall have been removed in the execution of his duty before the delivery of such Letter or Packet, the same shall in like manner be free from Colonial Postage; and the Governor and Council may make the necessary Regulations for giving effect to this Section.

Soldiers' and Seamen's letters privileged.

VI.—*And be it enacted*, That from the time any Letter, Packet, Chattel, Money, or Thing, shall be deposited in the Post Office for the purpose of being sent by Post, it shall cease to be the property of the sender, and shall be the property of the party to whom it is addressed, or his or her legal representatives: *Provided always*, that the Postmaster General shall not be liable to any party for the loss of any Letter or Packet sent by Post, unless by his own fault or neglect.

Letter to be the property of the person to whom addressed.

Proviso.

VII.—*And be it enacted*, That in every case where an offence committed, in respect of a Post Letter Bag, or a Post Letter, Packet, or Chattel, Money, or a Valuable Security, sent by Post, it shall be lawful to lay in the Indictment to be preferred against the offender, the property of such Post Letter Bag, Post Letter, Packet, Chattel, Money, or Valuable Security, sent by Post, in the Postmaster General aforesaid, and it shall not be necessary to allege in the indictment, or to prove upon the Trial or otherwise, that the Post Letter Bag, Post Letter, Packet, Chattel, or Valuable Security, was of any value; but except in the cases aforesaid, the property of any Chattel or Thing used or employed in the service of the Colonial Post Office, or of Monies arising from duties of Postage, shall be laid in Her Majesty, if the same be the property of Her Majesty, or if the loss thereof would be borne by the Colony and not by any party in his private capacity.

In offences—property in whom and how laid, other allegations.

VIII.—*And be it enacted*, That the Post Master General aforesaid shall pay over Quarterly to the Colonial Treasurer all such sums of Money as he may have received from the Post Masters or other Persons for Postages, Penalties, or on any other account, connected with this Act; and shall at the respective periods aforesaid render an Account in such form as the Governor and Council may prescribe; and shall annually render to the Governor, for the information of the Legislature, a General Account Current, shewing the whole amount of Postage received within the Year, or due the Department from Deputy Postmasters or others at the beginning of the Year, and every other item of Revenue or Receipt, and also an Account in Detail of the Charges and Expenditure incurred by the Department within the Year, of every kind or nature.

Post Master General to render Quarterly Accounts, and pay over monies.

IX.—*And be it enacted*, That if any Postmaster or other Person authorized to receive the Postage of Letters and Packets shall neglect or refuse to render his Account, and pay over to the Postmaster General the balance due by him, at the end of every Three Months, it shall be the duty of the Postmaster General to cause a suit to be commenced against the Person or Persons so neglecting or refusing; and all suits which shall

Duty of Postmaster General to sue Postmasters on neglect to render accounts, &c.

hereafter be commenced for the recovery of Debts or Balances due to the Post Office, whether they appear by bond or obligation, made in the name of any preceding Postmaster General, or otherwise, shall be instituted in the name of "The Postmaster General."

Penalties—how recovered.

X.—*And be it enacted*, That all pecuniary penalties imposed by this Act, or under the authority thereof, may be sued for and recovered in the manner provided for in the Thirteenth Section of the said Act passed in the last Session of the Legislature, entitled "An Act for the Establishment and Regulation of Inland Posts in this Colony."

Ship postage allowed masters of private vessels in certain cases.

XI.—*And be it enacted*, That for encouraging Masters of Vessels to undertake the Conveyance of Letters between Places beyond the British North American Colonies, and this Colony, and for regulating the Conveyance and Delivering of such Letters, the Postmaster General may allow to the Masters One Penny Half-penny for each Letter they shall deliver to the Post Office at the first Port they touch or arrive at in this Colony, or with which they shall communicate when inward bound; and if from unforeseen circumstances the Master cannot, upon delivering his Letters at an Outport, receive the Money to which he is entitled, he shall be paid by means of an order on the Postmaster General at such other place as may be convenient; and every Master of a Vessel inward bound, shall, at the port or place of arrival, sign a declaration in the presence of a person authorized to take the same at such port or place, who shall also sign the same; and the declaration shall be in the form, or to the effect, following :

I, A.B., Commander [*state the name of the ship or vessel*] arrived from [*state the place*], do, as required by the Post Office Laws, solemnly declare that I have, to the best of my knowledge and belief, delivered, or caused to be delivered, at the Post Office, every Letter, Letter Bag, Package or Parcel of Letters, that are on board the [*state the name of the ship*] except such Letters as are exempted by such Laws.

Ship letters, how delivered, how secured.

XII.—*And be it enacted*, That no Officer of the Colonial Revenue shall permit such Vessel to Enter or Report until such Declaration shall be made and produced; and no Vessel shall be permitted to Break Bulk or make Entry in this Colony, until all Letters on board the same shall be delivered at the Post Office, where Posts may be established, except such Letters as are exempted by this Act, and also except all such Letters as shall be brought by a Vessel liable to the performance of Quarantine, all which last mentioned Letters shall be delivered by the persons having possession thereof to the persons appointed to superintend the Quarantine, that all proper precautions shall be by them taken before the delivery thereof, and when due care has been had therein, such Letters shall be by them despatched in the usual manner by Post; and the Officers of the Colonial Revenue at every Port or Place in this Colony, shall search every Vessel for Letters which may be on board contrary to this Act, and may seize all such Letters and forward them to the nearest Post Office, and the Officer who shall so seize and send them shall be entitled to a moiety of the penalties which may be recovered for any such offence; and the Postmaster may appoint agents to demand from the Masters of Vessels arriving in this Colony, all Letters on board the same, and not exempted by this Act, and the Master of any such Vessel shall forthwith deliver all Letters on board to such person on his demanding the same.

Officers not forced to serve as Jurors.

XIII.—*And be it enacted*, That no Postmaster or any Deputy Postmaster, nor any Officer of the Postmaster, throughout the Colony, nor any Courier, shall be compelled to serve on any Jury or Inquest.

XIV.—*And be it enacted*, That instead of the Sum of One Thousand Pounds granted by the said recited Act for the purposes thereof in each year, there be granted to Her Majesty, Her Heirs and Successors, the Annual Sum of One Thousand Five Hundred and Fifty Pounds, during the continuance of this Act, for the establishment and expenses of Packet Boats, the Defrayal of Salaries, Remuneration of Messengers, Rent of Post Office, and all other incidental expenses, towards the effectual carrying out of this and the said Act. £1,550 granted for salaries and incidentals, annually.

XV.—*And be it enacted*, That instead of the Salaries appropriated to the following Officers, mentioned in the Eighth Section of the said recited Act, the said respective Officers shall receive the Annual Salaries following, in Quarterly Payments; that is to say—the Postmaster General, Two Hundred and Seventy-five Pounds; Postmaster at Harbor Grace, Forty Pounds; at Carbonear, Thirty-five Pounds; at Brigus, Twenty Pounds; and all other Postmasters, each Fifteen Pounds; that is to say—at Trinity, Bonavista, King's Cove, Greenspond, Fogo, Twillingate, Bay of Bulls, Ferryland, Trepassey, St. Mary's, Placentia, Burin, Harbor Briton, and Garnish; and that the First Clerk in the Post Office, St. John's, shall receive as Salary Seventy-five Pounds; the Second Clerk, Fifty Pounds; Letter Carrier, St. John's, Twenty-five Pounds; and that there be allowed towards defraying expenses of Stationery, Thirty Pounds, and for Printing, Fifteen Pounds; all which respective Sums shall be deemed at all times subject to revision by the Legislature. *Provided* that the said respective Officers shall give good and sufficient security, by bond, to Her Majesty the Queen, in such Sum as shall be ordered by the Governor and Council aforesaid, for the faithful performance of their respective Offices. Amounts of salaries to officers
Proviso.

XVI.—*And be it enacted*, That towards defraying the Salary of the Postmaster General, and the other expenses of the Post Office establishment in this Colony, there be retained by the Postmaster General, and paid into the Treasury of this Colony, One-Sixth of the Postage on all Letters to or from Places out of this Island Posted, passing through or received at the Post Office in St. John's. Proportion of foreign postage to be retained.

XVII.—*And be it enacted*, That the terms "Postmaster," and "Deputy Postmasters," in the said recited Act, shall mean and be construed respectively, "Postmaster General" and "Postmasters," and persons filling such Offices shall hereafter be styled by the last mentioned titles respectively. Meaning of terms.

XVIII.—*And be it enacted*, That this Act shall not be in force until Her Majesty's pleasure shall be first duly signified. Suspension clause





ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. XIV.

AN ACT to amend the Carbonear Street Act.

[Passed 14th June, 1852.]

WHEREAS it is expedient to repeal an Act passed in the Fifth Year of the Reign of His late Majesty King William the Fourth, entitled "An Act to regulate the Streets of the Town of Carbonear," and to amend the provisions thereof: Preamble.

Be it therefore enacted, by the Governor, Council, and Assembly, in Legislative Session convened, that the said recited Act shall be and the same is hereby repealed. Recited Act repealed.

