



ANNO NONO DECIMO.

VICTORIÆ REGINÆ.

CAP. I.

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

[Passed 12th May, 1856.]

MAY IT PLEASE YOUR MAJESTY:—

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

Preamble.

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

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

Duties imposed.

NO. 1.

TABLE OF DUTIES.

		£	s.	D.
Table of Duties.	Ale, Porter, Cider and Perry, viz:			
	In Bottles, the dozen of 2 Gallons	....	....	0 0 9
	In Casks	.....	....	the gallon 0 0 3

ANIMALS, viz :

{	Horses	.....	each	0 10 0
	Oxen and Cows	.....	"	0 5 0
{	Sheep, Swine and Calves	....	"	0 1 0
	Apples	.....	the Barrel	0 1 6
	Bacon, Hams, Tongues, Smoked Beef and Sausages,	.....	the Cwt.	0 7 6
	Beef, salted and cured	....	the Brl. of 200 lbs.	0 2 0
	Biscuit	....	the Cwt.	0 0 3
	Butter	....	"	0 3 0
	Cheese	....	"	0 5 0
	Chocolate and Cocoa	....	the lb.	0 0 1
	Cigars	....	the M.	0 10 0
	Coals	....	the ton	0 1 0
	Coffee	....	the lb.	0 0 1
	Feathers	....	the lb.	0 0 1
	Flour	....	the Brl.	0 1 6
	Fruit, dried	....	the lb.	0 0 1
	" other description	....	the £100	10 0 0
	Lumber	....	the M.	0 2 6
	Molasses	....	the Gallon	0 0 2½
	Oatmeal and Indian Meal	....	the Brl.	0 0 6
	Pork	....	the Brl. of 200 lbs.	0 3 0
	Salt	....	the ton.	0 0 6
	Shingles	....	the M.	0 1 0

SPIRITS, viz :

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

SUGAR, viz :

{	Loaf and Refined Sugar	....	the cwt.	0 12 0
{	Unrefined	....	"	0 7 6
{	Bastard	....	"	0 7 6
	Tea	....	the lb.	0 0 4
	Timber, including Balk and Scantling	....	the Ton.	0 1 0
	Tobacco, Manufactured and Leaf	....	the lb.	0 0 3
	Tobacco Stems	....	the cwt.	0 2 0
	Vinegar	....	the gallon	0 0 3

WINE, viz :

In Bottles	..	....	the gallon	0 5 0
Wines in wood and other vessels, not being bottles, } viz : Port, Madeira, Hock, Burgundy, Claret, }			the gallon	0 4 0

Sherry	....	....	“	0 2 6
			and 12½ per cent } ad valorem.		
All other Wines	....	....	the gallon	0 2 0
Anchors		}			
Barley and Oats					
Canvass					
Cordage and Cables					
Copper and Composition Metal for Ships, viz:					
Sheathing, Bar, Bolt and Nails					
Corks and Corkwood					
Fishing Tackle, Indian Corn				the £100.	5 0 0
Iron, viz: Bar, Bolt, Sheathing and Sheet,					
Wrought Nails					
Medicines					
Oakum					
Pease					
Pitch, Tar, Turpentine and Rosin					
Poultry and Fresh Meat					
Goods, Wares and Merchandize, not otherwise		}			
enumerated, described or charged with duty in			the £100.	10 0 0	
this Act, and not otherwise exempt					

LOCAL DISTILLATION.

Rum not exceeding the strength of proof by Sykes's Hydrometer, and so in proportion for any greater strength than the strength of proof, and for any greater or less quantity than a Gallon,	}	the Gallon.	0 0 8.
Brandy, Gin, or other Spirits, not herein defined or enumerated and not exceeding the strength of Proof by Sykes's Hydrometer, and so in proportion for any greater or less quantity than a Gallon,		the Gallon.	0 1 0

II.—All Articles in the following Table shall be Exempt from any Duty, viz:— Exemptions.

NO. 2.

TABLE OF EXEMPTIONS.

- Printed Books, Pamphlets, Maps and Charts,
- Coin and Bullion,
- Hemp, Flax, Tow,
- Plants, Trees and Shrubs,
- Specimens illustrative of Natural History,
- Works of Art, viz:—Engravings, Paintings, Statuary, and all Articles imported for Religious purposes, and not intended for sale,
- Manures of all kinds,
- Provisions for H. M. Land and Sea Forces,
- Passengers' Baggage, Household Furniture, and Working Tools and Implements used and in the use of Persons arriving in this Island,
- Refuse of Rice,
- Seeds for Agricultural purposes,
- Vegetables of all sorts,
- Mules and Asses,
- Animals certified by President of Agricultural Society to be imported for improvement of Stock,
- Printing Paper, Royal and Demy, in use for Newspapers,

19th Victoria, Cap. 1.

Cotton Yarn,
Pig Iron,
Coke.

Products of United States admitted free under Treaty while in force.

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

Table of Articles free of Duty under Treaty.

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

so long as the said Treaty between Great Britain and the United States of America, in the said recited Act mentioned, shall remain in force in this Island.

Certain products of the United Kingdom and the Colonies admitted duty free.

IV.—The following Articles shall be admitted into this Island and its Dependencies free of Duty, being the growth, produce or manufacture of the United Kingdom, or of the British North American Provinces, or of the Island of Prince Edward, respectively, notwithstanding any Law to the contrary, viz :

Animals,
Beef and Pork
Biscuit, Bread,
Butter, Cocoa Paste,
Corn or Grain of all kinds,

Flour, and Bread Stuffs,
 Fish, fresh or salted, dried or pickled,
 Fish Oil,
 Fins or Skins, the Produce of Fish or Creatures living in the Sea,
 Gypsum,
 Horns, Poultry,
 Plants, Shrubs and Trees,
 Potatoes and Vegetables of all kinds,
 Seeds of all kinds,
 Apples,
 Pelts, Skins, Furs or Tails undressed,
 Wood, viz: Boards, Planks, Staves, Timber and Firewood.

V.—The following articles shall be admitted into this Island and its Dependencies **Certain Products of the**
 Free of Duty, being the growth, produce, and manufacture of the Provinces of Nova **Colonies admitted free**
 Scotia, New Brunswick, or Prince Edward Island, respectively, viz:— **of duty.**

Grain and Bread Stuffs of all kinds
 Vegetables, Fruits, Seeds, Hay and Straw, Hops
 Animals, Salted and Fresh Meats
 Butter, Cheese
 Chocolate, and other preparations of Cocoa
 Lard, Tallow, Hides, Horns, Wool
 Undressed Skins and Furs of all kinds
 Ores, of all kinds
 Iron in Pigs and Blooms
 Copper, Lead in Pigs
 Grind-stones, and Stones of all kinds
 Earth, Coals, Lime
 Ochres, Gypsum, ground or unground
 Rock Salt
 Wood, Bark, Timber and Lumber of all kinds
 Firewood, Ashes
 Fish
 Fish Oil, viz:—Train Oil, Spermaceti Oil, Head Matter and Blubber
 Fins and Skins, the produce of Fish, or Creatures living in the Sea.

VI.—From and after the passing of this Act the Duty to be levied, paid and col- **Liquors of home**
 lected on Spirituous Liquors manufactured, extracted, or distilled in this Island, shall **manufacture, and duty**
 be at the rates mentioned in the Table of Duties in this Act for Local Distillation. **thereon.**

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

Yachts sailing under Admiralty Warrant exempt from Duty, &c.

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

Importers to pay Duties; power and mode of collecting the same.

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

Salaries of Officers of Customs.

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

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

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

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

First Clerk and Ware-house Keeper at St. John's, Two Hundred Pounds.

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

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

Two Lockers at St. John's, Twenty Pounds each, and Three Shillings per day when employed.

The Sub-Collector at Lamaline or Oderin, One Hundred Pounds, and Two and a-half per cent. on all Duties collected.

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

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

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

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

The Sub-Collector at Twillingate One Hundred Pounds, and Two and a-half per cent on all Duties collected.

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

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

The Sub-Collector at Carbonear, One Hundred Pounds, and Two and a-half per cent on all Duties collected.

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

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

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

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

The Preventive Officer at Bay of Bulls, Fifty Pounds.

The Preventive Officer at Ferryland, Fifty Pounds, and Two and a-half per cent on all Duties collected.

To Defray the Expenses of Tide Waiters and Preventive Boats and Crews at St. John's, and Tide Waiters at Harbor Grace, a sum not exceeding Eleven Hundred and Seventy Five Pounds.

Stationery and Printed Forms, Postages, and other Incidental Expenses, Fifty Five Pounds.

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

XI.—Nothing in this Act contained shall in any way affect any matter or thing contained in the hereinbefore in part recited Act.

Nothing herein contained to affect recited Act.

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

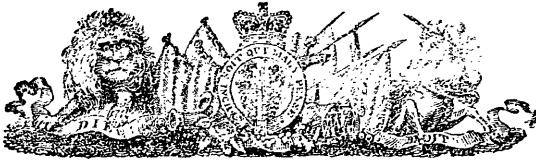
The Revenue Act of last Session to stand repealed, on this Act coming into operation.

Proviso.

XIII.—This Act shall continue in force for one year from the passing thereof, and no longer.

Continuance of Act.





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VICTORIÆ REGINÆ.

CAP. II.

AN ACT to amend an Act passed in the 19th Year of the Reign of Her Majesty, entitled "An Act for the establishment of a Board of Revenue, and for the regulation, management, and collection of all Duties Granted to Her Majesty, Her Heirs and Successors, on Goods, Wares and Merchandize, imported into this Island and its Dependencies, and to Repeal certain Acts relating thereto."

[Passed 12th May, 1856.]

BE it enacted by the Governor, Legislative Council, and Assembly, in Legislative Session convened: Preamble.

I.—That it shall be lawful for the Governor in Council to increase the number of the Members of the Board of Revenue to Six, instead of Four, as provided in and by the said in part recited Act passed in the nineteenth year of the Reign of Her Majesty, intituled "An Act for the establishment of a Board of Revenue, and for the Regulation, Management, and Collection of all Duties granted to Her Majesty, Her Heirs, and Successors, on Goods, Wares, and Merchandize, imported into this Island and its Dependencies, and to repeal certain Acts relating thereto;" and which Members of said Board of Revenue, when so appointed, shall in all respects be subject to the provisions of the said in part recited Act.

Board of Revenue may be increased from Four to Six members.

II.—It shall be lawful for the said Board to make such regulations, subject to the approval of the Governor in Council, modifying the existing law with respect to the removal of Spirituous Liquors distilled in this Colony, after the payment of the duties thereon, as they may deem reasonable and expedient.

Board may make regulations, &c.



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VICTORIÆ REGINÆ.

CAP. III.

AN ACT for granting to Her Majesty a Sum of Money for constructing and repairing Roads, Streets and Bridges within this Colony.

[Passed 12th May, 1856.]

WHEREAS it is expedient to provide for the internal improvement of this Colony by constructing, repairing and improving Main and other Roads, Streets and Bridges therein : Preamble.

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

I.—From and out of such Monies as may from time to time remain in the hands of the Receiver General, unappropriated, there be granted to Her Majesty, Her Heirs and Successors, the Sum of Ten Thousand One Hundred Pounds, to be expended under this Act in the constructing, repairing and improving of Main and other Roads, Streets, and Bridges in this Colony, and for defraying all expenses attendant thereon, which said Sum shall be distributed and appropriated as follows, that is to say :

£10,100 granted for purposes of this Act ; to be distributed as follows :

Towards repairing, constructing and improving Roads, Streets and Bridges in the Electoral District of St. John's, the Sum of Nine Hundred Pounds, as follows : Four Hundred Pounds for the District of St. John's West : Fifty Pounds for deepening the Gut at Petty Harbor ; and Four Hundred and Fifty Pounds for the District of St. John's East. District of St. John's, £900.

District of Harbor
Grace, £787.

Towards constructing, repairing and improving Roads, Streets and Bridges in the District of Harbor Grace, the Sum of Seven Hundred and Eighty Seven Pounds, to be expended as follows :—

The Sum of One Hundred Pounds on the Main Road from Mosquito Valley to the River Head of Bay Roberts.

The Sum of Three Hundred and Seventeen Pounds in and about, to and from, the Town of Harbor Grace, River Head, South Side and Bears Cove.

The Sum of One Hundred Pounds for Bay Roberts Main Road ; a Road from French's Hill to Crane's Brook ; the Road on the North Side, and other necessary Roads and Bridges.

The Sum of Fifty Pounds, from Brigus Road to the North Side of Coley's Point, and from Bareneed Road to the South Side of the said Point, to be equally divided.

The Sum of Fifty Pounds in and about, to and from, Spaniards' Bay ; (Thirteen Pounds to be expended in opening and making Godsel's Road, and the remainder on other necessary Roads and Bridges.)

The Sum of Ninety Five Pounds for Island Cove and Bishops Cove. (Forty Five Pounds to be expended in opening and making a Road to be called "Crane's Road," to lead from Island Cove Road, and extend West across the Spaniards Bay Road, near Stone's Bridge, to meet the New Harbor Road ; and the remainder upon the necessary Roads and Bridges in and about, and from, Island Cove and Bishop's Cove to Harbor Grace, and the Road from Bryant's Cove to Spaniards Bay.)

The Sum of Twenty Five Pounds, to be expended in and about to and from Bryant's Cove, and the Sum of Twenty Five Pounds on the Road from Bryant's Cove to the South Side of Harbor Grace.

The Sum of Twenty Five Pounds on the Road from Spaniards Bay or Harbor Grace to New Harbor.

Bay-de-Verds District,
£451.

Towards constructing, repairing and improving Roads, Streets and Bridges within the Bay de Verds District—on the Main Line commencing at Fresh Water inclusive, ending at Grates Cove, and the various localities therein—Four Hundred and Fifty One Pounds ; to be expended as follows :—

From Freshwater, inclusive, to, in and about Clown's Cove, Blow-me-Down, Flat Rocks, Salmon Cove, Perry's Cove, to Spout Cove Bridge, One Hundred Pounds.

From Spout Cove Bridge inclusive, to, in and about Small Point, Mullin's Cove, Broad Cove, Black Head, Gusset Cove, Adam's Cove, Bradley's Cove, Western Bay, and Ochre Pit Cove, from the Main Road towards Tuff's, Perfect's, and other Plantations, from the Eastern Bridge towards the House of Samuel Halfyard, Senr., thence to join the Main Road near the Wesleyan Chapel, One Hundred and Sixty Pounds.

From Ochre Pit Cove to, in and about Northern Bay, Gull Island, Burnt Point, Job's Cove, on a Bridge leading from the Houses towards the Water Side, Red Lands, Lower Island Cove, Low Point, on Road through the settlement, and opening a Road towards Murry's Cove, Bay de Verds, to Grates Cove, One Hundred and Ninety One Pounds. (Forty Pounds of which are to be expended on Road leading from Bay de Verds to Grates Cove.)

Brigus and Port-de-
Grave District, £467.

Towards constructing, repairing, and improving Roads, Streets and Bridges within the Brigus and Port de Grave District, the Sum of Four Hundred and Sixty Seven Pounds, to be expended as follows :—

On the Road from the River Head of Brigus towards Frogmarsh ; from River Head to Three Island Pond ; from Dr. Mulloy's towards River Head, from Cole's Bridge to the Gulleys, from Grave Hill to the Battery, from Dr. Mulloy's to Bishop's Cove, on

the Road around the Pond, and thence towards the Main Lines North and South, and from the Newfoundland School House to Mr. Nowlan's, for repairing the long wooden bridge in Brigus, and for the repairs of other Roads and Bridges in and about Brigus, not herein specified; on the Road from Bull Cove to Brigus, on the Road from Burnt Head to Cupids to the Main Road, and thence towards the Woods, and on other Roads and Bridges in and about Cupids, on the Road from Port de Grave towards the North River, on the Branch Road towards Bay Roberts, from the Main Road towards the head of North River, leading to the Ponds, and other Roads and Bridges in and about Port de Grave, Bareneed and Ship Cove, Northern and Southern Gut, and other places not herein specified.

And that the further Sum of Fifty Pounds be expended on the repairs of the Northern Gut Bridge, in addition to any Sum that may be appropriated towards such repairs by the Board of Road Commissioners out of the general grant for the District.

Repairs Northern Gut Bridge, £50.

Towards constructing, repairing and improving Roads, Streets and Bridges within the Carbonear District, the Sum of Four Hundred and Twenty One Pounds, to be expended as follows :—

Carbonear District, £421.

To compensate Mrs. Beken for ground taken to open Public Road, Eight Pounds.

To repair the Road from Malone's house on Mosquito Point to Arthur Thomey's house, Ten Pounds.

To repair the Road from Arthur Thomey's house, running through the Pond Head of Mosquito to Patrick Fitzgerald's house on the Main Road from Harbor Grace to Carbonear, Ten Pounds.

To open and repair the Road from the said Patrick Fitzgerald's house towards Lady Pond, Twenty Pounds.

To open and repair the Road from Michael Connor's house on the South Side of Mosquito, running through Thomey's Lane to the South End of Mosquito Beach, Thirty Five Pounds.

Opening, making and extending the Road commencing at the South corner of Mosquito Beach, or at some point in Thomey's Lane, running through Thomey's meadow, passing by Neagle's house, thence through the Simmonds' ground towards the South Point; to make a new Road and Bridge, commencing at the Valley Road, crossing the River west of Cashman's garden, Carbonear, Twenty Pounds.

The Sums to be expended making, repairing and improving the undermentioned Roads, Streets and Bridges, are to be left to the management and direction of the Carbonear Road Commissioners.

Main Road from David Connors's, Mosquito Valley, through Carbonear to Crocker's Cove, East; Road from Powel's Brook to William Penny's South Side; Taylor's Road, South Side; Dunnagan's Road; Crowley Road; Road from Powel's Brook to Walsh's plantation, thence westerly a quarter of a mile; London Road to be repaired and extended westerly a quarter of a mile.

Opening and making a new Road, commencing at London Road, and running towards London Road Pond, thence in a westerly direction up the pond side. Road from Pack's Bridge up the South side of Carbonear River, westerly round the pond head of Carbonear, and repairing Pack's Bridge. Valley Road repaired and extended quarter of a mile. Flynn's Hill Road, Gladstone Road, Battery Road, Jones Hill Road, Drake's Hill Road.

Opening and making a drain from Scully's House near the Chapel yard to the drain that runs where Dunn's cooperage formerly stood. Bunker's Hill Road to Bradick's plantation. Scanlan's Hill Road to Little Beaver Brook bridge. Bemister Hill Road,

English hill Road, Church Road, Hiscock-hill road, McAlister's Road and Bridge ; Roads in and about Crocker's Cove.

Main Road, &c. Carbonear to Hearts' Content, £150.

Towards opening, making and repairing all other Roads and Bridges in and about the aforesaid District of Carbonear, not herein enumerated ; towards making and repairing the Main Road and Bridges from Carbonear to Hearts Content, the Sum of One Hundred and Fifty Pounds ; of which the sum of Eight Pounds is to be paid Matthew Maddoc and John Walsh for building the Monument Bridge : Out of the remainder, the Sum of Ninety Four Pounds Ten Shillings is to be expended under the management of the Carbonear Road Board ; and the sum of Forty Seven Pounds Ten Shillings under the management of the Hearts Content Board.

District of Harbor Main £324.

In the District of Harbor Main, the Sum of Three Hundred and Twenty Four Pounds, on the Main Road from Horse Cove through the district of Harbor Main, including the Bridge at the Beach at Manuels, to be expended under the Board of Works ; provided that the said sum of Three Hundred and Twenty Four Pounds shall first be subject to the payment of any sum or sums of Money that may be awarded or otherwise to parties for loss of Land appropriated for the purposes of the Public Road running through Holyrood.

District of Trinity, £730.

Towards constructing, repairing and improving Roads, Streets and Bridges in the District of Trinity, the Sum of Seven Hundred and Thirty Pounds, to be expended as follows :—

From Fox Harbor to Heart's Ease, Five Pounds ;

Fox Harbor to Gooseberry Cove, Fifteen Pounds ;

Ireland's Eye to Black Duck Cove, Ten Pounds ;

Trinity, towards British Harbor, One Hundred Pounds ;

Trinity, around the North West Arm, to meet the King's Cove Road, Fifty Pounds ;

Branch Road from English Harbor to join the Catalina main road, and for English Harbor and Salmon Cove, Thirty Five Pounds.

From Little Catalina to Great Catalina, Seven Pounds.

From Bird Island Cove to Bonavista, commencing from R. Tilly's residence, including small compensation for land required for Road, Twenty Five Pounds.

In Bird Island Cove, Eight Pounds.

From Bird Island Cove towards Catalina Road, Twenty Pounds ;

For Streets and Bridges in and about Ragged Harbor, towards River Head of Catalina, Ten Pounds ;

For making and repairing Streets and Bridges in and about Catalina, including River Head and South side of South West Arm, Thirty Five Pounds ;

Forty Five Pounds to be expended by Trinity Board of Commissioners on such Streets, Roads and Bridges, and towards purchase of Land for said purposes, as they may decide upon.

From Grates Cove to Bay-de-Verds, Twenty Pounds ;

Grates Cove to Old Perlican, Thirty Pounds ;

Old Perlican to Bay-de-Verds, Twenty Pounds ;

Old Perlican to Island Cove, Twenty Five Pounds ;

Old Perlican to Lance Cove, including making and repairing Four Bridges, Fifty Pounds ;

Lance Cove to Seal Cove, Twenty Five Pounds ;

Seal Cove to Hants' Harbor, including Bridges, Twenty Five Pounds ;

Hant's Harbor to Silly Cove, Twenty Pounds ;

Silly Cove to Turk's Cove, Fifteen Pounds ;

Turk's Cove, West side, Ten pounds;
 Bridge between North and South side of New Perlican, Twenty pounds;
 In and about New Perlican, Fifteen pounds;
 New Perlican to Tickle Cove, Five pounds;
 Heart's Content towards Heart's Delight, Forty pounds;
 Hearts Delight towards New Harbor, Twenty pounds;
 In and about New Harbor, Twenty pounds;
 Bridge at Adams Cove, Five pounds.

Trinity District
 (Continued.)