II.—*And be it enacted*, That the Main Street of Carbonear, extending round the Harbour thereof, from the House of Elizabeth Davis, on the South Side, and round the Western side of a certain Pond on the West end of the said Harbor, and thence Eastward to Crocker's Cove Beach, shall not be less than Fifty Feet in width, in every part thereof, and shall be made to conform to such Line and Plan and Metes and Bounds as shall be fixed, settled, or laid down, concerning the same, by such Commissioners as shall, under and by virtue of this Act, be hereafter for that purpose appointed; and that all and every Houses, Stores, Buildings and Erections whatsoever, which shall at any time or times hereafter be erected or built on the said Street, whether the same be erected on any vacant spot of Ground or upon the site of any former Building, shall be made to conform to the width of the said Street, as the same is hereby established and directed: *Provided always*, that nothing herein contained shall extend to require the removal of any House or Store which hath been built or erected previously to the passing of this Act: *And provided likewise*, that the Water-side of the present Line of the said Street or Road shall remain undisturbed, save and except that between the North-west angle of Marshall's house and the North-west angle of Forward's Stone Store, the South side or Water-side line of the said Main Street shall be a straight Line. Boundaries and width of Main Street of Carbonear prescribed.

III.—*And be it enacted*, That it shall and may be lawful for the Governor in Council to appoint Three Commissioners for the purpose of this Act, and their places from time to time to supply, in the event of death, resignation, or absence from the Colony of any One of them for Six Months; and such Commissioners shall be and they are hereby authorised Governor in Council to appoint three Commissioners to mark out lines of Streets and Fire-breaks.

to lay down and mark out the lines of the said Main Street, according to the boundaries as described in the preceding Section; and also to mark out the line and extent of, and to form, at their discretion, a New Street at Carbonear aforesaid, to be Forty Feet wide, and which New Street shall run in a parallel course as near as may be with the aforesaid Main Street; and also to mark out, make and form Four Cross-streets or Fire-breaks; and such Cross-streets shall be at least Sixty feet wide, and shall extend from the Harbour of Carbonear Northerly to such New Street, and shall be laid out as nearly as may be at right angles with the said New Street; and that from and after such time as any of the said Streets and Fire-breaks, which shall first be approved of by the Governor and Council, shall be laid out, and Compensation shall be made or tendered for the Property necessarily appropriated for such purposes, in the manner hereinafter provided, the Ground included in any of the said Streets or Fire-breaks shall become and be Public Property, and all Buildings and Erections which then remain or thereafter may be placed or erected on the said Ground, shall be deemed Public Nuisances and may be abated accordingly by order of any Two or more Justices of the Peace for the District of Conception Bay.

Justices to abate nuisances.

Penalty for building on Main or other Streets or Firebreaks.

IV.—*And be it enacted*, That it shall not be lawful for any Person or Persons whomsoever to Build, Construct or Erect, or to Excavate or otherwise proceed in the commencement of any Building or Erection within the limits and boundaries of the said Main Street so defined in manner aforesaid, nor within the lines that may be marked out by the said Commissioners, and approved of by the Governor in Council aforesaid, as and for the width of any Street or Fire-break, whether the party or parties owning or claiming an interest in the Ground embraced within the limits of any such Street or Fire-break shall or shall not have been paid or tendered compensation for the same; and all and every such Buildings and Erections which from and after the passing of this Act shall be so erected or constructed, or in any manner commenced to be erected or constructed, shall be and be deemed to be Public Nuisances, and shall be abated accordingly, by order of any Two or more Justices of the Peace for the District of Conception Bay, who, after hearing the party complained of, or in default of his appearance on being summoned for that purpose, if such nuisance be proved, make an order for the abatement thereof, and shall furnish such Constables and others as may be necessary to effect such abatement as aforesaid.

Compensation to be made to parties whose interests may be affected.

Arbitration.

V.—*And be it enacted*, That all Persons Proprietors of Lands and Tenements within the said Town, whose interests shall be in any way affected by the carrying into operation the provisions of this Act, shall, before such Lands or Tenements shall be appropriated for the uses aforesaid, be paid Compensation for any damage they may sustain in that behalf; and that for the purpose of ascertaining the amount of Compensation to be made in any case wherein the said Proprietors and Commissioners shall not agree, it shall be lawful for the party or parties interested in the Property affected to name One Arbitrator, and the said Commissioners to name another Arbitrator, and such Two Arbitrators shall name a Third, and in case any party interested in such Property as aforesaid shall refuse or neglect to appoint an Arbitrator within Seven Days after Notice so to do, or in case the Arbitrators shall disagree in the choice of such Third Arbitrator, in either case it shall be lawful for the Stipendiary Magistrates at Harbour Grace and Carbonear, or a majority of them, to nominate and appoint an Arbitrator, and the award of any Two of such Arbitrators shall be of the like effect as if One of the Arbitrators had been appointed by the party, and the Third had been chosen by such Arbitrators: *Provided always*, that no expenditure whatsoever shall be incurred for carrying this Act into operation until an Estimate of the whole cost of the improvement therein contemplated shall first have been prepared

Proviso.

and submitted, by the Commissioners, to the Governor and Council, and the consent of the Governor and Council to such expenditure, and to the time or times when such improvements shall be made, shall first have been obtained.

VI.—*And be it enacted*, That it shall be lawful for the Governor or Administrator of the Government for the time being to draw Warrants on the Colonial Treasurer for the payment of Compensation to be awarded under this Act, which Compensation shall not exceed in the whole the sum of Two Thousand One Hundred and Fifty Pounds; and that in discharge of such Warrants for any amount not less than Twenty-five Pounds, as may from time to time be drawn upon him for such purpose by the Governor for the time being, it shall be lawful for the Treasurer to pay such parties in whose favour such Warrants shall be drawn, the amount of compensation to which he, she, or they, may be respectively entitled, by Treasury Notes, payable within Ten Years from the date thereof, and bearing Interest at the rate of Five per Centum per Annum, which shall be redeemable at Three Months' Notice being given in the Royal Gazette, at the expiration of which notice all Interest on all such Notes mentioned therein shall cease.

Manner of paying compensation awarded.

VII.—*And be it enacted*, That if the said Commissioners or Arbitrators so to be appointed as aforesaid, shall be of opinion that any Proprietor or Proprietors of any Ground required for any Street or Fire-break aforesaid, may be indemnified at a less expense to the public by having an equal portion of Ground assigned to him, her, or them, from any Ground adjoining, and that such adjoining Ground may be taken without material injury to the Proprietor thereof, it shall be lawful for the said Commissioners to mark off so much of the adjoining Ground as they shall think sufficient to replace the Ground required for such Street or Fire-break, and the same so marked off shall belong to the first mentioned Proprietor, and shall be instead and in lieu of all indemnity whatever; and the value of the same, to be ascertained by Arbitration in the manner aforesaid, shall be paid to the Proprietor from whom the same was taken, and shall be a full satisfaction and release of the same and all right and title thereto: *Provided* that if the Land so to be taken shall not be deemed an equivalent for the Land dedicated to the Street or Fire-break, it shall be lawful to pay the said Proprietor such sum as may be, with the Land so to be given, a full satisfaction for the Land so dedicated.

Commissioners may mark off adjoining land to proprietors of land taken for streets.

Proviso.

VIII.—*And be it enacted*, That the Persons to be appointed Commissioners as aforesaid, shall have full power and authority to Contract for and Superintend the Erection of a Public Wharf at Carbonear aforesaid, and shall select the most eligible place for such purpose; and a sum not exceeding Three Hundred Pounds shall be appropriated out of the sum hereinbefore granted, towards defraying the expense of the said work: *Provided* that Four Weeks' Notice in Two of the Newspapers of this Colony shall be given for Tenders for the said work, and the Lowest Tender, accompanied with proper Securities, shall be accepted: *and provided further* that the sum of One Hundred and Fifty Pounds granted towards the Erection of a Public Wharf at Carbonear aforesaid, by an Act passed in the Eighth Year of the Reign of Her Majesty, entitled "An Act for granting to Her Majesty a sum of Money for Defraying the Expenses of the Civil Government of this Colony for the Year ending Thirtieth June A. D. One Thousand Eight Hundred and Forty-six," having been unexpended, shall revert to the Colony.

Commissioners to superintend erection of a Public Wharf at Carbonear.





ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. XV.

AN ACT to remove Doubts with reference to the application of certain portions of the Criminal Law of England to this Island.

[Passed 14th June, 1852.]

WHEREAS in and by an Act of the Governor, Council and Assembly of Newfoundland, passed in the First Year of Her Majesty's Reign, entitled "An Act to extend the Criminal Laws of England to this Colony, under certain modifications," it is enacted that the Criminal Laws and Statutes of the Imperial Parliament in force in England on the Twentieth Day of June, in the Year of Our Lord One Thousand Eight Hundred and Thirty-Seven, should, so far as the same can be applied, extend to and be the Law of this Island and its Dependencies, in all cases; and that all Statutes of the Imperial Parliament of Great Britain in further amendment or alteration of the Criminal Law of England, passed, or which might be passed, subsequently to the Twentieth Day of June aforesaid, should, in Twelve Months after the passing of the same respectively, extend to and be the Law of this Colony, so far as the same can be applied: And whereas an Act was passed in the Imperial Parliament of the United Kingdom of Great Britain and Ireland, in the Eleventh and Twelfth Years of Her Majesty's Reign, entitled "An Act for the further amendment of the Administration of the Criminal Law," whereby it is provided that Questions of Law arising upon the Trial of any Person for Treason, Felony, or Misdemeanor, before any Court of Oyer and Terminer, or Gaol Delivery, or Court of Quarter Sessions, shall and may, at the discretion of the Judge or Commissioner, or Justices of the Peace, before whom the case shall have been tried, be reserved for the consideration of the Justices of either Bench, or the Barons of the Exchequer, in the manner in and by the said Act specified: And whereas, it is by the said Act further enacted, that the Jurisdiction and Authorities thereby given to the Justices of either Bench, and the Barons of the Exchequer, shall and may be exercised by the said Justices and Barons, or Five of them at the least, of whom the Lord Chief Justice of the Court of Queen's Bench, and the Lord Chief Justice of the Court of Common Pleas, and the Lord Chief Baron of the Court of

Recital of Local Act, 1 Vic. Cap. 4, for the extension of the Criminal Law of England to this Colony.

Statute of Imperial Parliament 11 & 12 Vic., cap. 78, to amend the administration of the Criminal Law.

Exchequer, or one of such Chiefs, at least, shall be part : And whereas, in the application of the said Act to this Colony, Doubts have arisen whether the Supreme Court of this Island, by reason of the limited number of the Judges thereof, can lawfully exercise the Jurisdiction and Authorities in and by the said Act conferred upon the said Justices and Barons, or any Five of them, as in and by the said Act provided ; and it is expedient to remove such doubts :

Questions of Law upon criminal trials in Circuit and Sessions Courts, how to be certified to the Supreme Court.

Be it therefore enacted, by the Governor, Council and Assembly, in Legislative Session convened, and by the authority of the same, that when any Person shall have been convicted of any Felony or Misdemeanor before any of the Circuit Courts of this Island, or any Court of Oyer and Terminer other than the Supreme Court, or before any Court of Sessions, the Judge or Commissioner or Justices of the Peace before whom the case shall have been tried, may, in his or their discretion, reserve any Question of Law which shall have arisen on the Trial for the consideration of the Judges of the Supreme Court of this Island ; and thereupon the like Proceedings may be had as to respiting execution of the judgment on such conviction—postponing Judgment until such Question shall have been considered and decided,—the committing to Prison the Person convicted, or the taking Bail for his appearance to receive Judgment, or to render himself in Execution,—the stating in a Case, to be signed in the usual manner, the Question or Questions which shall have been so reserved, with the special circumstances upon which the same shall have arisen, and the certifying and transmitting of the same to the Supreme Court,—as in and by the said recited Act are directed and prescribed, in reference to Questions of Law to be reserved in the manner therein provided.

Supreme Court to exercise authority given to any five of the Judges of the Queen's Bench Common Pleas or Exchequer, by the 11th & 12th Vic. c. 78

II.—*And be it further enacted*, That the Jurisdiction and Authorities by the said Act given to the Justices of either Bench, and Barons of the Exchequer, shall and may, in this Island, be exercised by the Supreme Court of Newfoundland during the regular Terms or Sittings of the same Court, or by the Judges thereof at any time or times during Vacation that they may deem convenient and appoint for such purpose.

Powers given by the Imperial statute to Judges, Sheriffs, &c., to be exercised by the like officers in Newfoundland.

III.—*And be it further enacted*, That all Judges, Commissioners, and Courts of Quarter Sessions, before any of whom any such Person shall be tried and convicted ; and all Justices, Registrars, Clerks of the Peace, Sheriffs and Gaolers, in this Island and its Dependencies, shall and may respectively have and exercise all and every such Authorities, Powers and Discretion, as in and by the said recited Act of the Imperial Parliament are given and granted to, or may be exercised by, the Judges, Commissioners, Courts of Session, Clerks, Sheriff and Gaolers, in the second Section of the said recited Act mentioned.

Circuit Courts may sentence parties to imprisonment in other districts.

IV.—*And be it further enacted*, That it shall be lawful for any one of the Circuit Courts of this Island before which any person shall be convicted of any offence, and upon such offence shall be sentenced to imprisonment with or without hard labor, or for any Judge of any such Circuit Court, to order and direct that the whole or any portion of such imprisonment shall take place in any Gaol or Prison in this Island, although the same may not be within the limits of the jurisdiction of such Circuit Court ; and a certified copy of the Sentence of the Court, or of any order for such imprisonment, under the hand of the Clerk of such Circuit Court, shall be a sufficient warrant and authority to all Sheriffs, Gaolers, and Constables respectively, for the removal from one District to another of any such Convict, and for the carrying into execution such sentence of imprisonment, or order, as the case may be.





ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. XVI.

AN ACT for Shortening the Language used in the Acts of the General Assembly, and to aid in the Construction of the same.

[Passed 14th June, 1852.]

WHEREAS it is expedient to Shorten the Language used in Acts Preamble.
which may hereafter be passed in the General Assembly of this Colony, and to aid in the Construction of the said Acts :

Be it therefore enacted, by the Governor, Council and Assembly, in Legislative Session convened, That every Act to be hereafter passed may be altered, amended or repealed, in the same Session, any Law or Usage to the contrary notwithstanding. Any Act may be altered or repealed in same Session.

II.—*Be it enacted*, That all Acts shall be divided into Sections, if there be more Enactments than One, which Sections shall be deemed to be Substantive Enactments without any introductory words. Acts to be divided into Sections, and to be deemed substantive without introductory words.

III.—*Be it enacted*, That no Act, nor any portion of an Act that shall be repealed, shall be revived unless by express enactment. Repeal not to revive prior Act without express words.

IV.—*And be it enacted*, That whenever any Act shall be made, repealing in whole or in part any former Act, and substituting some Provision or Provisions instead of the Provision or Provisions repealed, such Provision or Provisions so repealed shall remain in force until the substituted Provision or Provisions shall come into operation by force of the last made Act; and all proceedings taken under the old Law shall be taken up and continued under the new, when not inconsistent therewith, and all Penalties may be recovered, and proceedings had in relation to matters which have happened before the repeal, in the same manner as if the Law were still in force. Provisions of Act repealed to be in force until those established come into operation.

Rules for construction of terms of Acts.

V.—*And be it enacted*, That in the Construction of Acts the following Rules shall be observed, unless otherwise expressly provided for, or such construction would be inconsistent with the intention of the Legislature or repugnant to the context; that is to say—

The words “Queen” or “Her Majesty” shall include Her Majesty, Her Heirs or Successors; “Governor” shall include the Person Administering the Government of the Colony for the time being; “Warrant” shall signify Warrant under Hand and Seal; “Month” shall signify a Calendar Month, and “Year” a Calendar Year; “Year” alone, shall be equivalent to the expression “Year of our Lord”; “Oath” shall include Affirmation, in cases where by Law an Affirmation may be substituted for an Oath, and in the like cases the word “Sworn” shall include the word “Affirm”; “Persons” may extend to Bodies Politic and Corporate, as well as to Individuals; “Justice” shall signify “Justice of the Peace”; “Grantor” may be construed as including every Person from whom any Freehold Estate or Interest passes by Deed; and “Grantee,” as including every Person to whom any such Estate or Interest passes in like manner; “Highway” or “Road,” shall signify a Public Highway or Road, and may also include Public Bridges; “Goods,” shall mean Personal Property; “Representatives,” shall mean Executors and Administrators; “Wills” shall include Codicils; “Sureties” shall mean sufficient Sureties; and “Security,” sufficient Security; every word importing the Singular Number only may extend to several Persons or Things as well as to One Person or Thing; and every word importing the Plural Number only may extend to One Person or Thing as well as to several Persons or Things; and every word importing the Masculine Gender only may extend to Females as well as to Males.

All words purporting to give a joint authority to Three or more Persons shall be construed as giving authority to a majority of such Persons.

Where authority to make appointments to public situations is conferred, it shall include the power to fill up vacancies caused by death, resignation, removal or refusal to act. The imposition of a Penalty shall not relieve any Person from liability to answer for Special Damages to a party injured.

Where power to make Bye-laws, Regulations, Rules or Orders, is conferred, it shall include the power to alter or revoke the same and make others.

No Bye-laws shall be enforced if contrary to law.

Where forms are prescribed, slight deviations therefrom, not affecting the substance, or calculated to mislead, shall not vitiate them.

Justices of the Peace may administer all Oaths with regard to the taking of which no particular directions are given. Quakers or Moravians, where an Oath is prescribed, may, instead of taking the same, Solemnly Affirm, in manner used in their religion; and such Affirmations shall have the like effect, and render the parties taking them liable to the like Penalties, if false, as attach to an Oath.

If the day upon which an act is to be done, should fall on a Sunday, Christmas Day, or Good Friday, the same shall be performed on the day following.

All Acts shall be deemed public, and may be declared so, and given in evidence without being specially pleaded. When Bonds are required to be given by a Public Officer, they shall be taken in Her Majesty’s name, where not otherwise directed. Printed copies of Acts published in the Royal Gazette Newspaper in St. John’s, or purporting to be published by the Queen’s Printer for the Island, shall be evidence of such Act.



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. XVII.

AN ACT for preventing damage by unseasonable Burning or Firing of the Woods in the Clearing of Land, and Burning the Woods and Forests of this Island.

[Passed 14th June, 1852.]