On the Main Road from Trinity to Catalina, One Hundred pounds;
 On the Main Road from Trinity to King's Cove, Seventy Five pounds; to be expended by the Trinity Board of Commissioners;
 From Catalina to Bonavista, Twenty Five pounds, to be expended by the Commissioners of Trinity District;
 From New Harbor to Spaniard's Bay, or Harbor Grace, Twenty Five pounds, to be expended by the Trinity Bay Commissioners.

Main Roads, £225.

Towards constructing, repairing, and improving Roads, Streets, and Bridges, in the District of Bonavista, the Sum of Six Hundred and Five pounds, to be expended as follows :—

District of Bonavista,
 £605.

Salvage : for Bridge across Salt Lake or Pond, situate at north-east of the harbor, (provided the inhabitants supply Timber,) Thirty pounds, to be expended under the Salvage Board.

For making and repairing Roads at Salvage and Barrow Harbor, ten pounds, to be expended under the Salvage Board.

For making and repairing Roads at Flat Islands, fifteen pounds, to be expended under the Salvage Board.

Greenspond : for making and repairing Roads in that Island, including road to Burial Ground, ninety pounds, to be expended under the Greenspond Board.

The sum of twenty five pounds for making and repairing of Roads on Newell's and Ship Islands, including the road to the Burial Ground on Newell's Island.

For making and repairing Roads at Vere Island, twelve pounds.

Gooseberry Islands, twelve pounds.

Fool's Island, twelve pounds.

Swain's Island, twelve pounds.

For making and repairing Roads on Pinchard's Island, twenty five pounds, (out of which the sum of fifteen pounds to be paid to John Sainsbury for work performed in making a Road,)

Cape Freels, and Cobler's Island, for building and repairing Bridges at Middle Bill Cove, and its neighbourhood, twelve pounds.

Towards Upper Amherst and Newman's Cove, from Stock and Knight's Cove, including the making of Seal Cove Bridge, thirty two pounds.

Towards Plate Cove, twenty pounds.

Towards Broad Cove, ten pounds.

Broad Cove to Keels, ten pounds.

For Road from West end of John Brown's house to Lower Road, three pounds.

For repairs of Roads and Bridges, to be decided by Board of Commissioners, seven pounds ten shillings.

Tickle Cove to Red Cliff Island, ten pounds.

Red Cliff Island, to Open Hall, ten pounds.

Open Hall to Plate Cove, ten pounds.

**Bonavista District
(Continued.)**

Plate Cove to Indian Arm, or to King's Cove, Ten Pounds, subject to Board of Commissioners.

Indian Arm, towards a bridge at Big Arm Brook, Twelve Pounds Ten Shillings, provided the Inhabitants give materials of equal amount.

From Keels to Tickle Cove, Ten Pounds.

Bonavista and King's Cove Road, towards Birchy Cove, thence to Newman's Cove, including the making of Devil's Cove Bridge, Seventy Pounds.

Bird Island Cove, provided a similar amount be appropriated by Trinity Board, Twenty Five Pounds.

Expenses on Walkham Cove and other Bridges in the District of Bonavista, Twenty Pounds.

Making Beechy Cove Bridge at Cannile, and repairing Road also near Robert Clark's, Twelve Pounds.

Continuing Brown's Lane, Cannile, along Giles Harris's from Hampton's, Seven Pounds.

From Samuel Miffin's to Church Road, Ten Pounds.

From S. Miffin's to Harbor Pond, adjoining R. Tilly's, Four Pounds.

Repairing Road to Long Beach, from Mockbeggar Pump, passing John Edmonds', Eleven Pounds Ten Shillings;

On the Cape Shore Road, from Henry Fisher's Garden to Windlass, Five Pounds;

For the Backside Road to William Butler's, Two Pounds;

For Widening Road at Lance Cove Bank, Five Pounds;

For Making and Repairing Roads and Bridges from Cox's Brook to Cooper's, on Colliers' Pond Road, Six Pounds;

Repairing Branch Road from Brown's Lane to William and John Harris, and others, Five Pounds;

This sum to be expended by Board of Commissioners on Roads most necessary, Twenty Pounds Five Shillings and One Penny;

To pay Joseph Fisher Two Pounds Four Shillings and Eleven Pence.

Main Roads, £150.

On the Road from Trinity to King's Cove, Seventy Five Pounds, to be expended under the King's Cove Board;

Keels to Tickle Cove, Fifty Pounds;

Bonavista to Catalina, to be expended by Bonavista proper Board on Road from Bonavista to Long Marsh, Twenty-five Pounds.

**District of Twillingate
& Fogo, £590.**

Towards constructing, repairing, and improving Roads, Streets and Bridges within the District of Twillingate and Fogo, the sum of Five Hundred and Ninety Pounds, to be expended as follows:

Twillingate, North-side, Seventy Pounds;

Twillingate, South-side, Seventy Pounds;

Main Line from Twillingate towards Herring Neck and Change Islands, Thirty Five Pounds;

Tizzard's Harbour, Fifteen Pounds;

Morton's Harbour, Twenty Pounds;

From Morton's Harbor to Tizzard's Harbor, Fifteen Pounds;

Black Island, Twelve Pounds Ten Shillings;

Exploits Burnt Island, Twenty Five Pounds;

Fortune Harbor, Fifteen Pounds;

From Fortune Harbor to Waldron's Cove, Five Pounds;

Western Head to Morton's Harbor, Five Pounds;

Herring Neck, Thirty Pounds;

Leading Ticks, Ten Pounds;

Ward's Harbor to Cutwell, Seven Pounds Ten Shillings;
 Little Bay Islands, Ten Pounds;
 Three Arms to Jacket's Arm, Seven Pounds Ten Shillings;
 Hall's Bay to Pond, Fifteen Pounds;
 Nipper's Harbor, Seven Pounds Ten Shillings;
 Burying Place, Five Pounds;
 Shoe Cove, Fifteen Pounds.
 Fogo Harbor, Seventy Five Pounds;
 Tilton-Harbor, Twenty Five Pounds;
 Joe Bat's Arm, Twenty Pounds.
 Bard Island, Twenty Pounds;
 Change Islands, Twenty Five Pounds;
 Seldom-Come-by, Ten Pounds;
 Muddy Hole and Straight Shore, Twenty Pounds.

Twillingate & Fogo,
 (Continued.)

On the Main Line of Road from Fogo to Seldom-Come-by, One Hundred Pounds. Main Line, £100.

Towards constructing, repairing, and improving Roads, Streets and Bridges, within the District of Fortune Bay, the sum of Two Hundred and Fifty Five Pounds, to be expended as follows:— District of Fortune Bay, £255.

Road from St. Jacques to English Harbor, Ninety Pounds;
 Road round Jersey Harbour, Forty Five Pounds;
 Roads at Push Through, Twenty Five Pounds;
 Road from Harbour Britain to Connaigre, Fifty Pounds;
 Road from Croal's Cove towards English Harbour, Forty Pounds;
 For Contingencies on vote of 1853, of Forty Five Pounds on Road from Jersey Harbour to Little Bay, Five Pounds;

Provided that the sum of Seventy Five Pounds voted for Roads in Galtois, and unexpended, shall be applied to the construction of Roads in Picaire;

On the Road from Garnish towards Burin, to be expended by the Garnish Board, Fifty Pounds.

Towards constructing, repairing, and improving Roads, Streets, and Bridges, in the District of Burgeo and La Poile, the sum of One Hundred and Ninety Five Pounds, to be expended as follows:— District of Burgeo & La Poile, £195.

Road from La Poile, South West, Seventy Pounds;
 Road from Old Room, Burgeo, to Troy Town, Ninety Five Pounds;
 Road at Channel, Thirty Pounds.

Towards constructing, repairing, and improving Roads, Streets, and Bridges, in the District of Burin, the sum of Three Hundred and Sixty Pounds, to be expended as follows:— District of Burin, £360.

Grand Bank and Fortune, Fifty Six Pounds;
 Lamaline, to assist in completing the Breakwater, Thirty Five Pounds;
 Lawn, Sixteen Pounds;
 Lawn to St. Laurence, Twenty Six Pounds;
 Mud Cove to St. Laurence, Fifty Eight Pounds;
 Spoon Cove to Mud Cove, Six Pounds;
 Burin to Ship Cove, Six Pounds;
 Court House to Morris's, Nine Pounds;
 Van Stene's to Morris' Point, Eight Pounds;
 Dicks's Bridge, Twelve Pounds;
 Dicks's Bridge to Court House, Seven Pounds;

Burin District
(Continued.)

Dicks's Bridge to Path End, Thirty Two pounds ;
 Butler's Farm to the Narrows, Sixteen pounds ;
 Butler's Farm to Path End, Eight pounds ;
 Mortier to Fox Cove, Seven pounds ;
 Fox Cove to Tides Cove, Nine pounds ;
 Spanish Room to Mooring Cove, Fifteen pounds ;
 Spanish Room to Rock Harbour, Twelve pounds ;
 Repairing Roads to Great Burin, Four Pounds Six Shillings ;
 To the Chairman for balance due him on his per centage of the Grant of 1853,
 Seventeen Pounds Fourteen Shillings ;
 Path End to Salmonier, Ninety Pounds ;
 To Garnish, Fifty Pounds ;—the last two amounts to be spent on the Garnish line.

District of Placentia
and St. Mary's,

Towards constructing, repairing, and improving Roads, Streets and Bridges, in the District of Placentia and St. Mary's :

For the junction of the Conception Bay Road, and Salmonier Road, to Salmonier, Five Hundred Pounds ;

From Salmonier to Colinet River, Nine Hundred Pounds ; and, from Colinet River to Placentia, Nine Hundred and Fifty Pounds, out of which Two Hundred and Eighty Six Pounds to be expended by the Board of Works, and Six Hundred and Sixty Four Pounds by the Local Board of Placentia ; provided, that out of the said sum of Nine Hundred and Fifty pounds, Sixty Four Pounds be appropriated to the payment of debts now due on said Road, and to pay the sum of Fourteen pounds to John Rieley for past services as Inspector of said Road.

From Kellygrews on the South Side of Conception Bay to Holyrood, Two Hundred Pounds ;

And, through Holyrood, One Hundred and Fifty Pounds.

District of Ferryland,
£150.

Towards constructing, repairing, and improving Roads, Streets and Bridges in the District of Ferryland, the sum of Four Hundred and Fifty Pounds, to be expended as follows :—

From the Goulds Bridge, nearest Bay Bulls, to the Main Bridge at Bay Bulls, Seventy pounds ;

From Bay Bulls Bridge to the Bridge at Le Manche, One Hundred and Thirty pounds ;

From the Bridge at Le Manche towards Trepassey, One Hundred and Twenty Five pounds ;

From North-side of Witless Bay to Main Road, Twenty Five pounds ;

Marsh Road from White Horse to Brigus, Fifty pounds ;

From Road at River Head of Aquafort, Fifty pounds ;

Road Appropriations—
by whom to be exp-
ended.

II.—The sums of money hereby appropriated to and for the several Outport Electoral Districts of this Island shall be applied and expended for the purposes of this Act by the respective Boards of Road Commissioners appointed, or to be appointed, under an Act of the Legislature of this Colony, passed in the Nineteenth Year of the Reign of Her Majesty, entitled, "An Act for the Establishment of a Board of Works," and the sums of money hereby appropriated to and for the Electoral District of St. John's, shall be applied and expended therein for the purposes of this Act, by the said "Board of Works."

Road Work to be done
by tender.

III.—It shall not be lawful for the said respective Boards to proceed in the construction, repair or improvement of any Roads, Streets or Bridges, otherwise than by Tender or Contract, or by Auction to the lowest bidder, in such allotments as may be marked off

after careful examination by the respective Boards, or under their Inspectors; and in all such cases of letting by Auction, such Boards respectively are hereby required to put up a sufficient number of notices, not less than Ten days previous to such Sale, in three or more of the public places in the neighbourhood where the work is to be done, which notices shall specify and describe the work to be performed, and also the place, day and time, when and where the same will be let by Auction as aforesaid; and it shall be the duty of the Inspectors of the respective Boards to attend at the time and place so appointed, and then to let out to the lowest bidder such allotments, and the purchaser shall immediately thereafter enter into written Contracts with sufficient Sureties for the faithful performance of the Work in time and manner set forth in such Contracts; provided always, that it shall be lawful to employ daily labourers in the making of any portion of the Road to Placentia, and in the District of Ferryland.

Public notice of tenders to be given.

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

Work may be given out in small lots.

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

Security to be given for due performance of contracts.

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

New lines of road to be Surveyed.

VII.—Whenever it shall become necessary for the opening, making or widening of any Road, Street, or other Work, to appropriate any piece or parcel of land being private property, it shall and may be lawful for the Board before such Road, Street or other Work shall be opened, laid down or commenced, to pay, by certificate to the Colonial Secretary, out of such monies as shall be at their disposal for the purpose of making such respective Roads, Streets or other Work, a fair and reasonable compensation to every person having any interest in the land so intended to be appropriated; and also to compensate any person for any damage which may be occasioned to his property by the making, opening or widening such Roads, Streets, or other Work; and if the said Board and the owner of such property cannot agree upon the amount of compensation to be paid, such amount shall be ascertained by order of the Justice of the Peace within the District where the land is situate, and two Assessors, one of whom shall be nominated by the said Board, and the other by the owner of the land, and who, or a majority of whom, shall assess and award the amount of compensation (if any) that shall be paid for the value of the said land, and for the damage occasioned, together with all reasonable costs incurred by the attendance of witnesses, which award shall be final; and if the owner of the land shall neglect to nominate an Assessor within five days after being thereto required, the said Justice of the Peace shall, upon the requisition of the said Board, nominate an Assessor on behalf of the owner; and the said Justice of the Peace,

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

and the two Assessors, shall be paid the sum of Ten Shillings each for their services in that behalf: Provided, that every such award shall be made in writing within Ten days after any day that may be appointed by the said Justice for the hearing of the case; and upon payment or tender to the parties interested of the sum awarded for compensation pursuant to the terms of the award, it shall be lawful for the said Boards respectively, or any person authorized by them, to enter in and upon, and take possession of any land so to be appropriated for any Road, Street or Lane, as aforesaid.

Surplus of Road appropriations to be applied to other Roads, &c. in the said District.

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

Width of Road to be gravelled.

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

Chairman of Board of Works to be Supervisor General of Roads, &c.

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

Limits of Districts.

XI.—For the purposes of this Act the District of Saint John's shall comprehend all Roads, Streets and Bridges within the Electoral District of Saint John's, and also the Main Road between Saint John's and the Goulds; that the District of Conception Bay shall comprehend all Roads, Streets and Bridges within the Electoral District of Conception Bay, including Holyrood and the Road connecting the Bays of Conception and Trinity; that the District of Trinity Bay South shall comprehend all Roads, Streets and Bridges within the Electoral District of Trinity Bay from Dildo Cove to Split Point; that the District of Trinity Bay North shall comprehend all Roads, Streets and Bridges from Bonaventure to Catalina; that the District of Bonavista shall comprehend all Roads, Streets and Bridges within the Electoral District of Bonavista, and also the Road between Bonavista and Trinity Bays, and in the town of Catalina; that the District of Fogo shall comprehend all Roads, Streets and Bridges within the Electoral District of Fogo; that the District of Burin shall comprehend all Roads, Streets and Bridges within the Electoral District of Burin; that the District of Fortune Bay shall compre-

hend all Roads, Streets and Bridges within the Electoral District of Fortune Bay; that the District of Burgeo and La Poile shall comprehend all Roads, Streets and Bridges within the Electoral District of Burgeo and La Poile; that the District of Placentia and Saint Mary's shall comprehend all Roads, Streets and Bridges within the Electoral District of Placentia and St. Mary's; and that the District of Ferryland shall comprehend all Roads, Streets and Bridges within the Electoral District of Ferryland, South of the Goulds, and inclusive thereof.

XII.—Out of the amount of Ten Thousand One Hundred Pounds hereinbefore granted, the sum of One Thousand and Ten Pounds, being ten per centum thereon, shall be appropriated to the defrayal of all charges and expenses attendant upon the expenditure of the monies aforesaid, in the constructing, repairing and improving of all Roads, Streets and Bridges within the several Districts aforesaid, including all expenses of surveying, inspecting, overseeing, the remuneration of Chairmen, Secretaries, and all other necessary officers; Printing, Stationery and Postage. **Ten per cent. out of grant to defray expenses.**

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

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

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

XVI.—Within six days after any Contractor for any Road, Street or Bridge shall give notice to any Road Surveyor, or Inspector, in the District where such Road, Street or Bridge may be situated, of the completion of his contract therein, it shall be the duty of such Surveyor or Inspector to inspect such Road, Street or Bridge, and if the contract be completed forthwith to grant a negociable certificate accordingly; and it shall be lawful for the Chairman of the said respective Boards, on receiving such certificate, to grant a negociable order under his hand to the Contractor to receive payment by Warrant of the Governor on the Receiver General. **After contract performed, certificate to be granted.**

Portions of Road Acts,
14th and 16th Vic. re-
pealed.

XVII.—That the Sixth, Seventh, Eighth, Ninth, Tenth, Twelfth, Fourteenth, Sixteenth, Seventeenth, Eighteenth and Nineteenth Sections of an Act passed in the Fourteenth Year of the Reign of Her Majesty, entitled “An Act for granting to Her Majesty a sum of money for constructing and repairing Roads, Streets and Bridges within this Colony, and for other purposes;” and also the Fourth, Fifth, Tenth and Eleventh Sections of an Act passed in the Sixteenth Year of the Reign of Her Majesty, entitled “An Act for granting to Her Majesty a sum of money for the constructing and repairing Roads, Streets and Bridges”; be, and the said respective Sections of the said in part recited Acts are, hereby severally repealed.



ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. IV.

AN ACT to amend an Act intituled "An Act to amend the Laws for the regulation of Pilots and the Pilotage of Vessels at the Port of St. John's."

[Passed 12th May, 1856.]

WHEREAS it is expedient to amend the said recited Act: Be it therefore enacted by the Governor, Legislative Council and Assembly, in Legislative Session convened, as follows:— Preamble.

I.—That in the sixth line of the fourth section of the said in part recited Act, passed in the Eighth year of Her Majesty's Reign, intituled "An Act to amend the Laws for the regulation of Pilots and the Pilotage of Vessels at the Port of St. John's," expunge the words "Two Thirds" and insert in lieu thereof the words "Five Sixths;" and in the third line of the twelfth section of the said in part recited Act expunge the words "Three Miles" and insert in lieu thereof the words "One Mile." The 4th Sec. of the 8th Vic. amended in reference to rates of Pilotage.

II.—That from and after the passing of this Act, Schedule C, annexed to the said Act, passed in the Eighth year of the Reign of Her Majesty, intituled "An Act to amend the Laws for the regulation of Pilots and the Pilotage of Vessels at the Port of St. John's," be and the same is hereby Repealed, and that Schedule C, to this Act annexed, be substituted in lieu thereof. Substitution of subjoined Schedule for former one.

III.—No Vessel returning to the said Port within twenty-four hours of her departure therefrom, without having completed her voyage, shall be compellable to take a Pilot on her said return to the said Port, nor on her second departure therefrom. Vessels returning to Port 24 hours after leaving not to pay Pilotage.

SCHEDULE C.

Table of Rates of Pilotage of Vessels in and out of the Harbor of St. John's.

Schedule.	Rates Currency.
On Vessels under Eighty Tons New Measurement	£2 0 0
On Vessels from Eighty Tons to One Hundred Tons New Measurement	2 10 0
On Vessels from One Hundred Tons to One Hundred and Twenty Tons New Measurement	2 15 0
On Vessels from One Hundred and Twenty Tons to One Hundred and Sixty Tons New Measurement	3 0 0
On Vessels from One Hundred and Sixty Tons to Two Hundred Tons New Measurement	3 5 0
On Vessels from Two Hundred Tons to Two Hundred and Forty Tons New Measurement	3 10 0
On Vessels from Two Hundred and Forty Tons to Two Hundred and Eighty Tons New Measurement	3 15 0
On Vessels from Two Hundred and Eighty Tons to Three Hundred Tons New Measurement	4 0 0
On Vessels from Three Hundred Tons to Three Hundred and Fifty Tons New Measurement	5 0 0
On Vessels from Three Hundred and Fifty Tons to Four Hundred Tons New Measurement	6 0 0
On Vessels from Four Hundred Tons to Five Hundred Tons New Mea- surement	7 0 0
On Vessels from Five Hundred Tons to Six Hundred Tons New Mea- surement	8 0 0
On Vessels from Six Hundred Tons to Seven Hundred Tons New Mea- surement	9 0 0
On Vessels from Seven Hundred Tons to Eight Hundred Tons New Measurement	10 0 0
Over that size—for every One Hundred Tons additional	0 10 0
And on no one Vessel is the Pilotage to exceed	12 0 0
All Coasting Vessels which may take Pilots to pay one half of the above Rates of Pilotage, in proportion to their Tonnage.	

The above Scale of Pilotage shall be payable on the Register Tonnage of all such Vessels, as ascertained before going out of the Harbour.

	Currency.
Her Majesty's Ships under Sixth Rate	£3 10 0
Do. do. do. of Fourth, Fifth and Sixth Rate	6 10 0
Do. do. do. of First, Second, and Third Rate	8 10 0

All Merchant or Mail Steamers to pay 6d. for each Horse Power, and on no one Ship to exceed Twelve Pounds currency, to be ascertained either by Ship's Register, or if necessary by Captain's Affidavit.







ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. V.

AN ACT to Authorise the Governor in Council to Erect Light Houses on the Coast of this Colony, and for other purposes.

[Passed 12th May, 1856.]

BE it Enacted by the Governor, Legislative Council, and Assembly, in Legislative Session convened, as follows :— Preamble.

I.—It shall be lawful for the Governor in Council to appropriate such sums of Money as shall remain in the hands of the Receiver General, from time to time unexpended out of the Light Dues received by him, after defraying the costs of supporting and maintaining the existing Light Houses, towards the erection and supporting of other Light Houses on such parts of the Coast of this Colony as may be authorised by any Act of the Legislature. Provision for erection and support of Light Houses.

II.—A sum not exceeding Twelve Hundred Pounds shall be expended in the Erection of a Light House on or near Green Island in Trinity Bay, to be drawn out of the said unexpended Light Dues by Warrant on the Receiver General. £1200 may be expended on erection of Light House on Green Island.

III.—As soon as funds can be provided for such purpose, a Light House shall be Erected on the Offer Wadham Island; and as soon as further funds are available, a Light House shall be Erected on Dodding Head. Light Houses to be hereafter erected on Offer Wadham Island and on Dodding Head.

IV.—The Governor in Council shall also have power to establish Signal Guns, Bells or Gongs, in the several Light House Establishments of this Island for the safety of Shipping approaching this Coast. Signal Guns, Bells, &c., may be established at Light Houses.

V.—That no greater sum than Twenty Five Pounds sterling shall be in any year levied for Light Dues on any Steamer or Vessel entering any Port of this Colony; and no Steamer plying between Europe and any port of North America, and entering any port of this Colony as a Port of Call, shall be liable to pay any Light Dues or other Port Charges except Pilotage. Extent of, and exemptions from, payment of Light Dues.



ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. VI.

*AN ACT to Authorize the Consolidation of
Sixty Eight Thousand Six Hundred and Seven
Pounds Five Shillings and Four Pence of the
Public Debt of this Colony.*

[Passed 12th May, 1856.]

WHEREAS certain portions of the Public Debt of this Colony will become due **Preamble.**
within the present and Two succeeding Years; and it is expedient to make
provision to meet the same by Consolidating the amount hereinafter stated :

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

I.—It shall be lawful for the Receiver General, at such times as the Governor in
Council may direct Public Advertisements to be issued for Tenders, to raise by Loan, on
the credit of the Colony, from the Person or Persons, or Bodies Corporate and Politic,
as will advance the same, a sum not exceeding, in the whole, Sixty Eight Thousand
Six Hundred and Seven Pounds Five Shillings and Four Pence Sterling; that is to
say—Seventeen Thousand Nine Hundred and Forty One Pounds Five Shillings and
Four Pence, in this present year; Nineteen Thousand Six Hundred and Sixty Three
Pounds in the year Eighteen Hundred and Fifty Seven; and Thirty One Thousand
and Three Pounds in the year Eighteen Hundred and Fifty Eight; which sums shall
be chargeable upon, and shall be repaid out of, the Funds of the Colony, with Interest,

Receiver General au-
thorised to raise by loan
£68,607 5s. 4d. Stg.

at a rate not exceeding Six per Centum per Annum thereon, at the times and in the manner hereinafter provided.

Debentures to be issued as security.

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

Application of monies borrowed.

III.—The Monies so to be borrowed as aforesaid, shall be applied by the Receiver General to the payment of the said sums of the Public Debt of this Colony, as the same shall become due, within the Years One Thousand Eight Hundred and Fifty Six, One Thousand Eight Hundred and Fifty Seven, and One Thousand Eight Hundred and Fifty Eight; and the Debentures, or any part thereof, to be issued under this Act, shall be payable at Par at any time after the Government shall give Twelve Months' Public Notice in the "Royal Gazette" of this Colony, of their intention to pay off and redeem the same; the Interest on such of the Debentures as shall be called in to cease at the times specified in the said notice for redemption thereof.

"Sinking Fund"—how formed.

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

To liquidate existing Debentures, &c., the Receiver General may obtain a continuous Credit from any Bank, &c.

V.—If the Receiver General should find it necessary, for the purpose of paying off any of the existing Debentures, or facilitating the Financial affairs of the Government, it shall be lawful for him to obtain a continuous Cash Credit and Advance, from any Bank or Individual, on account of the Government, not exceeding the sum of Ten Thousand Pounds, at a rate of Interest not exceeding Six per Centum per Annum, to be applied to the payment of the Authorised Liabilities of the Government, and Repaid, with the Interest thereon, out of any disposable Monies which may be in the hands of the Receiver General.

SCHEDULE.

NEWFOUNDLAND.

CONSOLIDATED STOCK.

DEBENTURE.

Form of Debenture.

I, the Receiver General of this Colony, do hereby certify and declare that by virtue of an Act passed in the Nineteenth Year of the Reign of Her Majesty Queen Victoria, entitled "An Act to Authorize the Consolidation of Sixty Eight Thousand Six Hundred and Seven Pounds Five Shillings and Four Pence of the Public Debt of this Colony,"

invested in
the "Consolidated Stock" of this Colony, the sum of
Pounds Sterling, equal to Pounds Currency, bearing

Interest from the date hereof, at the rate of _____ per centum per annum, payable on the Thirtieth day of June, and the First day of January in every year until the said Investment shall be paid off: and I further certify and declare that the said Principal Sum, with Interest thereon, will be payable to the said _____ his Assigns or Endorsees, at my Office in St. John's, at such times as shall be stated in a Twelve Months' Notice to be inserted by the Government in the *Royal Gazette* of this Colony, of their intention to pay off the same.

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

Countersigned

Receiver General.

Colonial Secretary.



ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. VII.

AN ACT to Regulate the Granting of Licenses for the Wholesale of Wines, Spirituous and Malt Liquors.

[Passed 12th May, 1856.]

WHEREAS it is expedient to make provision for the Granting of Licenses for the Wholesale of Wines, Spirituous and Malt Liquors in this Colony. Preamble.

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

I.—That for the purpose of this Act, all Wines, Spirituous and Malt Liquors, that shall hereafter be Sold, Exposed, or Offered for Sale, at any one time, in quantities of Two Gallons or upwards, shall be deemed to be Sold, Exposed, or Offered for Sale, by Wholesale, and not by Retail. Wines and Spirituous Liquors sold in quantities of 2 gallons and upwards, deemed to be sold by wholesale.

II.—That the Justices at every General or Quarter Sessions of the Peace, shall be authorized, and they are hereby empowered, to Grant Licenses to such Persons as shall require the same, to Sell Wines, Spirituous and Malt Liquors by Wholesale. Justices authorised to grant Licenses for the sale of Wines and Spirits by Wholesale.

III.—That for every such License, the Person applying therefor, shall pay the said Justices the Sum of Fifteen Pounds Sterling, and such License shall be and continue in force for One whole Year, from the date of the issue of the same, and no longer. Payment to be made for such Licenses.

IV.—That no Person holding such License shall sell less than Two Gallons of such Wines, Spirituous or Malt Liquors, as aforesaid, at any one time, nor shall he suffer any such Wines, Spirituous or Malt Liquors, to be Drank on the Premises, where the same Persons holding such Licenses not to sell less than 2 gallons of Wine &c., at one time.

shall be Sold, nor shall any Person, in any case, Sell, Barter, or Exchange, any such Wines, Spirituous or Malt Liquors, or permit or suffer the same to be Sold, Bartered, or Exchanged, by Wholesale, without being duly Licensed, as aforesaid, so to do. Provided always that nothing herein contained shall prevent any Person or Persons from Selling, Bartering, or Exchanging any such Liquors at any one time, in such Packages as the same are or may be Imported: Provided that such Packages have not been Broached, and shall not contain less than Fifty Gallons.

Further regulations respecting the sale or barter of same.

V.—The Party applying for such License shall be the Owner or Occupier of the Premises on which the said Wines, Spirituous or Malt Liquors shall be sold, exposed, or offered for Sale; and such License shall not be granted to any Person acting in the capacity of Book-keeper, Store-keeper, or in any other capacity as the Servant or Clerk of any other Person.

Party applying for such License to be the owner or occupier of the premises in which the Liquors are to be sold.

VI.—That any Person offending against any of the provisions of this Act, shall, for every such offence, forfeit and pay a Sum not exceeding Twenty Pounds Sterling, with all Costs, to be recovered and appropriated in the manner provided in and by the Fifth and Sixth Sections of an Act of the Legislature of this Colony, passed in the Thirteenth Year of the Reign of Her present Majesty, intituled "An Act to amend an Act, passed in the Third Year of the Reign of Her present Majesty, intituled 'An Act to regulate the granting of Licenses for the Sale by Retail of Ale, Wines and Spirituous Liquors in Newfoundland:'" Provided always, that nothing in this Act contained shall be construed to affect any Licenses now or hereafter to be granted under the said in part recited Act, or to prevent the Holders of such Licenses from selling any quantity of such Liquors thereunder.

Penalties for breaches of this Act to be recovered as provided by 5th and 6th sections License Act 13th Vic.

Proviso.

Handwritten notes and dates: 1839, 1850, 1855, 1866. Includes the name "W. Resale" and other illegible scribbles.





ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. VIII.

AN ACT for the Encouragement of Education.

[Passed 12th May, 1856.]

WHEREAS it is expedient to provide for the Encouragement of Education in this Colony; and for that purpose to revive certain parts of an Act passed by the Legislature of this Colony in the Sixteenth year of the Reign of Her Majesty, entitled "An Act for the Encouragement of Education:"—

Preamble.

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

I.—From and out of such Monies as may remain in the hands of the Receiver General unappropriated, there be granted to Her Majesty the sum of Eight Thousand and Eighty pounds; which sum of money shall be distributed in support of Schools established or to be established for the instruction of Children of Members of the respective Protestant Churches and of the Roman Catholic Church, in this Colony, for the period of One Year from the Thirtieth day of June, in the year of Our Lord One Thousand Eight Hundred and Fifty-Six; in the proportion and according to the clauses and provisions mentioned and contained in the said in part recited Act, passed in the Sixteenth year of the Reign of Her Majesty, entitled "An Act for the Encouragement of Education," and by the authority of the respective Boards of Education appointed thereunder; which said clauses and provisions of the said in part recited Act, (except the first and last sections thereof,) are hereby revived and continued in force during the continuance of this Act, and shall be construed as part thereof.

Appropriation of £8,080 for denominational Education.

To be expended under the 16th Vic.

The 3rd Section amended.

II.—That the Third Section of the said in part recited Act be, and the same is hereby amended in that part thereof which defines the extent of the district of Bonavista North; which shall consist of and include all that part of the Electoral district of Bonavista, lying between Great Black Island, including Flat Islands and Cape Freels, and including all Islands within the said limits, and the settlements of Cat Harbor and Muddy Hole in Green Bay; and that the present district of Burgeo and LaPoile shall be divided into Two Districts, namely, the District of Burgeo, extending from Bonne Bay to Wreck Island inclusive, and the District of LaPoile, extending from Wreck Island to Cape Ray; and the amount heretofore voted for the District of Burgeo and LaPoile shall be divided as follows, namely; Eighty Pounds to the district of Burgeo, and Seventy-eight pounds to the district of LaPoile.

Appropriation of £200 for School Houses, &c.

III.—That in addition to the sum appropriated in and by the Eighteenth section of the said in part recited Act for the erection and repair of School Houses and for other School purposes, it shall and may be lawful for the Governor in Council to expend, out of the Public Revenue, the further sum of Two Hundred Pounds, to be equally divided between the Protestant and Catholic Schools, for the purposes mentioned in the said Eighteenth section of the said in part recited Act.

Commencement and continuance of Act.

IV.—This Act shall come into operation on the Thirtieth day of June, in the year One Thousand Eight Hundred and Fifty-six, and not before; and shall continue and be in force until the Thirtieth day of June which will be in the year One Thousand Eight Hundred and Fifty Seven.



ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. IX.

AN ACT to Regulate the Inland Posts of this Colony.

[Passed 12th May, 1856:]

WHEREAS it is expedient to make provision for the Inland Postal Communication of this Colony: **Preamble.**

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

I.—That subject always to the provisions and regulations of this Act, the Governor in Council shall have the sole and exclusive privilege of conveying, receiving, collecting, sending and delivering Letters within the Colony, and shall be at liberty to open and close Post Offices and Mail Routes, and appoint, suspend, or remove, the Postmaster General, and all or any Postmasters, Officers, Deputies, Agents, and Servants, connected therewith. **Governor in Council to have sole power and control over Post Office Department.**

II.—The Postmaster General shall give Bond in the sum of Five Hundred Pounds, with two Sureties in the sum of One Hundred Pounds each; and Deputy-Postmasters shall give Bond in such sum, and with such Sureties, as may be directed by the Governor in Council. **Postmaster General &c., to give bond for due performance of duties.**

III.—No person shall be capable of holding the Office of Postmaster, or of being an Officer of the Post Office, unless such person shall have first made and subscribed the Oath and Affidavit contained in the Schedule A annexed to this Act, before a Justice **Oath to be taken by Postmaster.**

of the Peace, acting for the place where such person resides, which Oath such Justice shall administer accordingly. Provided always, that it shall not be necessary for any Postmaster, or other Officer now in the Postal Department who hath already taken the Oath of Office prescribed by law, to make and subscribe the Oath and Affidavit mentioned in this Section.

Postmaster General to enter into Contracts for carrying Mails.

IV.—That it shall and may be lawful for the Postmaster General, subject to the approval of the Governor in Council, in manner hereinafter provided, to enter into Contracts, which shall be in writing, with any person or persons for the carrying and delivery of the Mails or Mail Bags to and from the following Places respectively; that is say—Saint John's, Brigus, Harbour Grace, Carbonear, New Perlican, Trinity, Bonavista, King's Cove, Greens Pond, Fogo, Twillingate, and Trepassey, passing through Bay Bulls and Ferryland; between Saint John's and Placentia, passing through Holyrood and Salmonier, and between Salmonier and St. Mary's; between Placentia and Burin, touching at Isle of Valen and Oderin; between Burin and Garnish; and between Garnish, Grand Bank, Harbour Britain, and Burgeo; and to be extended to La Poile on the surrender or termination of the present contract for Burgeo.

Governor in Council to make orders to carry out the provisions of this Act.

V.—The Governor in Council may make such Orders in conformity with this Act as may be necessary for carrying out the same, and promoting the objects thereof; and all such Orders shall be as valid as if in this Act contained; but no higher penalty than One Hundred Pounds shall be imposed by any such Order in Council for the violation thereof.

Order of Governor in Council to be published in "Royal Gazette."

VI.—Every such Order of the Governor in Council shall be published in the *Royal Gazette*; and every such Order, within Eight Days after it is made, shall be laid before the Legislature, if then sitting, or otherwise within Fourteen Days after it shall meet.

Power of Governor in Council to arrange with the United Kingdom, or any Foreign Country, for the transmission of Mails.

VII.—The Governor in Council shall also have power to make, authorize, sanction, or give 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 transmission of Mails, Letters, Papers, or Packages, or the collection and payment of Postage.

Rates of Postage to be charged.

VIII.—In conformity with the agreements made between the Local Governments of British North America, the Colonial Postage on Letters and Packets, not being Newspapers or Printed Pamphlets, Magazines or Books, entitled to pass at the lower rates hereafter referred to, shall be at the rate of Three Pence Currency per Half Ounce, for any distance within the Colony; and the increase of charge on Letters weighing over Half an Ounce shall be regulated according to the British rule and scale of weights.

Prepayment of Postage.

IX.—The Pre-payment of Colonial Postage shall be optional to the sender.

Colonial Postage to be retained by Colony receiving same.

X.—All Colonial Postage received within this Colony shall be retained as belonging to it; and all Provincial or Colonial Postage received within any other of the British North American Colonies may be retained as belonging to such Province or Colony.

British Packet Postage.

XI.—The British Packet Postage, and other British Postage collected in this Colony, shall be accounted for and paid over to the proper authorities in the United Kingdom; but the Colonial Postage on the same Letters or Packets shall belong to the Colony collecting it; or if prepaid to the British Post Office, it shall be credited and belong to the Colony to which such Letters or Packets are addressed.

No privilege of franking allowed.

XII.—No privilege of Franking shall be allowed as regards Colonial Postage.

XIII.—Colonial Stamps for the Pre-Payment of Postage may be prepared, issued, Colonial Stamps. and sold, under the orders of the Governor in Council; and such Stamps prepared, issued, and sold under the direction of the proper authorities in the other British North American Colonies, shall be allowed in this Colony as evidence of the Pre-Payment of Provincial Postage, in such Colonies respectively, on the Letters or Packets to which they are affixed.

XIV.—Newspapers circulated in this Colony, transmitted therefrom, or coming into the same by Post, and when from the United Kingdom, shall be Free of Postage. Newspapers to pass through Post Office free of charge.

XV.—Printed Books, Magazines, Reviews, or Pamphlets, whether British, Colonial, or Foreign, may be sent through the Post from this Colony to the United Kingdom, or from the United Kingdom to this Colony, the Postage in all cases being Prepaid according to the British scale of Postage in such case made and provided. Printed Books, Magazines, &c., prepaid.

XVI.—The Governor in Council may, from time to time, make such Orders as may be requisite for the transmission, through Post, of Printed Books, Magazines, Reviews, and Pamphlets, to and from other British Colonies, and the United States, or other Foreign Country, in conformity, so far as may be, with the said scale of British Postage, or such other scale of Postage as the Governor in Council shall for that purpose adopt. Governor in Council to make order for transmission of Periodicals to other countries, &c.

XVII.—Printed Books, Magazines, Periodical Publications, and Pamphlets, may be transmitted by Post within this Colony, at the rate of Two Pence per Ounce, up to Six Ounces in weight, and Three Pence for each additional Ounce up to Sixteen Ounces; beyond which weight no Printed Book, Publication or Pamphlet, shall be transmitted by Post; but the Governor in Council may, by Order, alter, modify and reduce the rates of Postage on such Printed Books, Periodical Publications, or Pamphlets. Transmission of Books, &c., through to Colony.

XVIII.—The Packet Postage for Letters shall be Six Pence Sterling the Half Ounce, Five Pence of which shall belong to the English Post Office, and One Penny to the Newfoundland Post Office. Packet Postage.

XIX.—All Monies received on account of Packet Postage to and from the United Kingdom shall be carried to a separate account by the Postmaster General, and the same shall be remitted by the Governor, when required by the Imperial Authorities, to the Postmaster General in England; and all other Monies received by the Postmaster General in this Colony shall be paid by him, at the end of every Quarter, to the Receiver General; and he shall also return to the Office of the Financial Secretary, at the end of every Quarter, a Quarterly Account of the whole Revenue received by him. Monies received by Postmaster General—how credited and paid over.

XX.—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. Postmaster not to give change.

XXI.—All Papers ordered to be printed by either House of Parliament, or by Her Majesty's command, or by the Legislative Council or House of Assembly of this Colony, or by virtue of an address of the Legislative Council or Assembly, and all Pamphlets not exceeding Two Ounces in weight, shall be transmitted by Post within this Colony Free of Postage. Parliamentary and Government papers to pass through Post Office free of Postage.

XXII.—No Printed Paper, whether Newspaper, Book, Pamphlet, or other Paper, permitted by this Act to be sent by Post, shall be transmitted either Free or at a reduced rate of Postage, unless the following conditions shall be observed: first—it shall be sent without a cover, or in a cover open at the side or ends: second—there shall be Conditions to be observed in transmitting Printed Papers.

no words or communication printed on the paper after its publication, or upon the cover thereof, nor any writing or marks upon it, or upon the cover of it, except the name and address of the sender, and of the person to whom it is sent : third—there shall be no paper or thing enclosed in or with any such paper or publication.

Postmaster to examine Printed Papers.

XXIII.—The Postmaster General, or any of his Officers, may examine any Printed Paper or Packet which shall be sent by the Post, either without or with a cover open at the ends or sides, in order to discover whether it is contrary, in any respect, to the conditions hereby required to be observed ; and in any case, if the required conditions be not fulfilled, the whole of every such paper shall be charged with Postage as a Letter ; and as to every such Printed Paper going out of the Colony, the Postmaster General may either detain the same or forward it by Post, charged with Letter Postage.

Questions regarding Postage on Newspapers to be referred to Postmaster General, &c., to be decided.

XXIV.—In all cases where a question shall arise, whether a Printed Paper is entitled to the privileges of a Newspaper, or other publication, as regards its transmission by Post under this Act, the question shall be referred to the Postmaster General, whose decision, with the concurrence of the Governor in Council, shall be final.

Newspapers, &c., not directed to be directed properly and delivered without additional charge.

XXV.—If any Printed Newspaper, or other Printed Paper privileged to go by Post, and brought into this Colony, shall be directed to a person who shall have removed from the place to which it is directed before the delivery thereof at that place, it may, provided it shall not have been opened, be re-directed and forwarded by Post to such person at any other place within this Colony free of charge for such extra conveyance ; but if such Newspaper or other Printed Paper shall have been opened, it shall be charged with the rate of a single Letter from the place of direction to the place at which it shall be ultimately delivered.

Masters of Vessels delivering Letters at Post Office to be remunerated therefor.

XXVI.—For encouraging Masters of Vessels, not being Post Office Packets, to undertake the conveyance of Letters between places beyond the British North American Colonies and this Colony, and for regulating the conveyance and delivery 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 any 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 :—

Declaration of Master of Vessel.

“ I, A B, Commander of the _____ arrived from _____ 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 was on board the _____ except such Letters as are exempted by such laws.”

Such declaration to be made and Letters delivered before Vessel is entered or break bulk.

XXVII.—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 person having possession thereof, to the

person appointed to superintend the Quarantine, that all proper precautions may 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 Officer 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 General 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.

XXVIII.—The Postmaster General, with the approbation of the Governor in Council, may establish Way Offices over and above the regular Post Offices; and every person employed at a Way Office shall be liable to all the penalties imposed by this Act on Postmasters and other Officers of the Post Office.

Way Offices to be established by Postmaster General.

XXIX.—The Postmaster General, with the concurrence of the Governor and Council, may enter into an agreement with and take security from any person applying to him to extend the accommodations of the Post to any place, for indemnifying the Revenue against the expense which shall be incurred thereby beyond the amount of Postages received.

Postmaster General to take Security from any person applying to extend Postal Communication.

XXX.—The Governor in Council may enter into arrangements or conventional agreements with any other of the North American Colonies, or with any Foreign Country, for the transmission of Colonial or Foreign Newspapers, or other Printed Papers, within or through this Colony, upon such terms and conditions as shall be reasonable, and may carry out such arrangements or conventional agreements by Orders in Council duly published as herein directed.

Postmaster General to arrange for transmission of Colonial Mails.

XXXI.—The Postage Marks, whether British, Foreign, or Colonial, on any Letter brought into this Colony, shall, in all Courts of Justice, and elsewhere, be received as conclusive evidence of the amount of British, Foreign, or Colonial Postage, payable in respect of such Letter, in addition to any other Postage chargeable thereon; and all such Postage shall be recoverable in this Colony as Postage due to Her Majesty.