WHEREAS the Setting Fire to the Woods and Under-brush, or Burning Land which has been grubbed up, ploughed or pared for the purpose of clearing the same, in the dry season of the Year, has, by the spreading of such Fire, done much damage in the Burning of Houses, Fences, Woods and Forests; and whereas, in the present state of this Country it is necessary that such Regulations should be made as will be most convenient and useful for clearing Lands with the least risk of damage to Public or Private Property :

Be it therefore enacted, by the Governor, Council and Assembly, in Legislative Session convened, That the Courts of Quarter Sessions in the several Districts of this Island, shall, as soon as may be after the passing of this Act, make such Rules and Regulations as they may deem most proper to be observed by the inhabitants of the said Districts respectively for preventing damage by the Setting Fire to or Burning the Woods or Under-brush which may have been cut down, standing or otherwise, on Lands which may have been grubbed, pared, or ploughed, for the purpose of clearing as aforesaid, and also for preventing the wilful or careless Burning of any of the Standing Woods and Forests in any of the said Districts; and such Rules and Regulations so to be made as aforesaid, shall continue in force until the said Courts of Quarter Sessions shall be convened in the Month of January following, in which Sessions, and in those to be held at the same time in each succeeding Year during the continuance of this Act, the said Courts shall, for the Year ensuing, make additional Rules and Regulations, or adopt, alter or amend any before made, as they shall deem best calculated for promoting the object of this

Preamble.

In several Districts Courts of Quarter Sessions to make Rules for preventing damage by burning woods, &c., in clearing land.

Act; and all such Rules and Regulations shall be as binding upon all Persons within the said respective Districts as if herein enacted: *Provided*, that the Courts of Sessions at the following places shall make Rules and Regulations for the Districts in which they are comprised; that is to say, at Harbour Grace, for the District of Conception Bay; at Placentia, for the District of Placentia and St. Mary's; at Bonavista, for the District of Bonavista; and at Harbour Britain, for the District of Fortune Bay: *Provided further*, that no higher Penalty than Two Pounds shall be imposed for the violation of any Rule or Regulation, and which Penalty shall be sued for within Six Months after the offence committed: *And provided further*, that such Rules and Regulations shall have no force or effect until approved of by the Governor and Council, and published in manner hereinafter stated.

Proviso as to certain Districts.

Penalty to be sued within six months.

Rules to be approved of by the Governor and Council.

Mode of recovery of Penalties.

II.—*And be it enacted*, That all pecuniary Penalties imposed under this Act may be Sued for and Recovered with Costs in the name of any Person who shall inform and sue for the same before the Court of Sessions of the District within which the offence shall be committed, and upon conviction thereof, the amount of Penalty and Costs may be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders; and in the event of there being no Goods or Chattels sufficient for the payment of the Penalty and Expenses aforesaid, the Offender or Offenders may be committed to Prison for any period not exceeding Fifteen Days; and upon recovery of the Penalty, One-half shall be paid to the Informer and the other half to the Treasurer for the purposes of the Colony.

Rules to be published in the several Districts.

III.—*And be it further enacted*, That all Rules and Regulations made in pursuance of the provisions of this Act, shall, within Three Months after the same shall have been made, be published in at least Three of the most populous portions of each District respectively, by causing such Rules and Regulations to be posted up in the most conspicuous places in the respective Districts. *Provided always*, that in the District of Conception Bay, and in the Central District, the publication of the said Rules and Regulations in the Royal Gazette for the Central District, and the Harbour Grace Herald for the District of Conception Bay, shall be taken to be a sufficient publication within the meaning of this Act.

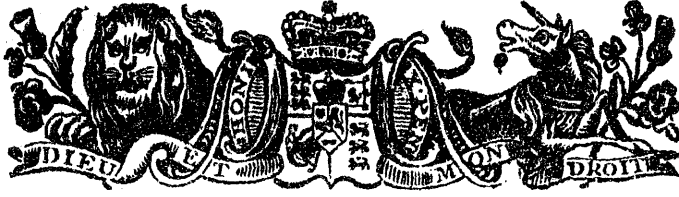
Persons wilfully or carelessly setting fire to woods and forests guilty of misdemeanor.

IV.—*And whereas* it frequently happens that great damage is done to the Woods and Forests of this Island, and to the Property of Individuals, by reason of the wilfully or carelessly Setting Fire to the same; *Be it therefore enacted*, by the authority aforesaid, that if any Person or Persons shall hereafter wilfully or carelessly set on Fire, or cause to be set on Fire, any of the Woods and Forests of this Island, being Public or Private Property, contrary to any such Rule to be made as aforesaid, such Person or Persons shall be guilty of a Misdemeanor, and on being convicted thereof shall be Imprisoned for a period not exceeding One Month; and any Indictment or Information preferred against any such Person or Persons shall be prosecuted in any Court of Record in this Island: *Provided* that nothing in this clause contained shall be construed to deprive any Person or Persons who may be injured by such Firing and Burning of his or their Property, of an Action at Law for such Damages as he or they may sustain and prove by reason thereof.

Proviso.

Continuation of Act.

V.—*And be it further enacted*, That this Act shall continue and be in force for the period of Five Years and no longer.



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. XVIII.

AN ACT to continue the Act for affording Relief to Wives and Children Deserted by their Husbands and Parents.

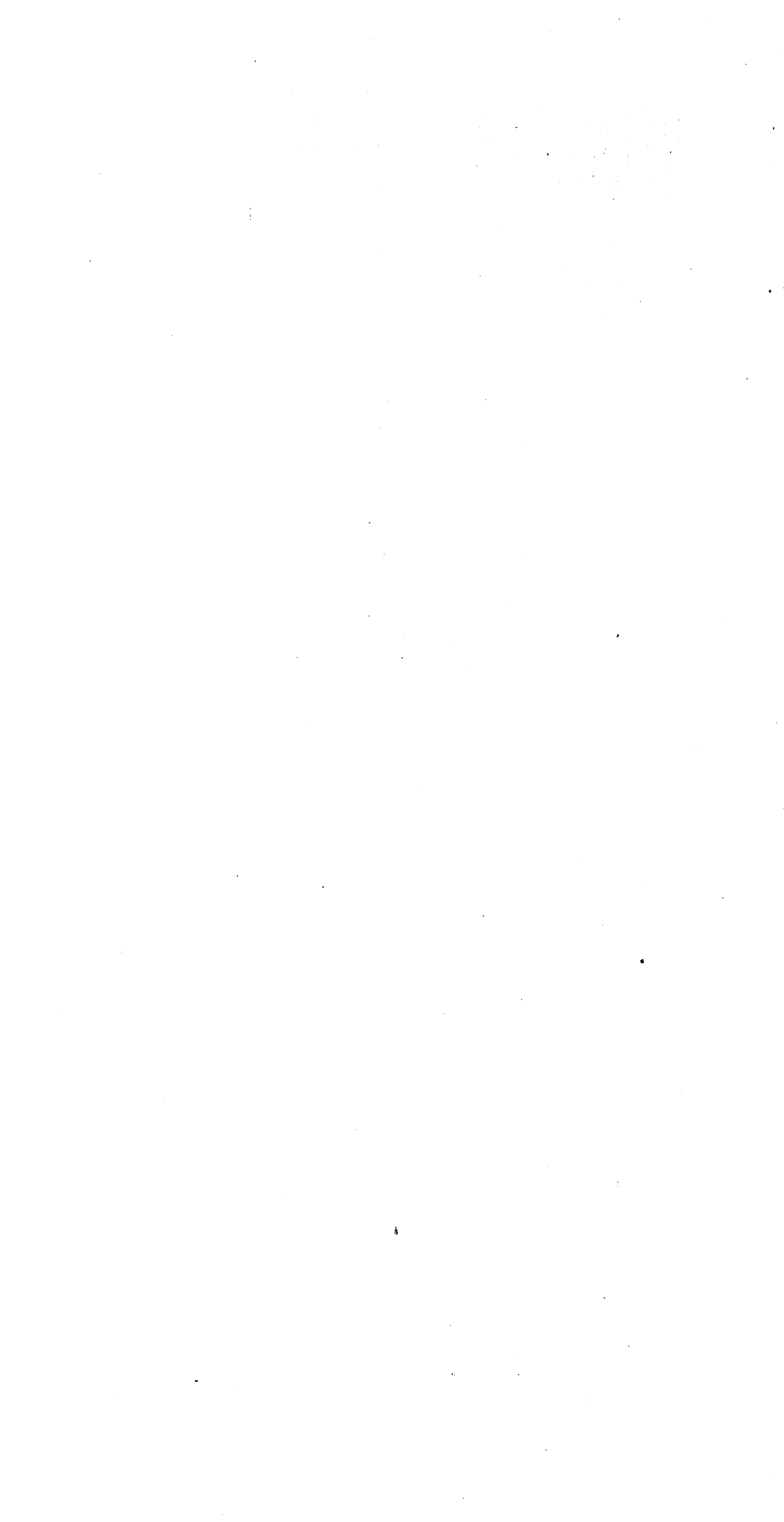
[Passed 14th June, 1852.]

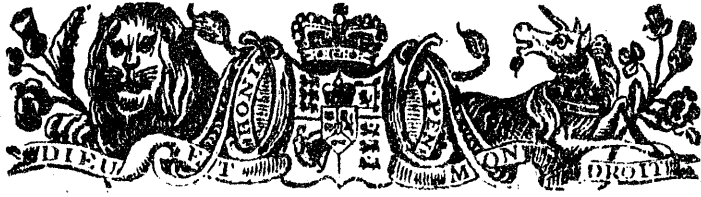
WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King William the Fourth, entitled "An Act to afford Relief to Wives and Children Deserted by their Husbands and Parents," which, as was therein declared, was to continue in force for Five Years, and thence until the then next Session of the Legislature. And whereas the said Act has been continued to the present time, and will shortly expire, and it is expedient that the same be continued for a further period:

Be it enacted, by the Governor, Council and Assembly, in Legislative Session convened, That the said recited Act, and every clause, matter and thing therein contained, shall be and the same are hereby continued in force for Three Years, and thence until the end of the then next Session of the Legislature.