Postage marks to be received in evidence.

XXXII.—No Postmaster General, nor any Officer of the Post Office throughout the Colony, nor any Courier, shall be compelled to serve on any Jury or Inquest, or as a Town or City Officer.

Postmaster General and all subordinates to be exempted from serving on Juries, &c.

XXXIII.—If any Person employed to convey or deliver a Post Letter Bag or a Post Letter, shall, while so employed, or whilst the same be in his custody or possession, leave a Post Letter Bag or a Post Letter, or if any such Person shall be guilty of an act of drunkenness or of negligence, or other misconduct, whereby the safety or proper delivery of a Post Letter Bag, or a Post Letter, shall be endangered, or delayed, or shall collect, receive, convey or deliver a Letter otherwise than in the ordinary course of the Post, or shall give any false information of an attempt at robbery upon him, or shall loiter on the road or passage, or wilfully misspend his time so as to delay the progress or arrival of a Post Letter Bag or a Post Letter, or shall not use proper care and diligence safely to convey a Post Letter Bag or a Post Letter at the rate of speed appointed by and according to the regulations of the Post Office for the time being, he shall forfeit a sum not exceeding Ten Pounds.

Couriers and others punished for misconduct in the discharge of their duty in the Post service.

Courier with Mails to be ferried over ferry free of charge.

XXXIV.—No Person in the employ of the Post Office, travelling with a Mail, shall pay for passing or re-passing a Ferry; but the Ferry Man at every such Ferry shall forthwith convey over such Person travelling with a Mail, without payment for the same, on pain of forfeiting for every offence Five Pounds.

Abettors of offences punished as principals.

XXXV.—Whoever shall abet or procure the commission of an offence which is by this Act punishable on summary conviction, shall be liable to the same forfeiture or punishment to which a principal offender is by this Act made liable.

Letters to be forwarded only by Mail—exceptions.

XXXVI.—Subject always to the provisions and regulations hereinbefore contained, the Postmaster General shall have the exclusive privilege of conveying, receiving, collecting, sending and delivering Letters within this Colony; and any person who shall, except in the cases hereinafter excepted, collect, send, 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 Letter so unlawfully conveyed or undertaken to be conveyed, received, delivered or found in his possession, incur a Penalty of Five Shillings; but such exclusive privilege, prohibition and penalty, shall not apply to—

Letters sent by Private Individuals to be Mailed in the first Way or Post Office :

Letters sent by a Messenger on a purpose concerning the private affairs of the Sender or Receiver :

Letters sent and delivered by a Friend to the Party to whom directed :

All Proceedings between Public Officers, connected with the Administration of Justice :

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 Merchant Vessels, or of the Cargo, or Loading therein, sent by such Vessel, or by any Person employed by such Owners for the carriage of such Letters, according to their respective addresses, and delivered to the Persons to whom they are respectively addressed, without pay or advantage for so doing :

Letters concerning Goods sent by common-known Carriers to be delivered with the Goods to which such Letters relate, without reward or advantage for receiving or delivering them :

Letters received by Private Ships from Spain, Portugal, Italy, Brazils, or the West Indies, and commonly known as Market Circulars :

Proviso.

Provided, that nothing herein contained shall authorize any Person to collect any such excepted Letters for the purpose of conveying or sending them as hereinbefore mentioned; and that any Letters prepaid may be delivered by the Officer to the Courier to be dropped along the route, at convenient places; *And provided also*, that nothing in this Act shall oblige any Person to send any Pamphlet, Printed Book or Newspaper by Post.

Penalty for retaining letter.

XXXVII.—If any Person on board any Inward Bound Vessel shall knowingly retain any Letter hereby exempted, he shall forfeit for every such Letter Five Pounds to Her Majesty for the use of the Colony.

Penalty for conveying letter otherwise than by Post, &c.

XXXVIII.—Whoever shall convey a Letter otherwise than by Post, (except as is herein provided for,) or shall perform any service incidental to the conveying of any such Letter from place to place, or shall send or cause to be sent, any such Letter, or

make a collection of Exempted Letters for the purpose of conveying them, shall, for such offence, forfeit Five Pounds; and whosoever shall be in the practice of committing any of the several acts prohibited by this section, for the space of one week; shall, for every week he shall continue in such practice, forfeit One Hundred Pounds to Her Majesty, for the use of the Colony.

XXXIX.—It shall be lawful for any Person, and it shall be the duty of the Officer or Person employed in the Post Office, or in the Collection of the Revenue, to seize any Letters conveyed, received, collected, sent or delivered, in contravention of this Act, and to take them to the nearest Post Office, and to give such information as he may be able to give to the Postmaster for the effectual prosecution of the offender; and the Letter, moreover, shall be charged with Letter Postage.

Letters sent otherwise than by Mail seizable.

XL.—As well the Provincial, British or Foreign, as the Colonial Postage, on any Letter or Packet, shall, if not Pre-paid, be payable to the Postmaster General, by the party to whom the same shall be addressed, or who may lawfully receive such Letter or Packet; and any refusal or neglect to pay such Postage shall be held to be a refusal to receive such Letter or Packet, which shall be detained and dealt with accordingly; but if the same be delivered, the Postage on it shall be charged against and paid by the Postmaster delivering it, saving his right to recover it from the party by whom it was due, as Money paid for such party;—and if any Letter or Packet be refused, or if the Party to whom it is addressed cannot be found, then such Postage shall be recoverable by the Postmaster General; from the Sender of such Letter or Packet; and the Postage marked on any Letter or Packet shall be held to be the true Postage due thereon, and the party signing or addressing it, shall be held to be the Sender until the contrary be shown; and all Postage may be recovered with Costs by Civil Action in any Court having jurisdiction to the amount thereof.

Postage, by whom and to whom payable.

XLI.—Subject to the provisions of this Act, and to the Orders 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 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 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 due for Postages or Penalties under this Act, or by any Postmaster, Officer or Servant of the Department, or his Sureties; and all such powers may be lawfully exercised by him or by any Postmaster, Officer, Servant or Party, whom he may depute to exercise the same, or whose act in that behalf he shall approve, confirm or adopt; and every Officer, Servant or Party employed in the Post Office, shall, as regards the duties attached to the Office held by him, be deemed the Deputy of such Postmaster General;—and all Suits, Proceedings, Contracts and Official acts, to be brought, had, entered into and done by the Postmaster General, may be so in and by his name of Office, and may be continued in force and completed by his Successor in Office as effectually as by himself; nor shall the appointment or authority of any Postmaster General, or of any Postmaster, Officer or Servant of the Post Office, be liable to be traversed or called in question, in any case, except only by those who act for the Crown. The Postmaster General shall pay over, Quarterly, to the Receiver General all such sums of Money as he may have received from the Postmasters or other Persons, for Postages, Pe-

Powers and duties of the Postmaster General.

nalties, or on any other account connected with this Act, and all such Rules, Orders, and Regulations as shall be made by virtue thereof; and shall at the respective periods aforesaid render an account in such form as the Governor in Council may prescribe; and shall annually render to the Governor, for the information of the Legislature, a General Account Current, showing 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.

Penalty on Postmaster, &c., not accounting and paying quarterly,

XLII.—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 so neglecting or refusing; and all Suits which shall hereafter be commenced for the recovery of Debts or Balances due to the Post Office, whether they appear to be due by bond, obligation, or otherwise, made in the name of any preceding Postmaster General, or otherwise, shall be instituted in the name of "The Postmaster General."

Postmaster General to enter into Contracts,

XLIII.—The said Postmaster General, previous to entering into any Contract, as aforesaid, shall cause Printed Notices for Tenders to be posted up in the most conspicuous places in the Town or Settlement nearest to the place where the Service is to be performed; and also to insert a Notice in the *Royal Gazette*, and in any other Local Newspaper, at least One Month before the day limited for rendering such Tenders; and such Tenders shall be signed by the Person or Persons tendering, and by two responsible Persons willing to become Sureties for the due performance of the Contract; and such Tenders, when opened by the said Postmaster General, shall be submitted by him to the Governor in Council, with such recommendation as he may be pleased to make upon any of them; and the one approved of, with notification to that effect, shall be returned to the Postmaster General aforesaid, who shall enter into the Contract accordingly, with such Penalty for the due performance thereof, as may have been specified in the Notice to be given as aforesaid; Provided always, that the lowest Tender, with sufficient Security, shall be accepted, unless the same shall be considered unreasonable, or that the Governor and Council shall deem it to the advantage of the Public Interests to accept any other.

Soldiers' and Naval Seamen's Letters privileged.

XLIV.—In every case in which any Seaman in Her Majesty's Navy, Sergeant, Corporal, Drummer, Trumpeter, Fifer, or Private Soldier, in Her Majesty's Service, shall be entitled to receive or send 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 the Governor in Council may make orders for giving effect to this Section.

Property in Letters—in whom vested.

XLV.—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 the legal representative of such party.

Lost Letters—Postmaster General not liable for, except where his own default.

XLVI.—The Postmaster General shall not be liable to any party for the loss of any Letter or Packet sent by Post, unless such loss shall have arisen from his own default.

XLVII.—If any person employed in connection with this Act shall convey or deliver any Letter, not exempted by this Act, for or to any Person, without such Letter shall have first passed through the Post Office, and shall have been regularly Stamped, such Person shall be subject to a Penalty not exceeding Five Pounds.

Any person employed in the Mail Service conveying Letters not passing through Post Office, subject to a forfeiture.

XLVIII.—To Steal, Embezzle, Secrete or Destroy, any Post Letter, shall be Felony, punishable in the discretion of the Court, by imprisonment for not less than Three nor more than Fourteen Years; unless such Post Letter shall contain any Chattel, Money, or valuable Security; in which case the offence shall be punishable by imprisonment for life, or for a period not less than Five Years :

Offences enumerated and defined, and punishment prescribed.

To steal from or out of a Post Letter any Chattel, Money, or valuable Security, shall be Felony, punishable by imprisonment for life, or for a period not less than Five Years :

To steal a Post Letter Bag, or a Post Letter from a Post Letter Bag, or a Post Letter from any Post Office, or from any Way Office, or from a Mail, or to stop a Mail with intent to Rob or Search the same, shall be Felony, punishable by imprisonment for life, or for a period of not less than Five Years :

To open unlawfully any Post Letter Bag, or unlawfully to take any Letter out of such Bag, shall be Felony, punishable by imprisonment for not less than One nor more than Fourteen Years :

To receive any Post Letter, or Post Letter Bag, or any Chattel, Money, or valuable Security, the Stealing, Taking, Secreting, or Embezzling whereof is hereby made Felony, knowing the same to have been Feloniously Stolen, Taken, Secreted, or Embezzled, shall be Felony, punishable by imprisonment for not more than Five Years; and the offender may be indicted either as an accessory after the fact or for a substantive Felony; and in the latter case, whether the principal Felon hath or hath not been previously convicted, or shall not be amenable to justice, and however such receiver shall be convicted, the offender shall be punishable as hereinbefore mentioned :

To Forge, Counterfeit, or Imitate any Postage Stamps issued or used under the authority of this Act, or by or under the authority of the Government, or proper authority of the United Kingdom, or of any British Possession, or of any Foreign Country, or knowingly to use any such Forged, Counterfeited, or Imitated Stamp, or to Engrave, Cut, or Sink, or Make any Plate, Die, or other thing whereby to Forge, Counterfeit, or Imitate such Stamp or any part or portion thereof, except by the permission in Writing of the Postmaster General, or of some Officer or Person who, under the Orders to be made in that behalf, may lawfully grant such permission, or to have possession of any such Die, Plate, or other thing, without such permission, or to Forge, Counterfeit, Use, or Affix to or upon any Letter or Packet, any Stamp, Signature, Initials, or other Mark or Sign, purporting that such Letter or Packet ought to pass free of Postage, or at a lower rate of Postage, or that the Postage thereon, or any part thereof, hath been prepaid, or ought to be paid by or charged to any Person or Department, shall be Felony, punishable by imprisonment for life, or for a period not less than five years.

To open unlawfully, or wilfully to keep, secrete, delay, or detain, or procure or suffer to be unlawfully opened, kept, secreted or detained, any Post Letter Bag, or any Post Letter, or, after payment or tender of the Postage thereon, if payable to the Party having possession of the same, to neglect or refuse to deliver up any Post Letter to the Person to whom it shall be addressed, or who shall be legally entitled to receive the same, shall be a misdemeanor.

To Steal, or for any purpose to Embezzle, Secrete, Destroy, wilfully Detain or Delay, any printed Note, Proceeding, Newspaper, Printed Paper or Book, sent by Post, shall be a Misdemeanor :

To obstruct or wilfully delay the passing or progress of any Mail, or of any animal, carriage or vehicle, employed in conveying any Mail on any public highway or other place, shall be a misdemeanor :

To endeavour to procure any Person to commit any act hereby made or declared a felony or misdemeanor, shall be a misdemeanor :

Every misdemeanor hereafter shall be punishable by Fine or Imprisonment, or both, in the discretion of the Court before whom the offender shall be convicted :

Every Principal in the second degree, and every Accessory before or after the fact to any Felony hereunder, shall be guilty of Felony, and punishable as the Principal in the first degree, and every person who shall abet or procure the commission of any such misdemeanor shall be guilty of a misdemeanor, and punishable as a principal offender :

Any Imprisonment awarded under this Act shall be in any of the common gaols of this Colony, and either with or without hard labour, in the discretion of the Court awarding it.

Offenders—how prosecuted.

XLIX.—Any indictable offence against this Act may be dealt with, indicted, tried, punished, laid, and charged to have been committed, either in the District or Place where the offence shall be committed, or in that in which the offender shall be apprehended or be in custody, as if actually committed therein ; and where the offence shall be committed in, upon, or in respect of a Mail or upon a Person engaged in the conveyance or delivery of a Post Letter Bag, or Post Letter, or Chattel, or Money, or valuable Security, sent by Post, such offence may be dealt with and inquired of, tried, punished, and charged to have been committed, as well within the district or place in which the offender shall be apprehended or be in custody, as in any district or place through any part whereof such Mail, Person, Post Letter Bag, Post Letter, Chattel, Money or valuable Security, shall have passed in the course of conveyance and delivery by Post, in the same manner as if it had been actually committed in each District or Place ; and in all cases where the side or centre, or other part of a highway, or the side bank, centre, or other part of a river or bay, or navigable water, shall constitute the boundary between two Districts or Places, then to pass along the same shall be held to be passing through both ; and every accessory before or after the fact, if the offence be Felony, and every person abetting or procuring the commission of any offence, if the same be a Misdemeanor, may be dealt with, indicted, tried, and punished, as if he were a principal, and his offence may be laid and charged to have been committed in any District or Place where the principal offence may be tried.

Property in whom and how laid—other allegation.

L.—In every case where an offence shall be committed in respect of a Post Letter Bag or a Post Letter, Packet, Chattel, Money, or valuable Security sent by Post, it shall be lawful to lay in the indictment the property of such Post Letter Bag, Post Letter, Packet, Chattel, Money, or valuable Security, sent by Post, in the Postmaster General ; 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 hereinbefore mentioned, the property of any Chattel or thing used or employed in the service of the Colonial Post Office, or of the Monies arising from the 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 ; and in any indictment against a person employed in the Post Office for an offence against this Act, or in an indictment

against a person for an offence committed in respect of some person so employed ; it shall be sufficient to allege that such offender or other person was employed in the Post Office at the time of the commission of the offence, without stating further the nature or particulars of his employment.

LI.—The Postmaster General, subject always to the orders of the Governor in Council, may compromise and compound any suit or information which shall be commenced by his authority, or under his control, against any person, for recovering a Penalty incurred under this Act, on such terms and conditions as he shall in his discretion think proper, with full power to him, or any of the Officers and Persons acting under his orders, to accept the Penalty incurred, or alleged to be incurred, or any part thereof, without suit or information brought for the recovery thereof. Suits may be compounded.

LII.—All mere pecuniary Penalties imposed by this Act, or by any order by the Governor in Council, shall be recoverable with Costs by the Postmaster General, by Civil Action, in any Court having jurisdiction to the amount, and shall belong to the Colony, saving always the power of the Governor in Council to allow any part or the whole of such Penalty to the Officer or Party by whose information or intervention the same shall have been recovered, but all such Penalties shall be to be sued for within One Year after they are incurred, and not afterwards ; provided always, that if the Penalty exceed Twenty Pounds, the offender may be indicted for a Misdemeanor in contravening the provisions of this Act, or of the regulations made under it, instead of being sued for such Penalty, and if convicted shall be punished by fine or imprisonment, or both, in the discretion of the Court. Pecuniary penalties—how recovered—limitation of actions.

LIII.—In any Action or Proceeding for the recovery of Postage, or of any Penalty under this Act, any Postmaster or other Officer or Servant of the Post Office, shall be a competent Witness, although he may be entitled to or entertain reasonable expectation of receiving some portion or the whole of the sum to be recovered ; and the burden of shewing that anything proved to have been done by the Defendant was done in conformity to, or without contravention of this Act, shall be on the Defendant. Competency of witnesses—burden of proof.

LIV.—The Postmaster General, or Postmaster, shall Register all Letters posted in his Office, when thereto required by the party posting the same, upon such party paying such Officer such Fee as shall be prescribed therefor by the Governor in Council, who are hereby authorised to make and prescribe such Rules, Orders, Regulations, and Scale of Fees, as they may deem expedient for the purposes of this Section. Regulations for Registering of Letters.

LV.—Nothing in this Act shall in any way Repeal, Alter or Affect any Rule, Order, Regulation, Agreement, Contract, Matter or Thing, made, entered into or done, by virtue of any Act of the Legislature, in reference to the said Postal Service of this Colony. Provisions respecting regulations and Contracts already made regarding the Postal service.

LVI.—The Postmaster General, and other Officers, shall respectively receive, subject at all times to the revision of the Legislature, the following Annual Salaries, in full of all Fees and Perquisites whatsoever, payable Quarterly :— Salaries of Officers,

The Postmaster General, St. John's, Two Hundred and Seventy Five Pounds ;

The Postmaster, Harbour Grace, Fifty Pounds ;

The Postmaster, Carbonear, Forty Five Pounds ;

The Postmaster, Brigus, Twenty Five Pounds ;

The Postmasters, Green's Pond and Burgeo, Ten Pounds each ;

All other Postmasters, Fifteen Pounds each ; that is to say—at Trinity, Bonavista, Fogo, Twillingate, Ferryland, Trepassey, Placentia, Burin, Harbour Briton ;

and that the Chief Clerk and Accountant in the Post Office at St. John's, shall receive a Salary of One Hundred and Thirty Pounds; First Assorter, Fifty Pounds; Second Assorter and Letter Carrier at St. John's, Fifty Pounds;—and that there be allowed towards defraying the expenses of Stationery and other Incidental Expenses, Thirty Pounds; for Printing, Thirty Pounds; for Rent of Office, Twenty Five Pounds; for Fuel and Light, Fifteen Pounds; and for Ten Way Masters, Forty Pounds.

Definition of terms.

LVII.—The following terms and expressions shall have the several interpretations hereinafter respectively set forth, unless they shall be repugnant to the subject or context; that is to say—“Postage” shall mean the duty chargeable on Letters transmitted within this Colony, and all duty chargeable thereon before such Letters come within the same; “Letters” shall include Packets of Letters; “British Mail” shall mean every conveyance by which Post Letters shall be carried or conveyed from the United Kingdom of Great Britain and Ireland to this Colony; “Mails” shall include any Horse, Vehicle or Vessel, or other conveyance; and also a person employed in conveying or delivering Post Letters, and also every Vessel which is included in the term Packet Boat; and, “Mail Bag” shall mean a Mail of Letters, or a Box, Parcel, or any other envelope in which Post Letters are conveyed, whether it does or does not contain Post Letters; “Postmaster General,” and “Post Office,” shall mean the Colonial Postmaster General, and Post Office of this Colony, unless otherwise expressed.

£2000 appropriated for purposes of this Act.

LVIII.—That the Sum of Two Thousand Pounds be appropriated and expended out of the Public Revenue of this Colony for carrying out the Provisions of this Act; and that out of the said sum there shall be expended the sum of Twenty Pounds towards defraying the Expenses of conveying Newspapers and Printed Papers to and from this Colony, subject to certain Rules and Regulations to be adopted in relation thereto by the Governor in Council.

All Monies paid under this Act to be drawn by Warrant from the Governor in Council on Receiver General.

LIX.—All Monies payable for, or in respect of, the Post Office Department, shall be drawn by Warrant of the Governor in Council, upon the Receiver General, as the same may be required for the service of such Department.

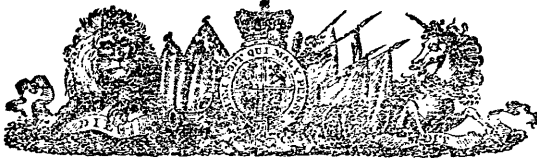
SCHEDULE A.

(Form of Affidavit to be Sworn by every Officer of the Post Office.)

Oath of Officer.

I, _____ do solemnly depose and swear that I will not willingly or wittingly open or delay, or cause or suffer to be opened or delayed, contrary to my duty, any Letter or any thing sent by the Post, which shall come into my hands or custody, by reason of my employment relating to the Post Office, except by the consent of the person or persons to whom the same shall be directed, or except in such cases where the party or parties to whom such Letter, or anything sent by the Post, shall be directed, or who is or are chargeable with the payment of the Postage thereof, shall refuse or neglect to pay the same, and except such Letter or thing sent by Post as shall be returned for want of true directions, or where the party or parties to whom the same shall be directed cannot be found; and that I will not in any way embezzle any such Letter or any thing sent by the post, as aforesaid; and I make this solemn oath, conscientiously intending to fulfil and obey the same, and by virtue of the Post Office Act of this Island.

Sworn before me _____ this _____ day of _____ A. D., 18



ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. X.

AN ACT to continue an Act passed in the Seventeenth Year of the Reign of Her Majesty, intituled "An Act to Declare the Rates in Currency at which British Gold and Silver Coins shall be a Legal Tender."

[Passed 12th May, 1856.]

WHEREAS the said in part recited Act is about to expire, and it is expedient that the same shall be continued: Preamble.