Preamble.

Act continued in force.





ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. XIX.

AN ACT for granting to Her Majesty a Sum of Money for defraying the Expenses of the Civil Government of this Colony, for the Year ending on the Thirty-first day of December, One Thousand Eight Hundred and Fifty-two, and for other purposes.

[Passed 14th June, 1852.]

MAY IT PLEASE YOUR MAJESTY ;—

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

Preamble.

Be it therefore enacted, by the Governor, Council and Assembly, in Legislative Session convened, That from and out of such Monies as shall from time to time remain in the hands of the Treasurer, and unappropriated, there be granted to Your Majesty, Your Heirs and Successors, the Sum of Thirty-One Thousand Seven Hundred and Thirteen Pounds Seventeen Shillings and Six Pence ; which said Sum of Money shall be applied in payment of the following Charges for the Year commencing on the First Day of January One Thousand Eight Hundred and Fifty-Two, and ending on the Thirty-First Day of December in the same Year ; that is to say :—

£31,713 17s. 6d.
for the year ending
31st Dec., 1852.

The Sum of Four Thousand Seven Hundred and Seventy Pounds towards defraying the Salaries of the undermentioned Officers, as follows—

Salaries of—

- The Private Secretary to the Governor, Two Hundred Pounds.
- The Clerk of the Executive Council, Two Hundred Pounds.
- Two Clerks in the Secretary's Office, Four Hundred Pounds.
- An Office-keeper to the Secretary's Office, Sixty Pounds.
- A Messenger at the Secretary's Office, Sixty Pounds.
- The Colonial Treasurer, Five Hundred Pounds.

- Private Secretary.
- Clerk to Council.
- Clerks Secretary's Office.
- Office Keeper.
- Messenger.
- Col. Treasurer.

Treasurer's Clerk	The Treasurer's Clerk, Eighty-Four Pounds; the Treasurer to contribute Sixty-Five Pounds, equal to Seventy-Five Pounds Currency.
Clerk Sup. Court.	The Chief Clerk and Registrar of the Supreme and Central Circuit Courts, Three Hundred and Fifty Pounds, together with Fifty Pounds to defray the Salary of a Clerk Assistant, also Twenty Pounds for purchase of Printed Forms: <i>Provided</i> , that all Fees and Perquisites received in or by virtue of the said Office, or in any way connected therewith, shall be accounted for and paid over Half-Yearly to the Colonial Treasurer.
Proviso.	
Clerk N. C. Court	The Clerk of the Northern Circuit Court, Two Hundred Pounds.
Ditto S. C. Court	The Clerk of the Southern Circuit Court, Two Hundred Pounds.
Crier Supreme Court.	The Crier and Tipstaff of the Supreme Court, Sixty Pounds.
Police Magistrates	Three Police Magistrates for Saint John's, Nine Hundred Pounds.
High Constable.	The High Constable at Saint John's, Eighty Pounds.
Police Constables	Eight Police Constables for St. John's, Three Hundred and Sixty Pounds.
Gaoler, St. John's	The Gaoler for Saint John's, One Hundred and Fifty Pounds, in lieu of Fees, which are to be accounted for and paid over to the Colonial Treasurer.
Gaol Surgeon, St. John's.	The Gaol Surgeon of Saint John's, Forty Pounds.
Hospital Surgeon, St. John's.	The Hospital Surgeon for Saint John's, One Hundred and Fifty Pounds.
District Surgeon, St. John's.	The District Surgeon for Saint John's, One Hundred and Fifty Pounds, and Fifty Pounds for procuring and supplying Medicines.
Gaol Surgeon, Harbor Grace.	The Gaol Surgeon, Harbor Grace, Thirty Pounds.
Gate Keeper.	The Gate-keeper at Government House, Twenty-Six Pounds.
Attorney General.	The Attorney General, in lieu of all Fees of Office, Two Hundred and Fifty Pounds.
Solicitor General.	The Solicitor General, in lieu of all Fees of Office, including all Charges and Fees for any Person prosecuting for the Crown on the Northern Circuit, Two Hundred Pounds.
Outport Magistrates.	The sum of Two Thousand Four Hundred and Sixty Pounds towards defraying the Salaries of the undermentioned Outport Magistrates, as follows:
	Two Magistrates at Harbor Grace, Three Hundred and Thirty Pounds, that is to say, One Hundred and Sixty Five Pounds to each.
	A Magistrate at Carbonear, One Hundred and Fifty Pounds.
	A Magistrate for Brigus and Port-de-Grave, One Hundred and Fifty Pounds.
	A Magistrate at Ferryland, One Hundred Pounds.
	A Magistrate at Bay Bulls, One Hundred Pounds.
	A Magistrate at Burin, One Hundred and Fifty Pounds.
	A Magistrate at Lamaline, One Hundred and Thirty Pounds.
	A Magistrate at Saint Mary's, One Hundred and Thirty Pounds.
	A Magistrate at Harbor Britain, One Hundred Pounds.
	A Magistrate at Grand Bank, One Hundred and Thirty Pounds.
	A Magistrate at Trinity, One Hundred and Fifty Pounds.
	A Magistrate at Bonavista, One Hundred and Fifty Pounds.
	A Magistrate for Twillingate and Fogo, One Hundred and Thirty Pounds.
	A Magistrate for Placentia, One Hundred and Thirty Pounds.
	A Magistrate for Saint George's Bay, Three Hundred Pounds.
	A Magistrate at Old Perlican, One Hundred and Thirty Pounds.
Outport Clerks of the Peace.	The sum of Five Hundred and Sixty Pounds towards defraying the Salaries of the undermentioned Outport Clerks of the Peace, as follows:
	A Clerk of the Peace at Harbour Grace, One Hundred and Twenty-five Pounds.
	A Clerk of the Peace at Carbonear, Sixty Pounds.
	A Clerk of the Peace for Brigus and Port-de-Grave, Sixty Pounds.
	A Clerk of the Peace at Trinity, Sixty Pounds.

- A Clerk of the Peace at Bonavista, Forty-five Pounds.
 A Clerk of the Peace for Twillingate and Fogo, Forty-five Pounds.
 A Clerk of the Peace at Ferryland, Sixty Pounds.
 A Clerk of the Peace at Placentia, Thirty-five Pounds.
 A Clerk of the Peace at Burin, Thirty-five Pounds.
 A Clerk of the Peace at Harbour Britain, Thirty-five Pounds: *Provided*, that all Fees of Office received by the said respective Clerks of the Peace shall be accounted for by them and paid over Half-yearly to the Colonial Treasurer.

The sum of One Hundred and Ninety Pounds towards defraying the Salaries of the undermentioned Outport Gaolers, as follows: Outport Gaolers.

- A Gaoler at Harbour Grace, Ninety Pounds: *Provided*, that all Fees of Office received by him shall be accounted for and paid over to the Colonial Treasurer.
 A Gaoler at Trinity, Twenty-five Pounds.
 A Gaoler at Ferryland, Twenty-five Pounds.
 A Gaoler at Placentia, Twenty-five Pounds.
 A Gaoler at Burin, Twenty-five Pounds.

The sum of Nine Hundred and Sixty-six Pounds towards defraying the Salaries of the undermentioned Outport Constables, as follows. Outport Constables.

- One Constable at Petty Harbour, Twenty Pounds.
 One Constable at Torbay, Twenty Pounds.
 One Constable at Portugal Cove, Twenty Pounds.
 One Constable at South Shore, Twelve Pounds.
 One Constable at Harbour Main, Twelve Pounds.
 One Constable at Cat's Cove, Twelve Pounds.
 Two Constables at Brigus and Port-de-Grave, Fifty Pounds.
 One Constable at Bay Roberts, Twelve Pounds.
 Three Constables at Harbour Grace, One Hundred Pounds.
 Three Constables at Carbonear, Seventy-five Pounds.
 One Constable at Bay-de-Verd, Twelve Pounds.
 One Constable at Western Bay, Twelve Pounds.
 One Constable at Hant's Harbour, Twelve Pounds.
 One Constable at Perlican, Twelve Pounds.
 One Constable at Heart's Content, Twelve Pounds.
 One Constable at New Harbour, Twelve Pounds.
 Two Constables at Trinity, Thirty-seven Pounds.
 One Constable at Catalina, Twenty-five Pounds.
 One Constable at Bonavista, Twenty-five Pounds.
 One Constable at Tickle Cove, Twelve Pounds.
 One Constable at King's Cove, Twelve Pounds.
 One Constable at Salvage, Twelve Pounds.
 One Constable at Greenspond, Twelve Pounds.
 Three Constables at Twillingate and Fogo, Forty-nine Pounds.
 One Constable at Exploits Bay, Twelve Pounds.
 One Constable at Bay Bulls, Twenty-five Pounds.
 One Constable at Witless Bay, Twelve Pounds.
 One Constable at Toad's Cove, Twelve Pounds.
 One Constable at Brigus, South, Twelve Pounds.
 One Constable at Cape Broyle, Twelve Pounds.
 One Constable at Caplin Bay, Twelve Pounds.
 One Constable at Ferryland, Twenty-five Pounds.
 One Constable at Aquasorte, Twelve Pounds.
 One Constable at Fermews, Twelve Pounds.
 One Constable at Renew's, Twelve Pounds.
 One Constable at Trepassey, Twelve Pounds.
 One Constable at Saint Mary's, Twenty-five Pounds.
 One Constable at Placentia, Twenty-five Pounds.

One Constable at Little Placentia, Twelve Pounds.
 One Constable at Oderin, Twelve Pounds.
 One Constable at Merasheen, Twelve Pounds.
 One Constable at Burin, Twenty-five Pounds.
 One Constable at St. Lawrence, Twelve Pounds.
 One Constable at Lamaline, Twelve Pounds.
 One Constable at Grand Bank, Twelve Pounds.
 One Constable at Jersey Harbour, Twelve Pounds.
 One Constable at Harbour Britain, Twelve Pounds.
 One Constable at Hermitage Bay, Twelve Pounds.
 One Constable at Burgeo Islands, Twelve Pounds.
 One Constable at Spaniard's Bay, Twelve Pounds.

- Ferries. The sum of Two Hundred and Sixty-two Pounds towards defraying the allowances of the following Ferrymen :
- To Ferrymen at Manuals and Little Saint Lawrence, Ten Pounds each.
 To Ferrymen at Great Placentia, Salmonier, Portugal Cove, South Arm of Trinity, Twenty-five Pounds each.
 To Ferrymen between Burin and Spoon Cove, and between Belle Isle and Topsail, Twenty Pounds each.
 To Ferrymen at Biscay Bay and Aquaforte, Fifteen Pounds each.
 To a Ferryman at Malbay, Twelve Pounds.
 To a Ferryman at John's Pond, North Harbour and Salmonier, Thirty Pounds.
 And Two Ferries at Holyrood, Thirty Pounds, that is to say,—for a Boat to be stationed near Crawley's on the South Side, and a Boat near Healy's on the North Side of the Harbor, Fifteen Pounds each.
- Pension to Mrs. Blaikie. The sum of Fifty Pounds towards defraying the annual allowance to the Widow of the late James Blaikie, Esquire.
- Pension to Mrs. Holbrook. The sum of Thirty Pounds towards defraying the annual allowance to the Widow of the late George Holbrook, Esquire.
- Pension to Matthew Stevenson. The sum of Forty Pounds to Matthew Stevenson, as Pension.
 Gratuity to Robert Connell. The sum of Ten Pounds to Robert Connell as Gratuity for past services.
- Commercial School Placentia. The sum of Forty Pounds towards the support of a Commercial School at Great Placentia.
- Presbyterian School St. John's. The sum of Forty Pounds towards the support of the Presbyterian School at Saint John's.
- Commercial School Ferryland. The sum of Fifty Pounds towards the support of the Commercial School at Ferryland.
- Commercial School, St. Mary's. The sum of Forty Pounds towards the support of the Commercial School at Saint Mary's.
- Commercial School, Jersey Harbor. The sum of Forty Pounds towards the support of the Commercial School at Jersey Harbor, in Harbor Britain.
- Commercial School, Brigus. The sum of Fifty Pounds towards the support of the Commercial School at Brigus.
- Compensation to John Mayne. The sum of Thirty Pounds to John Mayne, Master of the Grammar School at Burin, Compensation for loss of Situation on the abolition of the School.
- Unforeseen Contingencies. The sum of Five Hundred Pounds to defray Unforeseen Contingencies.
- Court Houses and Gaols. The sum of Two Hundred Pounds towards defraying the ordinary expenses of Court Houses and Gaols.

The sum of Six Hundred Pounds towards defraying the expenses of Gaols Gaols.

The sum of Five Hundred Pounds towards defraying the expenses of Printing and Stationery. Printing and Stationery.

The sum of Three Hundred Pounds towards defraying the expenses of Crown Prosecutions. Crown Prosecutions.

The sum of Two Hundred Pounds towards defraying the expenses of Coroners. Coroners.

The sum of Four Hundred and Fifty Pounds towards defraying the expenses of Fuel and Light for Public Buildings. Public Buildings.

The sum of One Hundred and Twenty Pounds towards defraying the expense of Postages and other incidental expenses. Postages.

The sum of Four Hundred Pounds towards defraying the expenses of Judges and Officers on Circuit, (including Crown Prosecutions,) that is to say; the sum of Two Hundred Pounds to defray the expenses of each Circuit, in full for Table Money and Means of Conveyance, and for Payment of Rent of any Court Rooms where Court Houses may not be erected: *Provided* that Passages shall be allowed and provided on board of each Vessel proceeding on the respective Circuits, to such Members of the Bar as may desire to proceed thereon. Judges and Officers on Circuit, &c

The sum of Four Thousand Pounds towards the Relief of the Poor. Relief of Poor.

The sum of Four Hundred Pounds towards the Relief of Outport Permanent Poor. Outport Permanent Poor.

The sum of One Thousand Pounds towards defraying the expenses of Lunatic Paupers. Lunatic Paupers.

The sum of One Hundred Pounds towards the relief of Shipwrecked Crews. Shipwrecked crews.

The sum of One Hundred and Forty Three Pounds Six Shillings and Eight Pence towards defraying the expense of Lighting Saint John's with Gas. Gas.

The sum of Twenty-five Pounds towards defraying Office Rent of the Post Master General, provided it be kept in a Stone Building. Rent of Post Office.

The sum of Thirty-six Pounds and Ten Shillings towards defraying the expenses of the men stationed at Fort Amherst. Men at Fort Amherst.

The sum of Fifty Pounds towards payment of Duties on Wines imported or purchased for the use of the Military. Military Mess.

The sum of Sixty Pounds towards defraying the Salary of the Keeper of the Colonial Building. Keeper of Colonial Building.

The sum of Two Hundred Pounds towards the Erection of a Lock-up House at Greenspond. Lock-up house at Greenspond.

The sum of One Thousand and Five Hundred Pounds to the Right Reverend Doctor Mullock, Roman Catholic Bishop of Newfoundland, towards the completion of a Roman Catholic Presentation Convent School-house in St. John's; One Half to be paid at the expiration of One Year after the passing of this Act, and the other Half to be paid in Two Years. Right Rev. Dr. Mullock towards completion of Convent School house.

The sum of One Thousand Pounds to the Lord Bishop of Newfoundland towards the Erection of a School-house for the instruction of Females in St. John's; One Half to be paid at the expiration of One Year after the passing of this Act, and the other Half to be paid in Two Years. Lord Bishop towards the erection of a School-house.

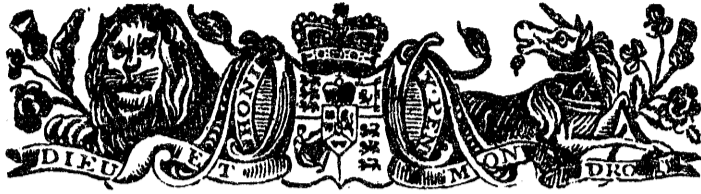
- Rev. E. Botterel, towards building and repairing School-houses. The sum of Three Hundred Pounds to the Reverend E. Botterel, Chairman of the Wesleyan Methodists, towards the Building and Repairing of Wesleyan School-houses; One Half to be paid at the expiration of One Year after the passing of this Act, and the other Half in Two Years.
- General Protestant Academy. The sum of Two Hundred Pounds towards defraying expenses incurred by the General Protestant Academy Board in Saint John's; One Half to be paid at the expiration of One Year after the passing of this Act, and the other Half to be paid in Two Years.
- Trustees of Wesleyan Schools. The sum of One Hundred and Thirty Pounds to the Trustees of the respective Wesleyan Schools following; that is to say—
The sum of Sixty Pounds towards Furnishing and Repairing of the Wesleyan School-house at Carbonear.
The sum of Fifty Pounds towards the Building of the Wesleyan School-house at Old Perlican.
And the sum of Twenty Pounds towards the Building of the Wesleyan School-house at Black Head.
- Convent School-house, Carbonear. The sum of One Hundred and Thirty Pounds to the Reverend John Dalton towards the Building of the Roman Catholic Presentation Convent School-house at Carbonear.
- Agricultural Society. The sum of One Hundred and Fifty Pounds towards the support of the Agricultural Society.
- Newfoundland Steam Company. The sum of Five Hundred Pounds to the Newfoundland Steam Company. *Provided* that the said Company shall undertake the carriage of the Mails between Saint John's and such places in Conception Bay as the Governor and Council shall require, and that the charge for such service shall not exceed the sum now paid therefor.
- Dorcas Society, Carbonear. The sum of Twenty-five Pounds towards the support of the Dorcas Society, Carbonear.
- Dorcas Society, Harbour Grace. The sum of Twenty-five Pounds towards the support of the Dorcas Society, Harbour Grace.
- Dorcas Society, Saint John's. The sum of Fifty Pounds towards the support of the Dorcas Society, Saint John's.
- Carbonear Grammar School. The sum of Twenty-five Pounds to the Directors of the Carbonear Grammar School, towards defraying the expense of Painting and Repairing the said School-house, and for other necessary improvements.
- Compensation to Lorenzo Moore. The sum of Twenty-five Pounds to Lorenzo Moore, Honorary Magistrate at Greenspond, compensation for past services.
- Compensation to J. V. Nugent. The sum of Ninety-five Pounds to John Valentine Nugent, Second Master of the Saint John's Academy, compensation in full for rent and other expenses incurred by him for Two Years past.
- Compensation to C. D. Newman. The sum of Ninety-five Pounds to Charles Durnford Newman, Senior Master of the Saint John's Academy, compensation in full for rent and other expenses incurred by him for Two Years past.
- Almanac. The sum of Twenty-five Pounds to Joseph Woods, towards defraying the expense of publishing an Almanac.
- Office Rent to J. Finlay. The sum of Ten Pounds to James Finlay, Assayer of Weights and Measures, towards defraying Rent of Office.
- Compensation to P. Clooney. The sum of Fifteen Pounds to Patrick Clooney, compensation for Land taken for the Public Road at River Head, Saint John's.