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

I.—The said in part recited Act, passed in the Seventeenth Year of the Reign of Her Majesty, intituled "An Act to declare the Rates in Currency at which British Gold and Silver Coins shall be a Legal Tender," be, and the same is, hereby revived and continued:— 17 Vic, Cap. 5. revived and continued for one year.

Provided, that nothing contained in this Act shall affect Contracts payable in Sterling Money entered into before the passing of the said in part recited Act, and before the passing of this Act. Proviso.

II.—This Act, and the said in part recited Act, shall continue and be in force for One Year from the passing hereof, and thence to the end of the then next Session of the Legislature; *Provided always*, that this Act may be Altered, Amended, or Repealed, in the present Session of the Legislature. Continuance of Act.



ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. XI.

AN ACT for Establishing the Legal Value of certain British and other Coins in this Colony.

[Passed 12th May, 1856.]

BE it enacted by the Governor, Legislative Council and Assembly, in Legislative Session convened :—

I.—That the British Sovereign, of the weight and fineness now or hereafter to be fixed by the Law of the United Kingdom of Great Britain and Ireland, shall be equal to, and a Legal Tender for, One Pound Four Shillings of the present Current Money of this Colony; and the Half Sovereign, of full Weight and Fineness, at the rate of Twelve Shillings of the like Current Money.

British Sovereign to be equal to 24s currency.

II.—The Eagle of the United States, Coined after the First Day of July, in the Year One Thousand Eight Hundred and Thirty Four, and before the First Day of March in the Year One Thousand Eight Hundred and Fifty Two, and weighing Ten Penny Weights, Eighteen Grains Troy, shall pass and be a Legal Tender for Two Pound Nine Shillings and Three Pence Currency; and the Half Eagle, of full Weight and Fineness, at the rate of One Pound Four Shillings and Seven Pence Half Penny of the like Current Money.

United States Eagle, of specific coinage and weight, to be a legal tender at £2 9s. 3d. cy.

III.—The Gold Coins of Great Britain and Ireland, or of the United States, Coined before the day last aforesaid, being multiples or divisions of those hereinbefore men-

Gold Coins, being multiples or divisions of the aforesaid Coins, and of a specific weight, to be a legal tender by tale.

tioned, and of proportionate Weight, shall, for proportionate sums, pass Current and be a Legal Tender to any amount by tale, so long as such Coins shall not want more than Two Grains of the Weight hereby assigned to them respectively, deducting One Half Penny Currency for each Quarter of a Grain any such Coin shall want of such Weight; *provided always*, that in any one payment above the sum of Fifty Pounds, the person paying may pay, or the person to receive may insist on receiving, the said British Gold Coins by Weight, at the rate of Ninety Three Shillings and Six Pence Currency per Ounce Troy; and in like manner any sums tendered or to be received in the Gold Coins of the United States, may be weighed in bulk as aforesaid, and shall be a Legal Tender at the rate of Ninety One Shillings and Seven Pence Half-penny Currency per Ounce Troy, when offered in sums of not less than Fifty Pounds Currency.

Coins struck and named by Royal directions for Colonial Currency, to be a legal tender.

IV.—Such Coins representing Pounds Currency, or multiples or divisions of Pounds Currency, as Her Majesty shall see fit to direct to be struck for the purpose, shall, by such names and at such rates as Her Majesty shall assign to them respectively, pass Current and be a Legal Tender in this Colony, the Standard of Fineness of the said Coins when of Silver or Gold being the same respectively as that now or hereafter to be adopted for Coins of the United Kingdom, and the intrinsic value of the said Coins when of Gold bearing the same proportion to that of the British Sovereign as the sum for which they are respectively to pass Current shall bear to One Pound Four Shillings of the present Currency; and the intrinsic value of such Coins when of Silver or Copper bearing the same proportion of their nominal or current value which the intrinsic value of British Silver or Copper Coins respectively bear to their nominal or current value; *provided always*, that such Coins shall be a Legal Tender to any amount by tale so long as they shall not want more than Two Grains of the Standard Weight to be assigned to them respectively by Her Majesty, subject to the same deduction for want of Weight as is provided by the preceding Section with regard to British and American Gold Coins, and shall also be a Legal Tender to any amount by weight in sums not less than Fifty Pounds Currency, or Two Hundred Dollars, at the same rate and on the same conditions as provided in this Act with regard to British Gold Coins; *and provided also*, that such British Silver Coins shall not be a Legal Tender to the amount of more than Two Pounds Ten Shillings Currency, or Ten Dollars, in any one payment, nor any Copper Coins to the amount of more than One Shilling Currency; *provided further*, that the holder of the notes or obligations of any person or Body Corporate to the amount of more than Two Pounds Ten Shillings Currency, or Ten Dollars, shall not be bound to receive in such Silver Coins more than that amount in payment of such notes or obligations if presented at one time, although each or any of such notes or obligations be for a less sum.

Standard of fineness &c.

Legal tender of such gold coins.

Limits of tender of silver and copper coin.

Governor in Council may extend this Act to other U. S. gold coins.

V.—The Governor of this Colony, with the advice of the Executive Council, may, by Proclamation, extend all the provisions of this Act having reference to the Gold Coins of the United States, Coined before the First Day of March, in the Year One Thousand Eight Hundred and Fifty Two, to any Gold Coins of the said United States Coined on or after the First Day of March in the year last aforesaid, of the Weight and Denominations mentioned or referred to in this Act, which having been Assayed at the Royal Mint shall have been found equal in fineness to the Coins mentioned or referred to in this Act.

Cost of obtaining coins, how defrayed.

VI.—It shall be lawful for the Governor of this Colony, with the advice of the said Executive Council, out of any unappropriated Monies in the Receiver General's hands, to defray the cost of obtaining and importing such quantity of Copper Coins as the

Governor, with the advice aforesaid, shall, from time to time think fit, for the interest of the Colony, to obtain and import.

VII.—All British Silver Coins, not herein enumerated, and now in circulation, shall be a Legal Tender for sums not exceeding Two Pounds Ten Shillings, at Six Shillings for the Crown Piece, Three Shillings for the Half Crown, and all other British Silver Coins after the same rate as the Sovereign, in the same proportion as such respective Coins bear thereto. Tender in non-enumerated silver coins.

VIII.—The Foreign Gold Coin called the Doubloon, being not less than Four Hundred and Fifteen Grains each, containing Three Hundred and Sixty Three Grains of Pure Gold, shall pass and be a Legal Tender at and after the rate of Three Pounds Sixteen Shillings and Nine Pence Currency; and the Peruvian, Mexican, Columbian, and old Spanish Dollar, being of the full Weight of Four Hundred and Sixteen Grains, and containing not less than Three Hundred and Seventy Three Grains of pure Silver, shall be a Legal Tender at and after the rate of Five Shillings Currency each; and the French piece of Five Francs, or French piece of One or Two Francs, to the same amount, viz:—Five Francs at the rate of Four Shillings and Seven Pence Currency. Weight and value of Doubloons.

IX.—That it shall be lawful for the Governor, by Proclamation in the *Royal Gazette* of this Island, to stop the Circulation of all Copper Coins not authorized by this Act, or made Current by any Law of the United Kingdom; and the Receiver General of this Island shall, within a time to be mentioned in the said Proclamation, purchase up such Copper Coins upon such terms as may be prescribed by the Governor in Council, and pay therefor in such Copper Coinage as may be provided under and by virtue of this Act: Provided that no more than Two Pounds Currency in such unauthorized Copper Coinage shall be received by the Receiver General of this Island, from any one person, until he shall first make Oath before a Stipendiary Magistrate for the Central District of this Island, that he has neither imported the same into this Colony, nor procured the same in any other way than in the due course of his ordinary trade and business, for the purpose of making a profit thereon, under any of the terms of this Act, or any Proclamation to be issued by virtue thereof. Governor to stop circulation of certain copper coin and to substitute other copper coins in lieu thereof.

X.—And Whereas by this Act One Pound of British Sterling Money is hereafter to be represented by One Pound and Four Shillings Currency, according to the respective rates or value of the several Coins hereinbefore mentioned, and at which they are by this Act fixed and determined, and to be hereafter a Legal Tender; and whereas there exist Leases, Bonds, Debentures, and other Monetary obligations voluntarily entered into by the parties thereto previous to the passing of this Act, reserving Rents and other Monies, payable in and setting forth that the payments therein expressed to be made shall be payable in Sterling, or Sterling Money of Great Britain; and it therefore becomes necessary to declare that the provisions of this Act are not intended in any way or manner to affect such Leases, Bonds, Debentures, or other Monetary obligations; Be it therefore enacted and declared, that nothing in this Act contained shall extend or be construed to extend to affect any Lease, Bond, Debenture, or other Monetary obligation, made and entered into before the passing of this Act, wherein the Rent reserved, or Money payable thereunder, is expressed to be payable in Sterling or Sterling Money of Great Britain; but the same shall be and remain subject to the same legal interpretation and construction in every respect as the same would by Law have been subject to provided this Act had never been made, anything herein contained to the contrary notwithstanding. Act not to affect leases, &c., made previously to, passing thereof.

Counterfeiting Foreign
Coins.

XI.—That any Person who shall knowingly and unlawfully Counterfeit any of the Foreign Coins hereinbefore mentioned, or who shall knowingly and unlawfully utter such Counterfeit Foreign Coins, shall be guilty of the like offence respectively as knowingly and unlawfully Counterfeiting any of the Queen's Coins, or knowingly and unlawfully uttering such Counterfeit Queen's Coins, or of knowingly unlawfully uttering the same.

Suspending clause.

XII.—This Act shall not be in force until Her Majesty's Royal approbation be first obtained thereon, nor until a day thereafter to be fixed by Proclamation of His Excellency the Governor, duly published in the "Royal Gazette" of this Island.



ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. XII.

AN ACT to amend the "Act for the Incorporation of the New York, Newfoundland and London Telegraph Company."

[Passed 12th May, 1856.]

WHEREAS by an Act passed in the Seventeenth Year of the Reign of Her present Majesty, entitled "An Act to Incorporate a Company under the style and title of the New York, Newfoundland, and London Telegraph Company," it was, among other matters therein contained, provided that the said Company should, within Two Years from the passing of the said Act, be bound to complete a good and traversable Bridle Road, Eight Feet wide, with Bridges, Eight Feet wide, along the Line of the said intended Telegraph between St. John's and Cape Ray, and between St. John's and Trepassy; and it is expedient that the said Act should be amended in these and certain other particulars:—

Preamble.
Act 17th Vic. Cap. 2.

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

I.—The time for the completion of the said Roads and Bridges shall be extended to the last day of October, which will be in the year Eighteen Hundred and Fifty-Seven.

Time limited for completion of Roads and Bridges extended to 31st October 1857.

II.—It shall be competent for the said Company, in places in which the Governor and Council may consider the change to be necessary, and not detrimental to the Public Service, to substitute Flying or Floating Bridges or Ferries, sufficient for the Passage of Cattle and Carriages, for the Permanent Bridges required by the said Act: Provided that such Bridges and Ferries shall be constructed and maintained in such manner as the Governor in Council may consider efficient for the purposes for which they may be respectively designed.

Company, with Governor's sanction, may substitute Floating Bridges or Ferries, for Bridges required by aforesaid Act. Proviso.

III.—In case any Shareholder of, or a Subscriber to, the said Company, shall not pay the Instalments or Payments from time to time falling due on his Shares, pursuant to the provisions of the said recited Act, it shall be competent for the Directors, after One Month's Written Notice to the Party in default, to Sell such Shares by Private Sale or Public Auction, and to pay so much of the Proceeds thereof as may be necessary, in discharge of the amount due on such Shares, and to pay the Surplus (if any) to the original Proprietor of said Shares.

Company may sell Shares, if Instalments due on the same be not paid up.

IV.—The Governments of the British Colonies in America shall have the like privileges, with regard to the transmission of Messages on the said Line, as are provided in the said recited Act with respect to the Government of this Colony.

Privileges to Governments of British American Colonies.





ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. XIII.

AN ACT to Determine the Qualification of Jurors to serve in the Several Courts of this Island, and to Regulate the Empannelling of Jurors therein.

[Passed 12th May, 1856.]

WHEREAS it is expedient to determine the Qualification of Jurors to serve in the several Courts of this Island, and to Regulate the Empannelling of Jurors :— Preamble.

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

I.—Such Rules and Orders of the Supreme and Circuit Courts of this Island, and such parts of the Act of the Imperial Parliament passed in the Fifth Year of the Reign of His late Majesty, King George the Fourth, intituled “An Act for the better Administration of Justice in Newfoundland, and for other purposes,” as relate to the Qualification, Empannelling, Summoning, Drawing or Striking of Jurors in the said Courts, be and the same are hereby Repealed. Repeal of Rules of Courts and parts of Judicature Act, in reference to the qualification and empannelling of Jurors.

II.—From and after the passing of this Act, every person not hereinafter exempted, or who may not otherwise by Law be exempted, residing within Five Miles from the Court House in St. John's, and being a Merchant, or the chief accredited Agent of any Mercantile Establishment, in the absence of his Principal from the Island, or a Gentleman, or being worth, or possessed of Property of any description, within the said limits, clear of all incumbrances, of the value of Five Hundred Pounds of the current money of this Island : or any Person owning or occupying a House, Land or Tenement, within the said limits, of the annual Rent or Value of Sixty Pounds of the current money of this Island, shall respectively be qualified and liable to serve as Grand Jurors in any Court within the Central District of this Island. Qualification of Grand Jurors for Central District.

Qualification of Petty Jurors for said District.

III.—Every Person not hereinafter exempted, or who may not otherwise by Law be exempted, residing within the limits mentioned in the foregoing Section, and possessing Real Property, in his own right, to any amount, or occupying or possessing a House, Land or Tenement, within the limits aforesaid, of the annual Rent or Value of Ten Pounds Currency, shall be qualified and liable to serve on Petty Juries within the said District.

Jurors to reside 12 months in Island before serving.

IV.—Provided always, that no person shall be qualified or liable to serve as a Grand or Petty Juror who shall not have resided Twelve Months in this Island.

Qualification of Grand Juror for the Northern and Southern Districts.

V.—Every person not hereinafter exempted, or that may not otherwise by Law be exempted, residing within at least seven miles from any place where the Circuit or other Court shall be holden in the Northern or Southern District of this Island, and being a Merchant, or the chief accredited Agent of any mercantile establishment, in the absence of his Principal from the Island, or a Gentleman, or being possessed of Property within the said limits, clear of all incumbrances, of the value of Two Hundred Pounds of the current money of this Island, or owning or occupying a House, Land, or Tenement, if at Harbor Grace, of the annual rent or value of Twenty Five Pounds currency, or if in any other place, of the annual rent or value of Twelve Pounds currency, shall be qualified and liable to serve as a Grand Juror within the said limits, in the said several Districts.

Qualification of Petty Jurors in said Districts.

VI.—Every person not hereinafter exempted, or who may not otherwise by Law be exempted, residing within the limits mentioned in the foregoing section, and possessing Real Property to any amount within the said limits, or occupying or possessing a House, Land or Tenement, within the said limits, of the annual rent or value of Four Pounds currency, shall be qualified and liable to serve on Petty Juries within the said limits in the said several districts.

Grand or Petty Jurors liable to serve as Special Jurors.

VII.—All persons qualified to serve as Grand or Petty Jurors, shall also be qualified and liable to serve as Special Jurors.

Magistrates to cause lists of qualified Jurors to be made out, and Sheriffs to arrange same in panels.

VIII.—After the passing of this Act, the Stipendiary Magistrates, or any other Magistrate who may be appointed by the Governor for the purpose where there is no Stipendiary Magistrate, resident in any of the places where any Court may be held, shall superintend and direct the making out of separate lists of all persons qualified to serve on Grand and Petty Juries respectively, in such districts or places, and shall forthwith make returns of the same to the Sheriffs of the several districts: and the Sheriff of each district shall arrange the same in the respective panels; in alphabetical order, with the addition and the place of abode of each person stated; and the said Magistrates shall also, on the last Tuesday in January in every year, after the present year, revise the said lists, and furnish returns as aforesaid of all persons who shall have ceased to be qualified, and of all others who shall have become qualified to be placed on the respective lists: Provided always, that for every such return there shall be paid from the Public Treasury to the Stipendiary Magistrate, the sum of Thirty Shillings, one-half thereof to be paid the officers employed by them, for every one hundred names so returned,

Revision of Lists.**List of Jurors to be open to public inspection and correction.**

IX.—The said lists shall be open to the inspection of the public, in the respective offices of the said Sheriffs and Magistrates; and in case the name of any person qualified to serve as a Grand or Petty Juror, shall not appear on any of the said lists, or the name of any person not qualified shall appear thereon, it shall be lawful for the Magistrate having charge of such list, to correct any such error, or to supply any such

omission, by inserting or omitting the name, as the case may be; or for any of the said Superior Courts, or Courts of Quarter Sessions held within the limits aforesaid, to direct the Sheriff to cause the same to be done.

X.—All the names of persons qualified to serve as Grand Jurors, together with their additions and the names of their respective places of abode, shall be written or printed on separate Cards, and fourteen days before the commencement of each term to be holden at Saint John's, six days before the first day of each term to be holden at Harbor Grace, and at least one clear day before such Grand Jurors shall be required to attend Court in any other place in this Island, the respective Sheriffs shall attend with the said Cards before the respective Clerks of the said Courts, or their respective Deputies, who shall compare the same with the lists of Grand Jurors furnished as aforesaid; and the said Cards, containing the names of the whole of the said Jurors, shall be put into a box, in presence of the said respective Clerks, and the first twenty-three persons whose names shall be first drawn by the Sheriff, shall be summoned at least four days before the commencement of each term of the said Courts to be holden at Saint John's and Harbor Grace, and at least the day before they shall be required to attend any Court to be holden in any other place in this Island, and serve as Grand Jurors for and during the entire of such term.

Mode of drawing and summoning Grand Jury.

XI.—All the names of persons qualified to serve as Petty Jurors, together with their additions and respective places of abode, shall be written or printed on separate Cards; and fourteen days before the commencement of each term to be holden at St John's, and at least one clear day before they shall be required to attend Court elsewhere, the Sheriff of each District, or his Deputy, shall attend with the said Cards before the Clerk of each of the said respective Courts, or his Deputy, who shall compare the same with the lists furnished as aforesaid; and the said Cards containing the names of the whole of the said Jurors shall be put into a box in the presence of the said Clerk, and the first Forty Persons whose names shall be first drawn by the Sheriff, shall be summoned, at least four days before the commencement of each term of the said Court to be holden at St. John's, and at least the day before they shall be required to attend Court in any other place, to be and serve as Petty Jurors for and during the first ten days of the said term, if in any Superior Court in St. John's, or if any other Court or place, then for and during the term; and the next forty persons whose names shall be next drawn therefrom, shall be summoned at least four days before the tenth day of the said term, if in St. John's; and the said persons so summoned, shall, in like manner, attend and serve as Petty Jurors for the next ten days of the said term; and toties quoties for the remainder of the said term: Provided that the said respective Courts shall have power and authority to prolong the attendance of any of the said Jurors, if necessary, beyond the time hereinbefore limited for their attendance; and that no Grand or Petty Juror shall be drawn oftener than one term in any year unless in case of deficiency in the number of Jurors, when the names of such as have been summoned on previous Juries shall be returned to the box to be drawn in like manner: provided that no person drawn as a Grand or Petty Juror, shall be again drawn as such until all the undrawn names upon the list containing the name of such Juror shall be exhausted.

Mode of drawing and summoning Petty Jury and their attendance in Court.

Juror to be drawn only once a year.

XII.—The same course shall be pursued, as nearly as may be, in drawing and summoning Petty Jurors for any other Courts or in any other of the said Districts; but it shall not be necessary to summon more than twenty-four Petty Jurors to attend any other Courts at any one time in any other district during any one term or sittings of such Courts therein, except at Harbor Grace, where there shall be two panels of twenty-four Jurors each, summoned to attend, one for the first ten days, and the other for the

Same mode of drawing and summoning Petty Jurors in other Courts and places.

subsequent ten days of each term, according to the order and manner prescribed in the eleventh section, and subject to the conditions therein contained, and except when any criminal causes are to be tried, when thirty-five Jurors shall be summoned.

Special Jury—how obtained.

XIII.—The Plaintiff or Defendant, in any civil cause, information or indictment for misdemeanor, pending in any of the said Courts, may take a rule for a Special Jury, as of course, twenty four hours from the time of filing the Record for trial with the Clerk of such Court, upon filing a motion paper with him; or any of the said Courts may grant a Rule for a Special Jury, if they should see fit, after the expiration of such time; that a copy of such Rule shall be served on the opposite party, or his Attorney, on the day of issuing the same, with an appointment from the Sheriff, or his Deputy, to draw the Jury on the following lawful day, at an hour to be therein named, when the Sheriff shall, in presence of the parties or their attorneys, or such of them as attend, draw Twenty names from the box containing the names of the Grand Jurors, and a like number from the box containing the names of the Petty Jurors, (setting aside such as are then summoned to attend as Grand or Petty Jurors, except in cases where a deficiency would thereby arise) and make a list of them as they are drawn; the Plaintiff and Defendant shall then alternately strike off a name until each has stricken off Ten, and the remaining Twenty shall form the Special Panel, to be summoned by the Sheriff at least the day before their attendance shall be required, for the trial of the cause.

Made of choosing Jurors for trial of cause.

XIV.—The names of persons returned to serve on Special or Petty Juries, together with their additions and the names of their respective places of abode, being written or printed on separate cards, whenever a Jury shall be required to try a cause, whether the cause be a Petty or a Special Jury cause, the cards containing the names of the Special or Petty Jurors summoned, as the case may be, shall be put into a box in open Court, and the first twelve persons whose names shall be first drawn, and then present in Court, shall be the Jury to try the said cause, except where any of the said Jurors shall have been set aside for challenge; and in any case in which a sufficient number of Jurors shall not appear or remain unchallenged, or otherwise, to try the cause, whether the same be Civil or Criminal, then, and in such case, a *tales de circumstantibus* shall be awarded and immediately returned by the Sheriff from the qualified Petty Jurors, or the by-standers there present; and in any Petty Jury cause, after the first in each term, the Clerk having returned into the box the names of those Petty Jurors who have been challenged, or who have not appeared, shall proceed to draw the Jury therefrom until all the names have been drawn, when the names of such as have served on previous Juries shall be returned to the box to be drawn in like manner.

Peremptory challenge to Jurors.

XV.—On every trial of any issue, information, or indictment, for a misdemeanor, either party may, in any Petty or Special Jury cause, peremptorily challenge three Jurors or Talesmen, as they come to the book; and such challenge shall be admitted by the Court or Officer presiding; but shall not affect any other right of challenge the party challenging now has or may have, or, if such party consist of several persons, give a right to challenge more than three Jurors in any cause.

Parties exempted from serving as Jurors.

XVI.—The following persons are hereby exempted from attending on Grand and Petty Juries in the said several Courts, that is to say: the Secretary, Receiver General, Surveyor General, and Financial Secretary, of this Island; the Members of the Executive and Legislative Councils, the Members of the House of Assembly while in session, the Officers of the Executive and Legislative Councils, and of the House of Assembly while in session, the Officers of the several Courts of Justice, Household Servants of the Governor, Sheriffs' Officers, the Postmaster and Officers and Servants

of the Post Office, Officers of the Army and Navy in actual service, the Clerks in the several departments of the Army, the Officers and Clerks belonging to the Civil Department of Her Majesty's Government, Clergymen, Barristers, Attorneys, Physicians, Surgeons, Apothecaries; Managers, Clerks and Cashiers of Banks; Schoolmasters; Pilots licensed under any Act of the Legislature; organized Enginemen and Firemen; and persons under twenty-one and over sixty years of age; Electric Telegraph operators; and no Grand Juror shall be liable to serve on a Petty Jury.

XVII.—In every case, the Summons for every Grand, Special, or Petty Juror, shall be served upon him personally, or left at his usual place of business or abode for him. Summoring of Jurors. ↵

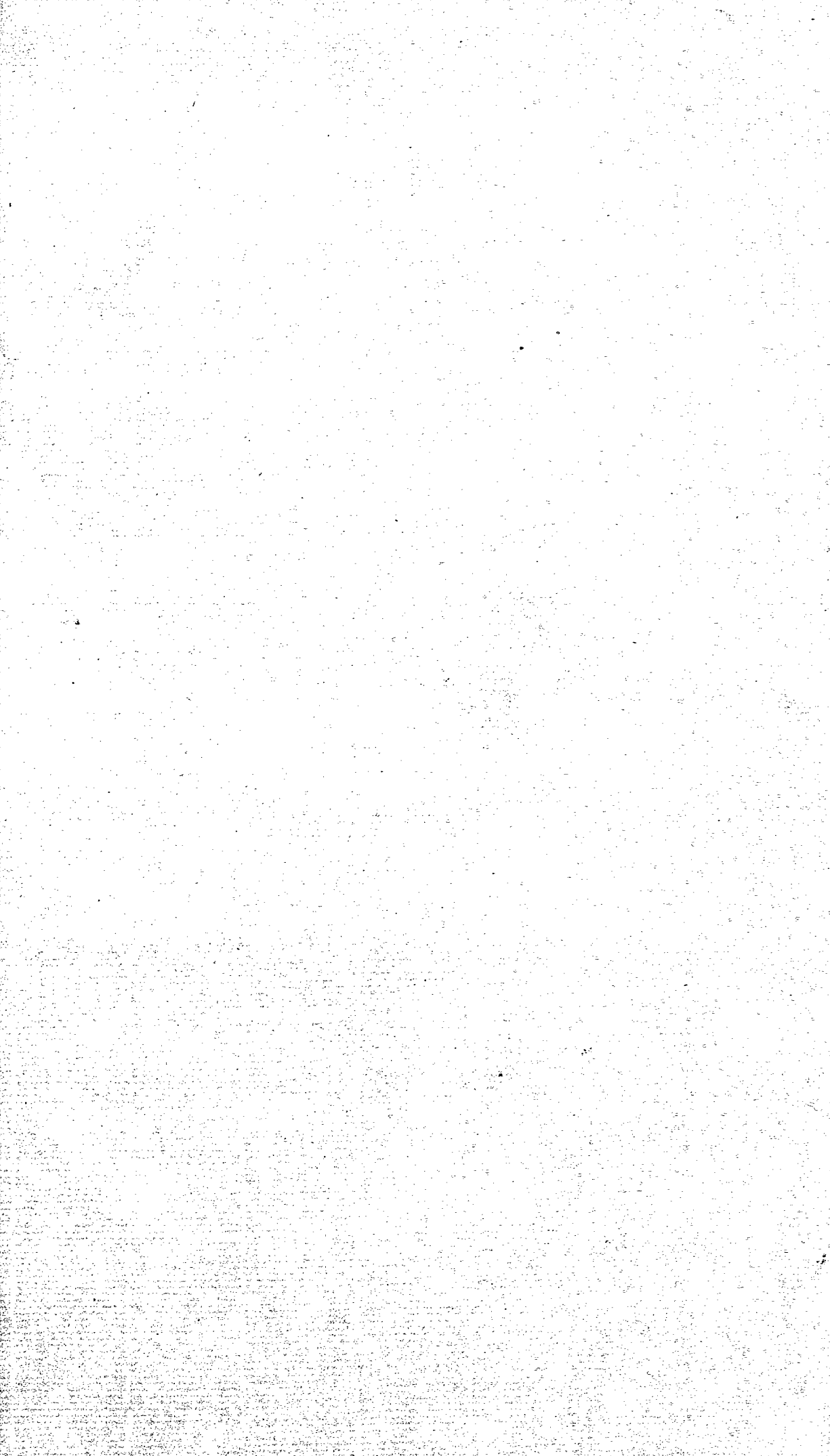
XVIII.—Every person duly summoned to attend upon a Grand or Special Jury in the said respective Courts, and who, not being prevented by sickness or other reasonable cause, shall fail to appear and serve upon the same, shall forfeit and pay, for every day's default, a sum not exceeding Five Pounds, nor less than One Pound, unto Her Majesty; and every person so summoned to attend upon a Petty Jury, and who without like reasonable cause of absence, shall fail to appear and serve upon such Petty Jury, shall in like manner forfeit and pay to Her Majesty, a sum not exceeding Twenty Shillings, nor less than Five Shillings, for every day's default; which respective penalties having been recovered, if necessary, by distress and sale of the offender's Goods and Chattels, shall be paid to the Clerk of the Court, and by him handed over to the Receiver General of the Colony, at the end of the term wherein the same shall have been enforced, to be appropriated to the use of the Colony: that all persons liable to serve on the said respective Juries in the said Courts, except Justices of the Peace, shall be also liable to attend and serve as such Jurors as aforesaid in the several Courts of Sessions in this Island, when duly drawn and summoned in the manner hereinafter prescribed, as far as the same can be made applicable: Provided, that no Jurors residing further than two miles from Harbor Grace, or an equal distance from Carbonear, shall be summoned to attend at the Court of Sessions held in either of the said respective places. Penalties for non-attendance of Jurors.

XIX.—All persons liable to serve on the said respective Juries, shall be liable to serve as such Jurors, as aforesaid, under Special Commission, at every other period than the usual term of the Courts, that may be stated in such Commission, or at such time as any of the Judges of the Supreme or Circuit Courts, or Justices of the Quarter Sessions, may direct in any precept to be issued by any of them. Jurors to serve in the Court of Sessions.

XX.—When a View shall be considered necessary by the Court, the Jury sworn to try the cause shall make the view under charge of the Sheriff, and, if necessary, of Showers to be appointed by the Court; the trial may be postponed to any other day during the sitting of the same Court, and in the meantime other causes may be disposed of. The writ of view is hereby abolished. Special attendance of Jurors on Commission of Precept.

XXI.—This Act shall not come into operation until the first day of July next. Jury to make view under charge of Sheriff.

Act—when to come into operation.





ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. XIV.

AN ACT to Amend the Law of Insolvency.

[Passed 12th May, 1856.]

WHEREAS it is expedient that the Laws for the Relief of Insolvent Debtors in this Island, should be Amended: Preamble.

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

I.—When it shall be made to appear that the Hirer or Employer of any Seaman, Fisherman, or other Servant, is Insolvent or unable to pay his Creditors Twenty Shillings in the Pound, such Seaman, Fisherman, or other Servant, actually employed in the Catching, Curing or Making of Fish or Oil, and such Person as shall have supplied Bait to the Hirer or Employer aforesaid, and who shall be Creditors for Wages, Shares or Bait for the Current Season, shall, upon all such Fish and Oil taken, cured or made, by the Hirer or Employer aforesaid, or out of the produce or value thereof if the same be in the possession of the Hirer or Employer, or of any other person aware of or privy to the Hiring or Employing of any such Seaman, Fisherman or other Servant, or having notice of the claim of such Seaman, Fisherman or other Servant, whether the same be accruing or due, at or before the time of such other person receiving such Fish or Oil, or the produce or value thereof, or before paying the Hirer or Employer for the same, be considered privileged Creditors, and shall first be paid Twenty Shillings in the Pound, so far as such Fish and Oil, or the produce or value thereof, shall go: Provided further, that where such Fish and Oil shall be insufficient for the full payment of the Wages or Shares of such Seaman, Fisherman or other Servant, and of the Person who shall supply Bait as aforesaid, they shall be paid rateably in proportion to their respective claims. Fish and Oil liable for wages of servants.

Supplying Merchant receiving voyage and becoming insolvent, his estate liable for wages of fishermen.

II.—In the event of the Insolvency of any Receiver or Supplying Merchant, the Estate and Effects of such Receiver or Supplying Merchant shall be liable in the first place to the payment of the Wages or Shares of such Seaman, Fisherman or other Servant, so far as the Fish and Oil, or the proceeds thereof, received from the Hirer or Employer by such Receiver or Supplying Merchant, or by the Assignees or Trustees of his Estate, may go; provided such Receiver or Supplying Merchant, or such Assignees or Trustees, would be liable therefor under the first section of this Act.

In actions against receiver, servant to recover on shewing that employer is insolvent, without having him declared.

III.—To entitle such Seaman, Fisherman or other Servant, or such Person supplying Bait as aforesaid, to recover the amount of his Wages, Shares or Bait Money, from the Receiver of such Fish or Oil, or the produce or value thereof, it shall not be necessary that the Hirer or Employer should have been formally declared Insolvent; but it will be sufficient if it be made to appear, on the trial of any action which such Seaman, Fisherman or other Servant, or Supplier of Bait, may bring (for Money had and received, or for Wages) against the said Receiver, before any Stipendiary Justice of the Peace, Court of Sessions, or any Superior Court in this Island, that the Share, Wages or Bait Money, was due at the time of bringing such action, and that the said Hirer or Employer was then Insolvent, or unable to pay his Creditors Twenty Shillings in the Pound.

Receiver to have same defence that employer could make, if action were brought against him by servant.

IV.—Any defence which the Hirer or Employer could have made if the action had been taken against him by such Seaman, Fisherman or other Servant, or Supplier of Bait, for such Wages, Share or Bait Money, shall be equally available for such Receiver to make on the trial of any such action that may be brought against him by such Seaman, Fisherman, or other Servant, or Supplier of Bait, for such Wages, Share or Bait Money, or the value of such Fish and Oil, or any part thereof as aforesaid; Provided always that the Receiver of the voyage, or any part of the produce or value thereof, shall not be liable for the payment of such Wages or Share of such Seaman, Fisherman or other Servant, or Supplier of Bait, unless it be proven on the trial that the Receiver was aware of, or privy to, the Hiring or Employing of any such Seaman, Fisherman or other Servant, or had notice of any such claim for Wages, Shares or Bait Money, at any time before, or at the time of receiving the Fish and Oil, or a part of the proceeds of the same, or before the Hirer or Employer received payment therefor; and then he shall be only liable to the extent of the voyage, or part, or produce, or value thereof, received by him: Provided always, that any Shareman lawfully selling or disposing of his Share of Fish or Oil, or any part thereof, may sue and recover payment therefor from the purchaser thereof according to the terms of their Contract, before any Stipendiary Justice or Court aforesaid; or any Shareman, Fisherman or other Servant, may, in like manner, sue for and recover his Wages or Shares from his Hirer or Employer, irrespective of and notwithstanding any of the provisions contained in the foregoing sections.

Clerks and Servants entitled to 20s. in the pound out of their employer's estate.

V.—All Clerks and Servants of every description shall be entitled to recover and receive Twenty Shillings in the Pound of the Balance of their last preceding year's Wages and Services, out of the Estate and Effects of their Hirers or Employers; in case of their Insolvency.

Crown Debts to form preferent claim on estate of insolvents.

VI.—All Monies deposited by the Receiver General or by the Cashier or Directors of the Savings' Bank of this Island, in any Bank or in the hands of any Banking Company, and all Monies received or collected by them on behalf of the Receiver General or the Government of this Colony, or the said Savings' Bank, shall constitute a Crown Debt to the amount thereof, and form a prior claim to all others on any such Bank or Deposit, or Banking Company, receiving or collecting the said Monies, and upon their

Property, Estate and Effects, in case of the Insolvency of such Bank or Banking Company, and may be subd for and recovered in the name of Her Majesty, or the said Receiver General, or Her Majesty's Attorney General for the said Island. Provided always, that all other Debts and Claims due the Crown shall form a prior claim to all others except those provided for under the First, Second, and Fifth Sections of this Act, upon the Estates of Insolvent Companies and Individuals.

VII.—Whereas it is expedient to repeal the Twenty-fifth Section of the Act hereinafter recited, and to make provision in lieu thereof :

25th Section of Judicature Act (5th Geo. 4.) repealed. **X X**

Be it therefore enacted, that the Twenty-fifth Section of an Act passed by the Imperial Parliament, in the Fifth Year of the Reign of His late Majesty King George the Fourth, intituled "An Act for the better administration of Justice in Newfoundland, and for other purposes," be, and the same is hereby repealed.

VIII.—In the distribution of the Estates and Effects of every Person hereafter declared Insolvent, every Creditor for Supplies necessarily and *bona fide* furnished for the Fishery, during the current Season, that is to say—at any time after the close of the last preceding Season of the Fishery, shall be considered as a privileged Creditor, and shall be paid Twenty Shillings in the Pound, so far as the Estates and Effects of such Insolvent Person will go; and all other Creditors shall be paid equally and ratably: Provided always, that nothing in this section contained shall in any way affect the prior claims and rights of the parties provided for in, and by the First, Second, Fourth, Fifth, and Sixth Sections of this Act.

Current Supplier to be deemed a privileged Creditor in distributing Insolvent Estates.

Proviso.

IX.—It shall be lawful for every Superior Court of Record, or a Judge of such Court, either in Term or Vacation, to declare any Person Insolvent upon such Person or any of his Creditors presenting a petition to such Court or Judge, setting forth that such Person is Insolvent and unable to pay his Creditors Twenty Shillings in the Pound, and making it appear, after giving at least Five Days' Public Notice of his application in the *Royal Gazette* of this Island, (where the party applies to be declared Insolvent in St. John's, or at least Three Days' Notice of such application, to be posted up in the Court House of any Outport, where such party applies to be declared Insolvent in such Outport) on his examination before such Court or Judge, or before a Commissioner to be named by such Court or Judge, for that purpose, to the satisfaction of such Court or Judge, that he is Insolvent and unable to pay his Creditors Twenty Shillings in the Pound, whether any writ or other legal process shall have been previously taken or issued against such person or no; and if any person shall have been arrested, and in prison or on bail under mesne or final process, it shall be lawful for such Court or Judge to declare such person Insolvent, and to discharge him from prison, and exonerate his bail, as fully and effectually as such Court or Judge thereof can now declare any person charged in execution, Insolvent, and discharge him from prison: Provided always, that if any such person be guilty of fraud, or other misconduct, in relation to any of his Creditors, and would be liable to be imprisoned therefor, if charged in execution, and applying for the benefit of the existing Insolvent laws of this Island, it shall be lawful for the Court or Judge declaring any such person Insolvent, in such case to commit or remand him to prison, for any time not exceeding the period prescribed in the said Laws.

Declaration of insolvency and discharge.

X.—It shall be lawful for every such Court, or any Judge thereof, to grant a Certificate and final discharge to such Insolvent person, whether he shall have obtained the consent of any of his Creditors or not, at least Five Days' Notice of his intention to apply for such Certificate having been first published in the *Royal Gazette* of this

Certificate of Insolvency.

Proviso.

Island, or served upon the Trustees of his Insolvent Estate, or upon his Creditors; Provided such Insolvent Person shall not have been guilty of fraud, in relation to any of his Creditors, and shall not have rendered himself liable to imprisonment for fraud or misconduct under any of the existing Insolvent Laws, and shall have made a full discovery, disclosure, and delivery of his property and effects under his Insolvency, according to the requirements of the said laws; and such Certificate shall be as effectual in every respect, as if the same had been granted in conformity with any of the Insolvent Laws now in force in this Island.

26th Section of Judicature Act repealed.

XI.—And Whereas it is expedient to repeal the Twenty-sixth Section of the said in part recited Act, in reference to parties dying Insolvent in this Island, and to adopt other provisions in lieu thereof:

Be it therefore enacted, that the said Twenty-sixth Section of the said Act, passed in the Fifth Year of the Reign of His late Majesty King George the Fourth, intituled “An Act for the better Administration of Justice in Newfoundland, and for other purposes,” be, and the same is hereby repealed.

How distribution of the Estates and Effects of Persons dying insolvent, to be made.

XII.—As often as any person shall die in this Island or elsewhere, leaving Estates and Effects in this Island, or in any place within the Government thereof, and such Estates and Effects shall not be sufficient to pay and satisfy all his just Debts, it shall be lawful for any of the said Superior Courts of Record, or any Judge thereof, either in term time or vacation, on the petition of the Executor, Administrator, or a Creditor of such deceased person, to cause a true statement of the Effects and Debts of such deceased person to be made in writing by and upon the Oath of the said Executor or Administrator, and laid before any of the said Courts or any Judge thereof; and if it shall appear to the Court, or the said Judge, before whom such statement shall be laid, that the Estate and Effects of such deceased person are not sufficient to pay all his just Debts, it shall be lawful for such Court or Judge to authorize and empower the Executor or Administrator of such deceased person to collect, sell and dispose of all the Estates and Effects of such deceased person, and to distribute the produce thereof amongst his Creditors, according to the manner of distribution by law directed to be made in respect to the Estates of persons declared Insolvent, subject in all cases to the provisions of this Act: Provided always that nothing herein contained shall be construed to affect the right of any Creditor of such deceased person to recover the full amount of such Debts as may have been *bona fide* secured in the life time of such deceased person by Mortgage or other legal conveyance of any portion of the Estate or Effects of such deceased person; Provided also, that the like course shall be pursued with the Estates and Effects of any persons dying Insolvent, where no Executor or Administrator thereof has been appointed or resides in this Island, on the application of any Creditor to any of the said Courts, or any Judge thereof, who may appoint Trustees or Receivers of such Estates and Effects, to realize and distribute the same as aforesaid, subject to the orders and control of any such Court or Judge thereof.



ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. XV.

AN ACT to Amend the Law of Evidence.

[Passed 12th May, 1856.]

WHEREAS it is expedient to Amend the Law of Evidence :

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

I.—That Sections Thirteen, Fifteen and Sixteen, of the Act of the Legislature of this Island, passed in the Twelfth Year of the Reign of Her present Majesty, intituled “An Act for the further amendment of the Law, and the better advancement of Justice,” and all Laws and Rules of Court now in force in this Island, contrary to the intent and purport of this Act, are hereby respectively Repealed.

Repeal of Sections 13, 15, and 16, of the 12th. Victoria; and of Rules of Court.

II.—On the trial of any Issue joined, or of any matter or question, or on any inquiry arising in any Suit, Action, or other proceeding, in any Court of Justice, or before any person having by Law, or by consent of Parties, authority to hear, receive, and examine Evidence, the Parties thereto, and the Persons in whose behalf any such Suit, Action, or other proceeding, may be brought or defended; or who may have any interest in the result thereof; and the Husbands and Wives of the Parties thereto, and of the persons in whose behalf any such Suit, Action, or other proceeding, may be brought or instituted, or opposed or defended; shall, except as hereinafter excepted, be competent or compellable to give Evidence, either *viva voce*, or by deposition, according to the practice of the Court, on behalf of either or any of the parties to the said Suit, Action, or other proceeding: Provided, that the Party so called to testify may be examined by the opposite party under the rules applicable to the cross-examination of witnesses.

Parties to Actions, &c., to be witnesses for and against each other.

Parties charged with crime not competent as witnesses for themselves.

No husband or wife competent witnesses for or against each other, except, &c.

Husband or wife not to be compelled to disclose communications between them.

Nothing herein to apply to any action instituted in respect to adultery, &c.

Privilege of Clergyman

Common Law Courts authorized to compel inspection of Documents whenever Equity would grant discovery.

Foreign and Colonial Acts of State, Judgments, &c., proveable by certified copies, without proof of Seal or Signature or judicial character of person signing the same.

III.—But nothing herein contained shall render any person who in any Criminal Proceeding is charged with the commission of any indictable offence, or any offence punishable on summary conviction, competent or compellable to give Evidence for or against himself or herself, or shall render any person compellable to answer any question tending to criminate himself or herself, or shall in any Criminal Proceeding, or in any proceeding instituted in consequence of Adultery, render any husband competent or compellable to give Evidence for or against his wife, or any wife competent or compellable to give Evidence for or against her husband; nor shall anything in this Act contained, affect the Laws now in force relating to the Estates of Idiots or Lunatics, or the execution or attestation of last Wills and Testaments.

IV.—No Husband shall be compellable to disclose any communication made to him by his Wife during the marriage, and no Wife shall be compellable to disclose any communication made to her by her Husband during the marriage.

V.—Nothing herein contained shall apply to any Action, Suit, Proceeding, or Bill, in any Court of Common Law, or in any Ecclesiastical Court, instituted in consequence of Adultery, or to any Action for Breach of Promise of Marriage.

VI.—A Clergyman, or Priest, cannot be examined as to any Confession made to him in his professional character.