The sum of Fifteen Pounds to James Norris, compensation for Land required for public purposes in Saint John's: <i>Provided</i> the Land shall first be surrendered to the Public.	Compensation to J. Norris.
The sum of Twenty Pounds to Mrs. Keith, compensation for Land taken to widen Water Street at Harbor Grace.	Compensation to Mrs. Keith.
The sum of Twenty Pounds to John Murphy, compensation for Land taken into the Public Road in Chapel's Cove, Conception Bay.	Compensation to John Murphy.
The sum of Twelve Pounds to Michael Mahony, compensation for Land taken for public purposes at Cat's Cove, Conception Bay.	Compensation to M. Mahony.
The sum of Seventy-five Pounds towards the building and completion of a Breakwater in Oliver's Cove, Placentia Bay.	Breakwater, Oliver's Cove.
The sum of Two Hundred Pounds towards defraying the expense of introducing Gas and Water into the Town of Harbour Grace.	Gas and Water, Harbour Grace.
The sum of Three Hundred Pounds towards the completion of the Court House at Harbour Britain.	Court House, Harbour Britain.
The sum of Five Hundred Pounds towards defraying the expenses of repairing Court Houses and Gaols, and other Public Buildings.	Repairing Court Houses, &c.
The sum of Three Hundred and Fifty Pounds towards defraying the expenses of constructing Pumps and Water Tanks in the Town of Saint John's, under the direction of the Honorable the Surveyor General. One Hundred and Fifty Pounds of the said sum to be expended at the Western portion of the Town.	Pumps, &c., St. John's.
The sum of Twelve Pounds to John Newel, compensation for Land taken for the Public Road at Bear's Cove, Harbour Grace.	Compensation to John Newel.
The sum of Thirty Pounds towards aiding the Sons of Temperance, Harbour Grace, in procuring a Library for their Society.	Sons of Temperance.
The sum of Thirty-five Pounds to Walter Shelly, Keeper of the Half-way House at Salmonier; and the sum of Twenty Pounds towards defraying the expense of the Erection of a Chimney in the said House.	Walter Shelley.
The sum of One Hundred Pounds towards the support of the Night Watch, Saint John's.	Night Watch.
The sum of One Hundred Pounds towards the support of the Factory, Saint John's.	Factory, Saint John's.
The sum of Eighty Pounds, in equal amounts, towards remunerating the Phoenix Volunteer Fire Company, and the Temperance Fire Company, Saint John's.	Fire Companies.
The sum of Twelve Pounds and Ten Shillings towards reimbursing Major Robinson, Royal Engineers, for Duties paid on Luggage.	Major Robinson, R. E.
The sum of One Hundred Pounds towards the support of the Saint John's Hospital.	St. John's Hospital.
The sum of Ten Pounds to William Earle for services rendered to the Poor in the distribution of Eye Wash prepared by him.	William Earle.
The sum of Fifty Pounds towards encouraging the use of Looms at Placentia.	Encouraging Looms, Placentia.
The sum of Fifty Pounds towards the establishment of a Commercial School at Trinity: <i>Provided</i> Navigation be taught in the School.	Commercial School, Trinity.

- Compensation to William Parsons. The sum of Fifteen Pounds to William Parsons for attending at the landing, and defraying expense of repairing the Town Clock, and the further sum of Ten Pounds remuneration for attending, regulating, winding up and oiling the said Clock the past Year.
- Public Wharf, Trinity. The sum of Twenty Pounds towards defraying expense of repairing the Public Wharf at Trinity.
- Beacon, Harbour Grace. The sum of One Hundred Pounds towards the Erection of a Gas Light Beacon, at Harbour Grace.
- St. John's Library and Reading Room. The sum of Twenty-five Pounds to the Committee of the Library and Reading Room, Saint John's, for the Library.
- Wharf at Presque Placentia Bay. The sum of Ten Pounds towards the Erection of a Wharf at Presque Placentia Bay.
- Mechanics' Institute, St. John's. The sum of Fifty Pounds to the Committee of the Mechanics' Institute, St. John's, for the Museum in connection therewith.
- Margaret Coyle. The sum of Ten Pounds towards the support of Miss Margaret Coyle, Teacher, Saint John's.
- Indemnifying His Excellency. The sum of Seven Hundred and Sixteen Pounds Twelve Shillings and Ten Pence towards indemnifying His Excellency the Governor, for Monies advanced by him, the past Year, towards the Relief of the Poor.
- Plans of Towns of Trinity, &c. The sum of Sixty Pounds towards defraying expense of procuring Plans of the Towns of Trinity, Bay Roberts, Brigus and Bonavista.
- School, Seldom-Come-Bye. The sum of Thirty Pounds towards the support of a School at Seldom-Come-Bye in the District of Fogo.
- Compensation to Aaron Hogsett. The sum of Sixteen Pounds to Aaron Hogsett towards compensating him for expense incurred in making a Drain in Saint John's.
- Crier, N.C. Court. The sum of Twenty Pounds to the Crier and Tipstaff of the Northern Circuit Court at Harbour Grace.
- Ann Dwyre. The sum of Ten Pounds towards the support of Ann Dwyre, a distressed Widow.
- Gratuity to R. Smith. The sum of Ten Pounds to Robert Smith, Constable at Greenspond, gratuity for past services.
- Thomas Burkett. The sum of Twenty Pounds to Thomas Burkett towards reimbursing him for Money expended in the Purchase of Books for the Commercial School at Burin.
- Harcourt Mooney. The sum of Fifty Pounds to Harcourt Mooney for publishing proceedings of the Courts of Law.
- Donald Bethune. The sum of Twenty-five Pounds to Donald Bethune, Sub-Collector at Carbonear, in addition to his Annual Salary.
- Removal of rocks at Quidi Vidi. The sum of Twenty-five Pounds towards the removal of the Whale and Sucker Recks at Quidi Vidi, to be expended under the direction of the Honorable the Surveyor General.
- Compensation to John Stark. The sum of Twenty-five Pounds to John Stark, Esq., Chief Clerk and Registrar of the Northern Circuit Court, towards compensating him for loss sustained by the passing of the Act abolishing the Registry of Crown Grants.

- The sum of One Hundred Pounds towards the maintenance and encouragement of the Industrial Department of the Orphan Asylum School, at Saint John's. Orphan Asylum School.
- The sum of Ten Pounds towards the support of James Silvey, an infirm person. James Silvey.
- The sum of One Hundred and Fifty Pounds towards constructing a Break-water at Little Placentia: *Provided* this amount shall not be expended until the Governor and Council shall be satisfied that the expenditure will be useful. Break-water at Little Placentia.
- The sum of One Hundred and Thirty Pounds to the Venerable Archdeacon Bridge, towards the erection of School Houses. Archdeacon Bridge.
- The sum of Fifty Pounds to the Reverend Edward Keefe, towards the erection of the Roman Catholic School for Females at Harbour Main. Roman Catholic School, Harbour Main.
- The sum of Twenty Two Pounds and Eighteen Shillings, towards reimbursing the Electric Telegraph Commissioners for extra expenditure incurred by them. Telegraph Commissioners.
- The sum of Two Hundred Pounds to the Saint John's Water Company, towards defraying expenses of removing the Fire-plugs from the centres of the Streets and placing them in such manner as shall be directed by the Board of Road Commissioners for the District of Saint John's, the said sum not to be paid until the completion of the work, upon the certificate of the Commissioners aforesaid. St. John's Water Company.
- The sum of Seventy-five Pounds to Mrs. Mary Templeman, widow of the late Joseph Templeman, Esquire, to enable her and family to return to England; to be paid on their arrival there. Mrs. Templeman.
- The sum of Sixty Pounds towards remunerating Second Class Tide Waiters at the Port of Saint John's. Second Class Tide Waiters.
- The sum of Sixty Pounds towards defraying expenses in compiling Statements for the Government of the United States. Statements for Government of United States.
- The sum of One Hundred Pounds towards the construction of a Breakwater at Toad's Cove. Breakwater at Toads Cove.
- The sum of Twenty Pounds towards the Building of a Bridge at Swain's Island, Bonavista District. Bridge at Swain's Island.
- The Sum of Twenty-Five Pounds to the Incorporated Law Society, towards the purchase of Books for the Law Library. Law Society.
- The Sum of One Hundred Pounds to the Venerable Archdeacon Bridge, towards defraying expense of making a Wall and Fence around the Old Church Yard; and the Sum of Fifty Pounds to the Right Reverend Doctor Mullock, towards the erection of a Wall and Fence around the Old Roman Catholic Burial Ground in Saint John's. Burial Grounds.
- The Sum of One Hundred and Fifty Pounds towards the erection of a Bridge across the Tickle at Twillingate. Bridge at Twillingate.
- The Sum of Twenty Five Pounds to James Winter, Sub-Collector at Fogo, gratuity for past services. Sub-Collector at Fogo.
- The Sum of Two Thousand and Five Hundred Pounds towards indemnifying His Excellency the Governor for Monies expended in the relief of Shipwrecked Sealers, authorized by Address this present Session. Shipwrecked Sealers.