VII.—Whenever any Action or other legal proceeding shall henceforth be pending in any of the Superior Courts of this Colony, such Court and each of the Judges thereof may respectively, on application made for such purpose by either of the Litigants, compel the opposite party to allow the party making the application to inspect all documents in the custody or under the control of such opposite party, relating to such Action or other legal proceeding; and, if necessary, to take examined copies of the same in all cases in which, previous to the passing of this Act, a discovery might have been obtained by filing a Bill, or by any other proceeding, in a Court of Equity, at the instance of the party so making application as aforesaid to the said Court or Judge.

VIII.—All Proclamations, Treaties, and other Acts of State of any Foreign State, or of any British Colony, and all Judgments, Decrees, Orders and other Judicial Proceedings of any Court of Justice in Great Britain or Ireland, or in any Foreign State, or in any British Colony, and all Affidavits, Pleadings and other legal Documents filed or deposited in any such Court, may be proved in any Court of Justice, or before any person having by Law or by consent of parties authority to hear, receive, and examine Evidence, either by examined copies or by copies authenticated as hereinafter mentioned; that is to say—if the Document sought to be proved be a Proclamation, Treaty, or other Act of State, the authenticated copy to be admissible in Evidence must purport to be sealed with the Seal of the Foreign State or British Colony to which the original Document belongs; and if the Document sought to be proved be a Judgment, Decree, Order or other Judicial proceeding of any British, Foreign, or Colonial Court, or an Affidavit, Pleading, or other legal Document filed or deposited in any such Court, the authenticated copy, to be admissible in Evidence, must purport either to be sealed with the Seal of the British, Foreign, or Colonial Court to which the original Document belongs, or, in the event of such Court having no Seal, to be signed by the Judge, or if there be more than one Judge, by any one of the Judges of the said Court, and such Judge shall attach to his signature a statement in writing on the said copy that the Court whereof he is a Judge has no Seal; but if any of the aforesaid authenticated copies shall purport to be sealed or signed as hereinbefore respectively directed, the same shall respectively be admitted in Evidence in every case in which the original

Document could have been received in Evidence, without any proof of the Seal where a Seal is necessary, or of the signature, or of the truth of the statement, attached thereto, where such signature and statement are necessary, or of the Judicial character of the Person appearing to have made such signature and statement.

IX.—Every Document which by any Law now in force or hereafter to be in force, is or shall be admissible in Evidence, of any particular in any British Court of Justice, without proof of the seal or stamp or signature authenticating the same, or of the judicial or official character of the person appearing to have signed the same, shall be admitted in Evidence to the same extent and for the same purposes, in any Court of Justice in this Colony, or before any person having by law or by consent of parties authority to hear, receive, and examine Evidence, without proof of the seal or stamp or signature authenticating the same, or of the judicial or official character of the person appearing to have signed the same.

Documents admissible without proof of Seal, &c. in any Court of Justice.

X.—Every Register of a Vessel, kept under any of the Acts relating to the Registry of British Vessels, may be proved in any Court of Justice, or before any Person having by Law or by consent of Parties authority to hear, receive, and examine Evidence, either by the production of the original, or by an examined copy thereof, or by a copy thereof purporting to be certified under the hand of the Person having the charge of the original, and which Person is hereby required to furnish such certified copy to any Person applying at a reasonable time for the same, upon payment of the sum of One Shilling; and every such Register or such copy of a Register, and also every Certificate of Registry, granted under any of the Acts relating to the Registry of British Vessels, and purporting to be signed as required by Law, shall be received in Evidence in any Court of Justice, or before any person having by Law or by consent of Parties authority to hear, receive and examine Evidence, as *prima facie* proof of all matters contained or recited in such Register, when the Register or such copy thereof as aforesaid is produced, and of all the matters contained or recited in or endorsed on such Certificate of Registry when the said Certificate is produced.

Registers of British Vessels and Certificates of Registry admissible as *prima facie* evidence of their contents, with proof of signature, &c.

XI.—And whereas it is expedient, as far as possible, to reduce the expense attendant upon the proof of Criminal Proceedings: Be it enacted, that whenever in any proceeding whatever it may be necessary to prove the Trial and Conviction or Acquittal of any Person charged with any Indictable Offence, it shall not be necessary to produce the Record of the Conviction or Acquittal of such Person, or a copy thereof, but it shall be sufficient that it be certified or purport to be certified under the hand of the Clerk of the Court or other Officer having the custody of the Records of the Court where such conviction or acquittal took place, or by the Deputy of such Clerk or other Officer, that the paper produced is a copy of the Record of the Indictment, Trial, Conviction, and Judgment, or Acquittal, as the case may be, omitting the formal parts thereof.

Where necessary to prove conviction or acquittal of Person charged, not to produce Record, but may be certified under hand of Clerk of Court.

XII.—Whenever any Book or other Document is of such a public nature as to be admissible in Evidence on its mere production from the proper custody, and no Statute exists which renders its contents proveable by means of a copy, a copy thereof, or extract therefrom, shall be admissible in Evidence in any Court of Justice, or before any person now or hereafter having by Law or by consent of Parties authority to hear, receive and examine Evidence, provided it be proved to be an examined copy or extract, or provided it purport to be signed and certified as a true copy or extract by the Officer to whose custody the original is entrusted; and which Officer is hereby required to furnish such certified copy or extract to any person applying at a reasonable time for the same, upon payment of a reasonable sum for the same, not exceeding Four Pence for every folio of Ninety Words.

Examined or certified copies of Documents admissible in evidence.

Certifying a false Document, a Misdemeanor.

XIII.—If any Officer or other Person authorized or required by this Act to furnish any certified copies or extracts, shall wilfully certify any Document as being a true copy or extract, knowing that the same is not a true copy or extract, as the case may be, he shall be guilty of a Misdemeanor, and be liable, upon conviction, to Imprisonment for any term not exceeding Eighteen Months.

Courts and others empowered to hear evidence authorized to administer Oath.

XIV.—Every Court, Judge, Justice, Officer, Commissioner, Arbitrator, or other Person, now or hereafter having by Law or by consent of Parties, authority to hear, receive, and examine Evidence, is hereby empowered to administer an Oath to all such Witnesses as are legally called before them respectively.

Penalty for forging Seal to Documents, &c.

XV.—If any Person shall Forge the Seal, Stamp or Signature of any Document, in this Act mentioned or referred to, or shall tender in Evidence any such Document with a False or Counterfeit Seal, Stamp or Signature thereto, knowing the same to be False or Counterfeit, he shall be guilty of Felony, and shall, upon conviction, be liable to Transportation for Seven Years, or to Imprisonment for any term not exceeding Three Years, nor less than One Year, with Hard Labour; and when any such Document shall have been admitted in Evidence by virtue of this Act, the Court or the Person who shall have admitted the same may, at the request of any party against whom the same is so admitted in Evidence, direct that the same shall be impounded and be kept in the custody of some Officer of the Court or other proper Person, for such period and subject to such conditions as to the said Court or other Proper Person shall seem meet; and every Accessory before or after the fact to any such offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence laid and charged to have been committed, in any District or Place in which the principal offender may be tried.

No person to be excluded for incapacity on account of Crime. Any person in Court required to give evidence as if Subpœnaed.

XVI.—That from and after the passing of this Act, no person offered as a Witness shall be excluded, by reason of incapacity from Crime, from giving Evidence according to the provisions of this Act or otherwise; and any person present in Court, or before a Judicial Officer, may be required to testify in the same manner as if he were in attendance upon Subpœna issued by such Court or Officer.

Court or Judge may order examination *de bene esse*, before issue joined.

Witness going beyond the District shall be deemed going beyond Jurisdiction.

XVII.—It shall be competent for a Superior Court or any Judge thereof to order the examination, *de bene esse*, at any time after the commencement of any Action, or other Civil Proceeding, of any Witness who might be so examined after issue joined; and a Witness shall for such purpose be deemed to be proceeding beyond the jurisdiction of such Court when he shall be about to proceed out of the District in which such Court shall be holden.

Depositions may be read at any stage, or in any other Action between same Parties, or their representatives.

XVIII.—When any Deposition, Examination, or Evidence, under Commission, or by consent of Parties, or otherwise, has been once taken, it may be read in any stage of the same Action, Suit or Proceeding; or in any other Action, Suit or Proceeding, between the same parties, or the representatives of any of them, or any person claiming right or title under them (for the same cause of action,) subject to all just exceptions; provided the Witness giving the Evidence be dead, insane, beyond the jurisdiction of the Court, or be kept away by contrivance.

Proceedings to perpetuate testimony.

XIX.—For the purpose of perpetuating the testimony of Witnesses, the applicant must produce to one of the Superior Courts of this Island, or a Judge thereof, an Affidavit stating such facts and circumstances as are usual and necessary to support a Bill for perpetuating testimony; whereupon the Court or Judge shall grant a Rule or Order Nisi for the examination of the witness or witnesses, and upon the appearance of

the adverse party and no sufficient cause shown, or upon proof of the service of the Rule or Order on such Party, his Agent or Attorney, the Court or Judge shall make such Rule or Order absolute for such examination, subject to such terms or conditions as to costs or otherwise, as he or they may deem expedient to prescribe.

XX.—If a trial be had between the Parties named in the Affidavit, as Parties actual or expectant, or their Successors in interest, upon proof of the death or insanity of the Witness, the examination, or a certified copy thereof, may be given in Evidence by either party on the trial, subject to all just exceptions.

Examination or certified copy may be read in evidence.

XXI.—The Examination, when taken and completed, must be subscribed by the Witness, then certified by the Examiner, and filed in the office of the Clerk of the Supreme Court, together with the original Order, and the Affidavit of service. The mode of examination of the witness shall be *viva voce*, except in case the witness who is sought to be examined reside at such a distance from the place of application as to render it necessary or advisable that he should be examined upon interrogatories to accompany the order directing the examination. If the adverse party should fail in attending at the examination, or in examining the witness, or in furnishing his cross-interrogatories within the time prescribed in the order, or such further time as the Court or Judge may allow, the Applicant may proceed with such examination or examinations *ex parte*.

Examination to be subscribed by the witness shall be *viva voce* except in certain cases.

XXII.—That from and after the passing of this Act, in all proceedings in the Equity and Ecclesiastical Courts, Evidence shall be taken *viva voce* in open Court or before an examiner, according to the order of the Court or Judge thereof, in the presence and subject to the examination and cross-examination of the Parties, or their Counsel, or Attornies; except in those cases in which a Commission to examine witness or witnesses would be allowed or ordered in Actions at Law, in which cases such Commission shall be executed as in Actions at Law.

In Proceedings in Equity and in the Ecclesiastical Court—Evidence to be taken *viva voce*, or before Examiner.

XXIII.—A Party producing a Witness shall not be allowed to impeach his credit by general Evidence of bad character, but he may, in case the Witness shall, in the opinion of the Judge, prove adverse, contradict him by other Evidence, or by leave of the Judge prove that he has made at other times a statement inconsistent with his present Testimony; but before such last-mentioned proof can be given, the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the Witness, and he must be asked whether or not he has made such statement. If a Witness, upon cross-examination as to a former statement made by him relative to the subject matter of the cause, and inconsistent with his present Testimony, does not distinctly admit that he has made such statement, proof may be given that he did in fact make it; but before such proof can be given, the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he has made such statement.

Party not to impeach credit of his own witness by general evidence, but may contradict him by other evidence.

XXIV.—A Witness may be cross-examined as to the previous statements made by him, in writing, relative to the subject matter of the cause, without such writing being shown to him; but if it is intended to contradict such Witness by the writing, his attention must, before such contradictory proof can be given, be called to those parts of the writing which are used for the purpose of so contradicting him: Provided always that it shall be competent for the Judge at any time during the trial to require the production of the writing for his inspection, and he may thereupon make such use of it, for the purpose of the trial, as he shall think fit.

Witness may be cross-examined as to previous statements in writing without showing such writing.

Witness may be questioned as to his infamy, and the same proved.

XXV.—A Witness in any cause may be questioned as to whether he has been convicted of any Felony or Misdemeanor, and upon being so questioned if he either denies the fact or refuses to answer, it shall be lawful for the opposite party to prove such conviction, and a Certificate containing the substance and effect only, (omitting the formal part,) of the indictment and conviction for such offence, purporting to be signed by the Clerk of the Court or other Officer having in custody the Records of the Court where the offender was convicted, or by the Deputy of such Clerk or Officer, (for which Certificate a Fee of Five Shillings, and no more, shall be demanded or taken), shall, upon proof of the identity of the person, be sufficient Evidence of the said conviction without proof of the signature or official character of the person appearing to have signed the same.

Admission or other Evidence sufficient without proof of Instrument by attesting witness.

XXVI.—It shall not be necessary to prove, by the attesting Witness, any Instrument to the validity of which attestation is not requisite; and such Instrument may be proved by admission, or otherwise, as if there had been no attesting witness thereto.

Comparison of handwriting allowed.

XXVII.—Comparison of a Disputed Writing with any Writing proved to the satisfaction of the Judge to be genuine, shall be permitted to be made by the Witnesses, and such writing, and the Evidence of Witnesses respecting the same, may be submitted to the Court and Jury as evidence of the genuineness or otherwise of the writing in dispute.

Court may order Documents to be produced, and witnesses to be examined.

XXVIII.—Upon the hearing of any Motion or Summons, it shall be lawful for the Court or Judge, at their or his discretion, and upon such terms as they or he shall think reasonable, from time to time to order such documents as they or he may think fit to be produced, and such Witnesses as they or he may think necessary to appear to be examined *viva voce* either before such Court or Judge or before the Master, and upon hearing such Evidence, or reading the Report of such Master, to make such Rule or Order as may be just.

Court may command and enforce attendance of witnesses to prove Documents, or to be examined.

XXIX.—The Court or Judge may, by such Rule or Order, or any subsequent Rule or Order, command the attendance of the Witnesses named therein for the purpose of being examined, or the production of any Writings or other Documents, to be mentioned in such Rule or Order; and such Rule or Order shall be proceeded upon in the same manner and shall have the same force and effect, as a Rule of the Court, under an Act of the Imperial Parliament, passed in the First Year of his late Majesty King William the Fourth, entitled "An Act to enable Courts of Law to order the examination of Witnesses upon interrogatories or otherwise;" and it shall be lawful for the Court, or Judge, or Master, to adjourn the examination from time to time as occasion may require; and the Proceedings upon such examination shall be conducted, and the depositions taken down, as nearly as may be, in the mode now in use with respect to *viva voce* examination of Witnesses under the last mentioned Act.

Party compellable to make affidavit.

XXX.—Any Party to any Civil Action or other Civil Proceeding in any of the Superior Courts, requiring the Affidavit of a Person refusing to make an Affidavit, may apply by Summons for an Order to such Person to appear and be examined upon Oath before a Judge or Master to whom it may be most convenient to refer such examination, as to the matters concerning which he has refused to make an Affidavit; and a Judge may, if he think fit, make such Order for the attendance of such Person before the Person therein appointed to take such examination, for the purpose of being examined as aforesaid, and for the production of any Witness or Document to be mentioned in such Order, and may therein impose such terms, as to such examination and the costs of the application and proceedings thereon, as he shall think just.

XXXI.—Such order shall be proceeded upon in like manner as an order made under the hereinbefore mentioned Act passed in the First Year of His late Majesty King William the Fourth, and the examination thereon shall be conducted and the depositions taken down and returned as nearly as may be in the mode now used in *viva voce* Evidence in all causes in any of the Superior Courts.

Proceedings for that purpose.

XXXII.—By Order of the Court or Judge, the Plaintiff may, with the Declaration, and the Defendant may with the Plea, or either of them by leave of the Court or Judge, deliver to the Opposite Party or his Attorney (provided such Party, if not a Body Corporate, would be liable to be called and examined as a Witness upon such matter,) Interrogatories in Writing upon any matter as to which discovery may be sought, and require such party, or in the case of a Body Corporate any of the Officers of such Body Corporate, within Ten Days to answer the questions in writing, by Affidavit to be sworn and filed in the ordinary way; and any Party or Officer omitting, without just cause, sufficiently to answer all questions to which a discovery may be sought, within the above time or such extended time as the Court or Judge shall allow, shall be deemed to have committed a contempt of the Court and shall be liable to be proceeded against accordingly.

Discovery upon interrogatories required.

XXXIII.—The application for such Order, shall be made upon an Affidavit of the Party proposing to interrogate, and his Attorney or Agent, or in the case of a Body Corporate or their Agent, stating that the Deponent or Deponents believe or believes that the Party proposing to interrogate, whether Plaintiff or Defendant, will derive material benefit in the cause from the discovery which he seeks; and that there is a good cause of Action or Defence upon the merits; and if the application be made on the part of the Defendant, that the discovery is not sought for the purpose of delay, provided where it shall happen from unavoidable circumstances that the Plaintiff or Defendant cannot join in such Affidavit, the Court or Judge may, if they or he think fit, upon Affidavit of such circumstances by which the Party is prevented from sojourning therein, allow and order that the interrogations may be delivered without such Affidavit.

Application for such to be made upon affidavit.

XXXIV.—In case of omission, without just cause, to answer sufficiently such written Interrogatories, it shall be lawful for the Court or a Judge, at their or his discretion, to direct an oral examination of the Interrogated Party, as to such points as they or he may direct, before a Judge or Master; and the Court or Judge may, by such Rule or Order, or any subsequent Rule or Order, command the attendance of any such Party or Parties before the Person appointed to take such examination, for the purpose of being orally examined as aforesaid, or the production of any Writings or Documents, to be mentioned in such Rule or Order, and may impose therein such terms, as to such examination, and the costs of the application and of the proceedings thereon, and otherwise, as to such Court or Judge shall seem just.

Party not answering sufficiently may be examined orally.

XXXV.—Such Rule or Order shall have the same force and effect, and may be proceeded upon in like manner, as an order made under the said hereinbefore mentioned Act, passed in the First Year of the Reign of His late Majesty King William the Fourth.

Rule for that purpose.

XXXVI.—Whenever, by virtue of this Act, an examination of any Witness or Witnesses has been taken before a Judge of one of the same Courts, or before a Master, the depositions taken down by such Examiner shall be returned to and kept in the Master's Office of the Court in which the proceedings are pending; and office copies of such depositions may be given out, and the depositions may be otherwise used, in the same

Depositions taken before Judge or Master to be kept in Master's Office, and Office copies used.

manner as in the case of depositions taken under the hereinbefore mentioned Act, passed in the First Year of His late Majesty King William the Fourth.

Judge or Master taking examination to make a Special Report when required.

XXXVII.—It shall be lawful for every Judge or Master named in any such Rule or Order as aforesaid for taking Examinations under this Act, and he is hereby required to make, if need be, a Special Report to the Court in which such Proceedings are pending, touching such examination and the conduct or absence of any Witness or Person thereon or relating thereto; and the Court is hereby authorized to institute such Proceedings and make such Order and Orders upon such Report as Justice may require, and as may be instituted and made in any case of Contempt of the Court.

Costs of rule for examination of witnesses.

XXXVIII.—The Costs of every application for any Rule or Order to be made for the Examination of Witnesses by virtue of this Act, and of the Rule or Order and Proceedings thereon, shall be in the discretion of the Court or Judge by whom such Rule or Order is made.

Penalty for false swearing before examiner.

XXXIX.—Any Person who shall, upon examination upon Oath or Affirmation, or in any Affidavit in Proceedings under this Act, wilfully and corruptly give False Evidence, or wilfully and corruptly swear or affirm anything which shall be False, being convicted thereof shall be liable to the Penalties of wilful and corrupt Perjury.

Examiner to take evidence on oath or affirmation.

XI.—It shall be lawful for all and every Person authorized to take the examination of Witnesses by any Rule, Order, Writ or Commission, made or issued in pursuance of this Act, and he and they are hereby authorized and required to take all such examinations upon the Oath of the Witnesses, or Affirmation in cases where Affirmation is allowed by Law instead of Oath, to be administered by the Person so authorized, or by any Judge of the Court wherein the action shall be depending; and if upon such Oath or Affirmation, any Person making the same shall wilfully and corruptly give any False Evidence, every Person so offending shall be deemed and taken to be guilty of Perjury, and shall and may be indicted and prosecuted for such offence in the District wherein such Evidence shall be given.

Examiner or Commissioner to make Special Report.

XII.—It shall and may be lawful for the Master, Examiner, Commissioner, or any other Person to be named in any such Rule or Order as aforesaid for taking any Examination in pursuance thereof, and he and they are hereby required, to make, if need be, a Special Report to the Court touching such Examination, and the conduct or absence of any Witness or other Person thereon or relating thereto; and the Court is hereby authorized to institute such Proceedings, and make such Order and Orders upon such Report, as Justice may require, and as may be instituted and made in any case of Contempt of the Court.



ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. XVI.

AN ACT to Provide for Limited Partnerships.

[Passed 12th May, 1856.]

BE it enacted by the Governor, Legislative Council and Assembly of Newfoundland, in Legislative Session convened, as follows :—

I.—Limited Partnerships for the transaction of Mercantile, Mechanical or Manufacturing Business, within this Island, may be formed by two or more Persons, upon the terms, with the rights and powers, and subject to the conditions and liabilities, herein prescribed ; but the provisions of this Act shall not be construed to authorize any such Partnership for the purpose of Banking or making Insurance. Purposes of limited partnership.

II.—Such Partnerships may consist of one or more Persons who shall be called General Partners, and who shall be jointly and severally responsible as General Partners now are by Law ; and of one or more persons, who shall contribute, in actual cash payments, or in property at its actual cash value, a specific sum as Capital to the common Stock, who shall be called Special Partners, and who shall not be liable for the Debts of the Partnership, beyond the fund so contributed by him or them to the Capital. Partnership to consist of general and special partners, their liabilities.

III.—The General Partners only shall be authorized to transact business and sign for the Partnership, and to bind the same. General partners to transact business.

IV.—The persons desirous of forming such Partnership, shall make, and severally sign, a Certificate similar in effect to form No. 1, in the Schedule hereunto annexed, and which Certificate shall contain :— Certificate to be signed by all the partners—its contents.

- 1.—The Name or Firm under which such Partnership is to be conducted.
- 2.—The general nature of the Business intended to be transacted.

3.—The Names of all the General and Special Partners interested therein, distinguishing which are General and which are Special Partners, and their respective places of residence.

4.—The amount of Capital which each Special Partner shall have contributed to the common stock.

5.—The period at which the Partnership is to commence, and the period at which it will terminate.