- Protection of Fisheries. The Sum of One Thousand Pounds towards indemnifying His Excellency the Governor, appropriated by Address during the present Session, for the Protection of the Fisheries on the Coast of Labrador.
- Protection of Electric Telegraph. The Sum of Fifty Pounds towards indemnifying His Excellency the Governor, appropriated by Address during the present Session, for the Protection of the Electric Telegraph between Saint John's and Harbour Grace.
- Cemetery at River Head. The Sum of Eighty-Four Pounds towards indemnifying His Excellency the Governor, appropriated by Address during the present Session, to the Trustees of the Cemetery at River Head, for the Wesleyans, Presbyterians and Congregationalists, towards defraying Balance of Purchase Money and Expense of Fencing the said Cemetery.
- Medical Attendant of Lunatic Asylum. The sum of Two Hundred Pounds to the Medical Attendant of the Lunatic Asylum.
- Salary of Secretary to Commissioners for Relief of Poor. The sum of Two Hundred and Fifty Pounds towards defraying the Salary of the Secretary to the Board of Commissioners for the Relief of the Poor in the District of Saint John's, to be paid out of the amount herein before granted for the relief of the Poor: *Provided* that this Salary shall not be deemed fixed, but temporary, and shall be subject to any change the Legislature may think proper to make therein.
- Monies to be paid by Warrant of the Governor. II.—*And be it enacted*, That the Monies hereinbefore granted, shall be paid by the Colonial Treasurer in discharge of such Warrants as may from time to time be drawn by the Governor or Administrator of the Government for the time being, for the purposes of this Act; and that it shall not be lawful for the Colonial Treasurer to pay any Monies out of the Colonial Treasury other than such as are granted by this Act or some Act of the Legislature.
- Governor to appoint Board of Audit. III.—*And be it enacted*, That it shall be lawful for the Governor, or Administrator of the Government for the time being, to nominate One Member of Her Majesty's Council and Two Members of the House of Assembly, who shall constitute a Board of Audit, and who shall have power to audit the Accounts of the Treasurer, for all Monies drawn upon him by virtue of this Act or of any other Act of the Legislature, and finally to settle and close the Accounts of the said Treasurer: *Provided always*, that such Accounts so audited shall be laid before the Legislature within One Month after the commencement of the next Session of the Legislature.



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

CAP. XX.

*AN ACT to provide for the Contingent Expenses
of the Legislature.*

[Passed 14th June, 1852.]

WHEREAS it is expedient to provide for the Contingent Expenses of the Legislature during the present Session : Preamble.

Be it therefore enacted, by the Governor, Council and Assembly, in Legislative Session convened, That from and out of such Monies as shall from time to time remain in the hands of the Treasurer, and unappropriated, there be granted to Her Majesty, Her Heirs and Successors, the Sum of Four Thousand Eight Hundred and Fifty-two Pounds, Nineteen Shillings and Eleven Pence, to be applied towards remunerating the Officers of the Legislature for their services, and towards defraying the Contingent Expenses of Her Majesty's Council and the House of Assembly during the present Session, as follows :

£4,852 19s. 11d.
granted for Con-
tingencies of Le-
gislation.

The Clerk of Her Majesty's Council, for his services during the present Session, One Hundred and Fifty Pounds ; and a further sum of Twenty-five Pounds for extra services owing to the length of the present Session of the Legislature. Officers of Council

The Master-in-Chancery attending Her Majesty's Council, for his services during the present Session, One Hundred Pounds ; and a further sum of Twenty-five Pounds for Extra Services owing to the length of the present Session of the Legislature.

The Usher of the Black Rod, for his services during the present Session, Eighty-five Pounds ; and a further sum of Twenty-five Pounds owing to the length of the present Session of the Legislature.

The Doorkeeper of Her Majesty's Council for his services during the present Session, Forty-five Pounds ; and a further sum of Five Pounds for extra services owing to the length of the present Session of the Legislature.

The Assistant Doorkeeper and Messenger of Her Majesty's Council, for his services during the present Session, Twenty Pounds; and a further sum of Five Pounds for extra services owing to the length of the present Session of the Legislature.

Publishing reports
and other contin-
gencies.

To Mr. William J. Ward for Publishing the Reports, Twenty-five Pounds; and a further sum of Twenty Pounds for extra services owing to the length of the present Session of the Legislature.

To Harcourt Mooney for Reporting Proceedings of Her Majesty's Council, during the present Session, Thirty Pounds; and a further sum of Twenty-five Pounds for extra services owing to the length of the present Session of the Legislature.

For Printing and Binding the Journals of Her Majesty's Council, the present Session, One Hundred and Twenty Pounds.

To the Clerk of Her Majesty's Council, to defray the Contingent Expenses of his Office, One Hundred and Ninety-five Pounds Thirteen Shillings and Three Pence.

To the Usher of the Black Rod, to defray the Contingent Expenses of his Office, One Hundred and Four Pounds and Eighteen Shillings.

House of Assem-
bly—Speaker and
Officers.

To the Honorable the Speaker of the House of Assembly for his services during the present Session, Two Hundred Pounds.

To the Clerk of the House of Assembly for his services, and for indexing and superintending the Printing of the Journals, during the present Session, Two Hundred Pounds, and Twenty-five Pounds for transmitting copies of Journals to the Colonial Office; and a further sum of Fifty Pounds for extra services during the present Session.

To the Clerk Assistant for his services during the present Session, One Hundred Pounds; and the further sum of Fifty Pounds for extra services during the last and present Sessions.

To the Sergeant-at-Arms for his services during the present Session, One Hundred Pounds; and the further sum of Thirty-three Pounds in consequence of the length of the past and present Sessions.

To the Solicitor for his services during the present Session, One Hundred and Fifty Pounds; and the further sum of Fifty Pounds for extra services during the past and present Sessions.

To the Doorkeeper of the House of Assembly for his services during the present Session, Forty-five Pounds; and the further sum of Five Pounds for extra services during the past and present Sessions.

To the Messenger of the House of Assembly for his services during the present Session, Forty Pounds; and the further sum of Five Pounds for extra services during the past and present Sessions.

To the Under Doorkeeper of the House of Assembly for his services during the present session, Thirty-five Pounds; and the further sum of Five Pounds for extra services during the past and present Sessions.

To the Assistant Doorkeeper, Messenger and Attendant of the House of Assembly for his services during the present Session, Fifteen Pounds; and the further sum of Five Pounds for extra services during the past and present Sessions.

To the Outer Doorkeeper for his services during the present Session, Fifteen Pounds; and the further sum of Five Pounds for extra services during the past and present Sessions.

To the Librarian of the Legislature, Fifty Pounds.

To John Higgins for attending the fires in the Colonial Building the present Session, Fifteen Pounds; and the further sum of Five Pounds for extra services during the past and present Sessions.

To the Reporters of the House of Assembly for their services during the present Session, as follows: to James Seaton, One Hundred Pounds, and Fifty Pounds for extra services owing to the length of the present session; and to Thomas Talbot, One Hundred Pounds.

To Thirteen Members of the House of Assembly (Speaker not included) the sum of Six Hundred and Seventy-two Pounds, being Forty-two Pounds each for Seven Members resident in Saint John's, and Sixty-three Pounds each for Six Outport Members not resident in Saint John's, for their services during the present Session. Members.

To the Proprietors of the Patriot Press for Printing Bills and Miscellaneous Papers during the present Session, Three Hundred and Thirty-three Pounds and Six Shillings. Printing and other contingencies.

To the Proprietors of the Newfoundlander Newspaper, estimate for Printing Journals and Appendix of the House of Assembly for the present Session, Two Hundred and Fifty Pounds; and balance on last year's Journals, One Hundred and Forty-three Pounds Fifteen Shillings and Ten Pence.

To the Clerk of the House of Assembly to defray the Contingent Expenses of his Office, pursuant to the Report of the Select Committee of the House of Assembly upon Contingencies, Three Hundred and Fifty-nine Pounds Twelve Shillings and Three Pence; and to defray Contingent Expenses of the Legislative Library, Fifty Pounds Nineteen Shillings and Six Pence.

To the Sergeant-at-Arms to defray the Contingent Expenses of his Office, pursuant to the Report of the Select Committee of the House of Assembly upon Contingencies, Two Hundred and Seventy-four Pounds Fifteen Shillings and One Penny.

To the Chairman of the Committee of Audit, Fifty Pounds.

To the Chairman of the Committee of Supply, Fifty Pounds.

To William R. Noad for furnishing Plans of the Towns of Harbour Grace and Carbonear, Twenty Pounds.

To the Proprietor of the Morning Post, Newspaper, in full for all claims for Publishing Reports of Proceedings of the House of Assembly, Seventy-five Pounds, being Forty Pounds according to Contract, and Thirty-five Pounds as a Gratuity for extra services.

To Daniel P. Marett and another, for preparing Statements of Imports and Exports for the House of Assembly, the sum of Forty Pounds.

To His Excellency the Governor or the Administrator of the Government, towards providing Coals for Her Majesty's Council and the House of Assembly, the next Session, Seventy-five Pounds.

E. J. C. A.
9/23/07