Certificate before whom and how acknowledged. V.—The Certificate shall be acknowledged by the several Persons signing the same before a Notary Public, who shall certify such acknowledgment, whether made abroad or in any Colony, under his Seal of Office, to the effect of Form No. 2, in the annexed Schedule.

In what places to be filed and recorded. VI.—The Certificate so acknowledged and certified, shall be filed in the Office of the Colonial Secretary, and shall also be recorded in the said Office at large in a book to be kept for that purpose, open to public inspection. If the Partnership shall have places of business situate in different districts, a transcript of the Certificate and of the acknowledgment thereof, duly certified by the Colonial Secretary, under his Official Seal, shall be filed and recorded in like manner in the office of the Clerk and Registrar of the Circuit Court for such district.

Affidavit also to be filed—its contents. VII.—At the time of filing the original Certificate, with the evidence of the acknowledgment thereof as before directed, an Affidavit of one or more of the General Partners shall also be filed in the same office, stating that the sums specified in the Certificate to have been contributed by each of the Special Partners to the common stock, have been actually, and in good faith, paid; and which affidavit shall be similar in effect to Form No. 3, in the said annexed Schedule.

Partnership when deemed formed; effect of false certificate. VIII.—No such Partnership shall be deemed to have been formed until a Certificate shall have been made, acknowledged, filed and recorded, nor until an affidavit shall have been filed as above directed; and if any false statement be made in such Certificate, or Affidavit, all the persons interested in such Partnership, shall be liable for all the engagements thereof as General Partners.

Terms of partnership how published; effect of omission. IX.—The Partners shall publish the terms of the Partnership, when registered, for at least Six Weeks immediately after such registry, in the "Royal Gazette", and in one or two other Newspapers to be designated by the Colonial Secretary, and to be published in this Island; and if such publication be not made, the Partnership shall be General; and that such Advertisement shall be similar in effect to Form No. 1, in the said annexed Schedule.

Affidavit of publication, where to be filed; effect as evidence. X.—Affidavits of the publication of such notice by the Printers of the Newspapers in which the same shall be published, may be filed with the Colonial Secretary directing the same, and shall be evidence of the facts therein contained, and which affidavits shall be similar in effect to Form No. 5, in the said annexed Schedule.

Renewals, &c., of partnership, how to be made. XI.—Every renewal or continuance of such Partnership beyond the time originally fixed for its duration, shall be certified, acknowledged and recorded, and an affidavit of a General Partner be made and filed, and notice be given in the manner herein required for its original formation; and every such Partnership which shall be otherwise renewed or continued, shall be deemed a General Partnership.

Alterations deemed dissolution of partnership. XII.—Every alteration which shall be made in the names of the Partners, in the nature of the Business, or in the Capital or Shares thereof, or in any other matter

specified in the Original Certificate, shall be deemed a dissolution of the Partnership, unless such alterations shall have been made according to the provisions of the 24th Section of this Act; and any such Partnership, which shall in any manner be carried on after any such alteration shall have been made, shall be deemed a General Partnership, unless renewed as a Special Partnership according to the provisions of the last Section.

XIII.—The Business of the Partnership shall be conducted under a Firm, in which the names of the General Partners only shall be inserted, without the addition of the word "Company," or any other general term; and if the name of any Special Partner shall be used in such Firm, with his privity, he shall be deemed a General Partner.

In what form and name business to be carried on.

XIV.—Suits in relation to the business of the Partnership, may be brought and conducted by, and against, the General Partners, in the same manner as if there were no Special Partners.

Suits to be in names of general partners.

XV.—No part of the sum which any Special Partner shall have contributed to the Capital Stock, shall be withdrawn by him, or paid or transferred to him, in the shape of Dividends, Profits, or otherwise, at any time during the continuance of the Partnership; but any Partner may annually receive lawful Interest on the sum so contributed by him, if the payment of such Interest shall not reduce the original amount of such Capital; and if, after the payment of such Interest, any profits shall remain to be divided, he may also receive his portion of such Profits.

Special partner not to withdraw his capital.

XVI.—If it shall appear that by the payment of Interest or Profits to any Special Partner, the original Capital has been reduced, the Partner receiving the same shall be bound to restore the amount necessary to make good his share of Capital, with Interest.

When to refund interest paid by him.

XVII.—A Special Partner may, from time to time, examine into the state and progress of the Partnership concerns, and may advise as to their management; and any remuneration of Special Partners, or any other persons acting as Servants or Agents for any such Partnership, by a share of the profits or otherwise, shall not render them liable as General Partners; but he shall not transact any business on account of the Partnership, nor be employed for that purpose as Agent, Attorney, or otherwise: if he shall interfere, contrary to these provisions, he shall be deemed a General Partner.

Rights of special partners and restriction on them.

XVIII.—The General Partners shall be liable to account to each other, and to the Special Partners, for their management of the concern, both in Law and Equity, as other Partners are now by Law.

Liability of general partners to account.

XIX.—Every Partner who shall be guilty of any Fraud in the affairs of the Partnership, shall be liable civilly to the party injured, to the extent of his damage; and shall also be liable to an indictment for a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the Court by which he shall be tried.

Liability and punishment of parties guilty of fraud.

XX.—Every Sale, Assignment or Transfer, of any of the Property or Effects of such Partnership, made by such Partnership when actually Insolvent or in contemplation of Insolvency, or after or in contemplation of a declaration of Insolvency of any Partner, with the intent of giving a preference to any Creditor of such Partnership or Insolvent Partner over other Creditors of such Partnership; and every judgment confessed, lien created, or security given, by such Partnership, under the like circumstances, and with the like intent, shall be void as against the Creditors of such Partnership.

Assignment to certain creditors void.

Certain assignments void.

XXI.—Every such Sale, Assignment, or Transfer of any of the Property or Effects of a General Partner, made by such General or Special Partner, when actually Insolvent, or in contemplation of a declaration of Insolvency, or after or in contemplation of a declaration of the Insolvency of the Partnership, with the intent of giving to any Creditor of his own, or of the Partnership, a preference over other Creditors of the Partnership, and every judgment confessed, lien created, or security given, by any such Partner under the like circumstances, and with the like intent, shall be void as against the creditors of the Partnership.

Certain acts of special partner to render him liable.

XXII.—Every Special Partner who shall violate any of the provisions of the two last preceding sections, or who shall concur in, or assent to, any such violation by the Partnership, or by any individual Partner, shall be liable as a General Partner.

Special partners not to claim as creditors in case of insolvency of firm.

XXIII.—In case of the Insolvency or Bankruptcy of the Partnership, no Special Partner shall, under any circumstances, be allowed to claim as a Creditor, until the claims of all the other Creditors of the Partnership shall be satisfied.

Dissolution by acts of partners.

XXIV.—No Dissolution of such Partnership by the acts of the parties shall take place previous to the time specified in the certificate of its renewal, until a Notice of such dissolution shall have been filed and recorded in the Colonial Secretary's Office, in which the original certificate was recorded, and published once in each week, for four weeks, in the "Royal Gazette," and any other local Newspaper or Newspapers published in this Island.

Affidavits--before whom made.

XXV.—All affidavits required to be made under this Act, shall be made before a Justice of the Peace or any Judge of any Court of Record, or any other Person authorised by Law to administer oaths.

Schedule.

Schedule of Forms.

NO. 1.

Certificate of Formation of Limited Partnership.

This is to certify that we, whose names are severally undersigned, are desirous of forming a Limited Partnership, and

1st.—That the name or firm under which such Partnership is to be conducted is [here insert the name or firm, as "George Thompson," or "Thompson & Black," as the case may be.]

2ndly.—That the general nature of the Business intended to be transacted by such Partnership is [here insert the general nature of the Business, as the buying and selling at wholesale and retail, of tobacco, snuffs and cigars, and such other articles as are usually bought and sold by persons trading as tobacconists or dealers in tobacco.]

3rdly.—That the names of all the General and Special Partners interested in the said Co-partnership are as follows :—[here insert the names and places of residence of each Partner, and specify which are General and which are Special Partners, as thus, George Thompson, James Black, Henry Lloyd, and Alfred Smee; that the said George Thompson is a General Partner, and his place of residence is in _____; that the said James Black is a General Partner, and his place of residence is also in _____; that the said Henry Lloyd is a Special Partner, and his place of residence is in _____; and that the said Alfred Smee is a Special Partner, and his place of residence is in _____; as the case may be.]

4thly.—That the amount of Capital which each of the said Special Partners has contributed to the common stock of the said Partnership is as follows :—[here insert as thus, or as the case may be : the said Henry Lloyd the sum of _____ and the said Alfred Smee the sum of _____.] Schedule. (Continued.)

5thly.—That the period at which the said Partnership is to commence is the _____ day of _____ 185 [insert the date, which should be after the certificate is filed and recorded] and the period at which the said Partnership is to terminate is the _____ day of _____ 185 [insert the date]

As witness our hands, on this _____ day of _____ 185
 (Signed) GEORGE THOMPSON,
 JAMES BLACK,
 HENRY LLOYD,
 ALFRED SMEE.

NO. 2.
Notarial Certificate.

Newfoundland, St. John's, ss, [or as the case may be] On this _____ day of 185____, personally came before me the above named George Thompson, James Black, Henry Lloyd and Alfred Smee, to me known to be the persons described in, and who signed, the above certificate, and who severally acknowledged to me that they severally signed the said certificate.

A. B., &c., &c.

NO. 3.
Affidavit to be filed with Certificate.

Newfoundland, St. John's, ss, [or as the case may be] George Thompson of this city maketh oath and saith ;

That he is one of the General Partners named in the above written [or annexed] Certificate, and that the several amounts specified in the said Certificate to have been contributed by each of the Special Partners in the said Certificate named, to the common Stock of the said Partnership, in the said Certificate also named, have been actually and in good faith paid in cash, or in property at its actual cash value, specifying the general description of the property, as the case may be.

Sworn &c., (Signed) GEORGE THOMPSON.

NO. 4.
Advertisement of Terms of Partnership.

[Similar in effect to Form No. 1.]

NO. 5.
Affidavit of Publication by Printer of Newspaper.

Newfoundland, St. John's, ss. A. B., of _____, maketh oath and saith that he is Printer of the Newspaper known as the [insert name of Newspaper] published daily or weekly at [insert the place of publication of Newspaper] and that the advertisement, a copy whereof is hereto annexed, was published in said Newspaper for six weeks successively, that is to say. in the issues of said Newspaper, dated respectively the _____ day of _____, the _____ day of _____, the _____ day of _____, the _____ day of _____, the _____ day of _____, the _____ day of _____, [insert dates when advertisement appeared.]

Sworn, &c. (Signed) A. B.



ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. XVII.

AN ACT to provide for the Compromises or Compositions of Partners and Joint Debtors.

[Passed 12th May, 1856.]

BE it enacted by the Governor, Legislative Council and Assembly of Newfoundland, in Legislative Session convened, as follows :—

I.—Whenever any Co-partnership Firm shall be Dissolved by Mutual Consent or otherwise, it shall and may be lawful for any one or more of the Individuals who was or were embraced in such Co-partnership Firm, to make a separate Composition or Compromise with any one or all of the Creditors of such Co-partnership Firm; and such Composition or Compromise shall be a full and effectual Discharge to the Debtor or Debtors making the same, and to them only, of and from all and every Liability to the Creditor or Creditors with whom the same is made or incurred by reason of his or their connection with such Co-partnership Firm.

Compromises of one or more partners of firms with creditors.

II.—Every such Debtor or Debtors making such Composition or Compromise, shall take from the Creditor or Creditors with whom he may make the same, a Note or Memorandum in writing exonerating him or them from all and every Individual Liability incurred by reason of such connection with such Co-partnership Firm; which Note and Memorandum may be given in Evidence by such Debtor or Debtors under the general issue, in bar of such Creditors' right of recovery against him or them; and if such liability shall be by Judgment in any Court of Record in this Island, then on a production to and filing with the Clerk thereof, the said Note or Memorandum in writing duly acknowledged by the Party or Parties making the same, in the same manner as satisfaction of Judgment is now required by Law to be acknowledged, such Clerk shall discharge said Judgment of Record so far as the said Compromising Debtor or Debtors shall be concerned.

To make memorandum of release or compromise.

Responsibility and right
of the other co-partners.

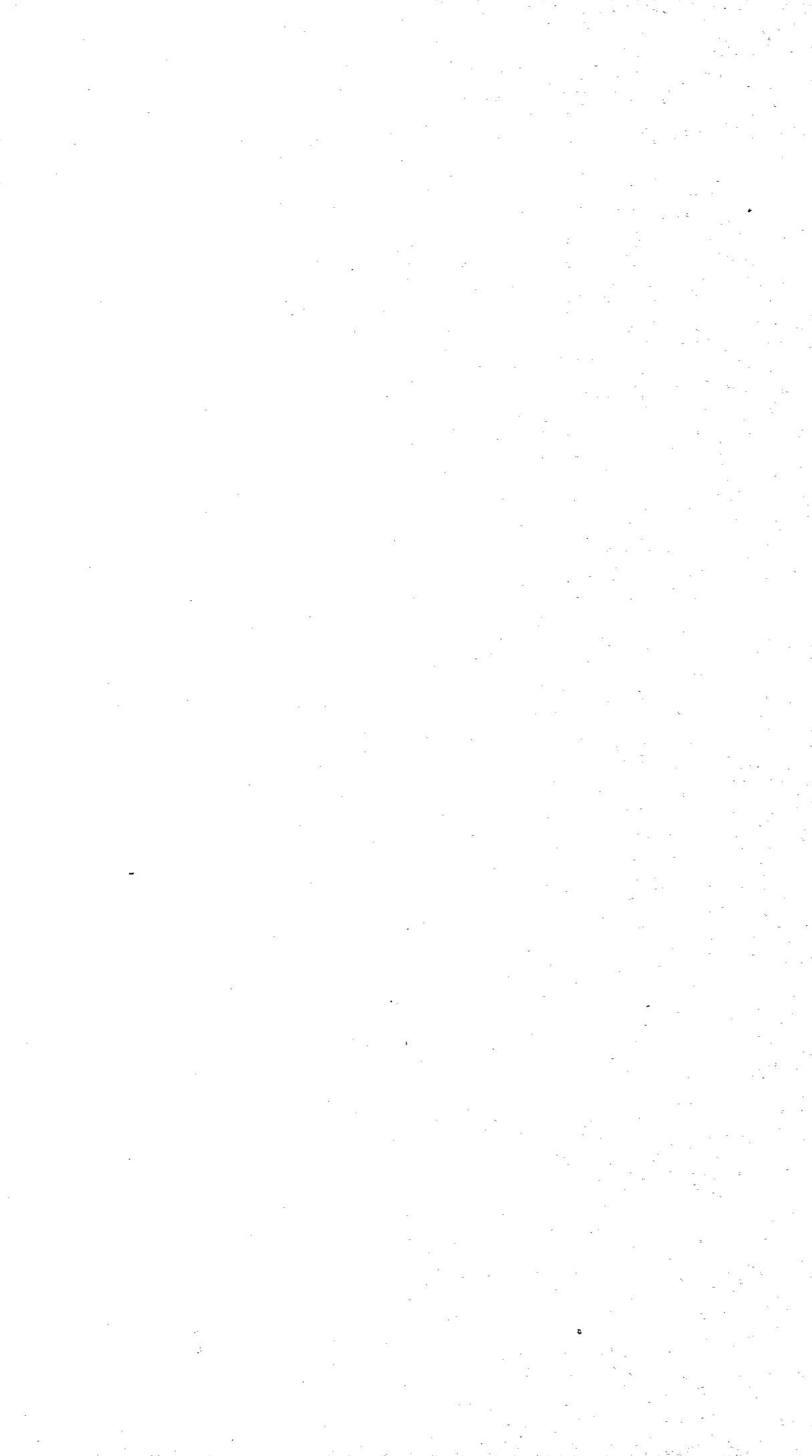
III.—Such Compromise or Composition with an Individual Member of a Firm shall not be so construed as to discharge the other Co-partners, nor shall it impair the rights of the Creditor to proceed at Law or in Equity against the Members of such Co-partnership Firm as have not been discharged. And the Member or Members of such Co-partnership Firm so proceeded against shall be permitted to set off any demand against said Creditor or Creditors which could have been set off had such suit been brought against all the Individuals composing such Firm ; nor shall such Compromise or discharge of an Individual of a Firm prevent the other Members of such Firm from availing themselves of any defence at Law or Equity, that would have been available had not this Act been passed, except that they shall not set up the discharge of one Individual as a discharge of the other Co-partners, unless it shall appear that all were intended to be discharged.

Liability of party com-
promising to contribute.

IV.—Such Compromise or Composition of an Individual of a Firm with a Creditor of such Firm, shall in nowise affect the rights of the other Co-partners to call on the Individual making such Compromise for his rateable proportion of such Co-partnership Debt, the same as if this Act had not been passed.

Preceding provisions
extended to joint debt-
ors.

V.—The above provisions, in reference to Co-partners of a Firm, shall extend to Joint Debtors, who are hereby authorised individually to Compound or Compromise for their Joint Indebtedness with the like effect in reference to Creditors and to Joint Debtors of the Individuals so Compromising, as is above provided in reference to Co-partners.





ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. XVIII.

AN ACT to Authorize the Formation of Corporations for Manufacturing, Mining, Mercantile, Mechanical, Chemical, or other Purposes.

[Passed 12th May, 1856.]

BE it enacted by the Governor, Legislative Council and Assembly of this Island, in Legislative Session convened, as follows:—

I.—At any time hereafter, any Three or more Persons who may desire to form a Company for the purpose of carrying on Manufacturing, Mining, Mechanical, Chemical, Whaling, Sealing, Fishing, Lumbering, or any Mercantile Business whatsoever, except Banking and Insurance, may Make, Sign and Acknowledge, before a Notary Public, and file in the Office of the Colonial Secretary of this Island, a Certificate in writing in which shall be stated the Corporate name of the said Company, and the objects for which the Company shall be formed, the amount of the Capital Stock of the said Company, the term of its existence—not to exceed Fifty Years—the number of Shares of which the said Stock shall consist, the number of Directors, and their names, who shall manage the concerns of said Company for the First Year.

Companies how formed.

II.—When the Certificate shall have been filed as aforesaid, the Persons who shall have signed and acknowledged the same, and all Stockholders in the said Company, and their Successors, shall be a Body Politic and Corporate, in fact and in name, by the name stated in such Certificate, and by that name have succession, and shall be capable of suing and being sued; and they and their successors may have a common Seal, and may make and alter the same at pleasure; and they shall, by their Corporate Name, be capable, in Law, of Purchasing, Holding and Conveying any Real or Personal Estate whatsoever, which may be necessary to enable the said Company to carry on their operations mentioned in such Certificate.

When to be Bodies Corporate.

Election of Directors.

III.—The Stock, Property and Concerns of such Company shall be managed by not less than Three, or more than Nine Directors, who shall respectively be Stockholders in such Company, and may be British subjects, Citizens of the United States, or other Aliens, and some of whom shall be residents of this Island, who shall, except the First Year, be Annually Elected by the Stockholders, at such place in this Island or elsewhere, and at such time, as shall be directed by the Bye-laws of the Company; and Public Notice of the time and place of holding such Election shall be published, not less than Twenty Days previous thereto, in the *Royal Gazette* of this Island; and the Election shall be made by such of the Stockholders as shall attend for that purpose, either in Person or by Proxy, appointed in writing. All Elections shall be by Ballot, and each Stockholder shall be entitled to as many Votes as he owns Shares of Stock in the said Company, and the Persons receiving the greatest number of Votes shall be Directors; and when any vacancy shall happen among the Directors by death, resignation, or otherwise, it shall be filled, for the remainder of the year, in such manner as may be provided for by the Bye-laws of the said Company.

Election may be on any day.

IV.—In case it shall happen at any time, that an Election of Directors shall not be made on the day designated by the Bye-laws of said Company, when it ought to have been made, the Company for that reason shall not be dissolved; but it shall be lawful on any other day to hold an Election for Directors, in such manner as shall be provided for by the said Bye-laws; and all acts of Directors shall be valid and binding as against such Company, until their Successors shall be Elected.

Officers.

V.—There shall be a President of the Company who shall be Elected by the Directors from among themselves; and also such subordinate Officers as the Company by its Bye-laws may designate, who may be Elected or Appointed, and required to give such Security for the faithful performance of the duties of their Office, as the Company by its Bye-laws may require.

Directors to make calls on Stockholders.

VI.—It shall be lawful for the Directors to call in and demand from the Stockholders respectively, all such sums of Money by them subscribed, at such times, and in such payments, or instalments, as the Directors shall deem proper, under the Penalty of Forfeiting the Shares of Stock subscribed for, and all previous payments made thereon, if payments shall not be made, by the Stockholders within Sixty Days after a personal demand on notice requiring such payment, shall have been published in the *Royal Gazette* of this Island.

Power to make bye-laws.

VII.—The Directors of the said Company shall have power to make such Bye-laws as they shall deem proper, for the management and disposition of the Stock and Business affairs of such Company, not inconsistent with the laws of this Island, and prescribing the duties of Officers, Artificers and Servants, that may be employed; for the appointment of all Officers, and for carrying on all kinds of business within the objects and purposes of such Company.

Stock transferable.

VIII.—The Stock of such Company shall be deemed Personal Estate, and shall be transferable in such manner as shall be prescribed by the Bye-laws of the Company; but no Shares shall be transferable until all previous calls thereon shall have been fully paid in, or shall have been declared Forfeited for the non-payment of calls thereon. And it shall not be lawful for such Company to use any of their Funds in the purchase of any Stock in any other Corporation.

Copy of Certificate to be Evidence.

IX.—The copy of any Certificate of Incorporation filed in pursuance of this Act, certified by the Colonial Secretary to be a true copy, shall be received in all Courts and Places as presumptive Legal Evidence of the facts therein stated.

X.—The President and One or more of the Directors, within Thirty Days after the payment of the last Instalment of the Capital Stock, fixed and limited by the Company, shall make a Certificate, stating the amount of the Capital so fixed and paid in, which Certificate shall be Signed and Sworn to by the President and One or more of the Directors, and they shall, within the said Thirty Days, record the same in the Office of the Colonial Secretary.

The President, &c. on Capital Stock being fixed and paid in, to certify same.

XI.—Every such Company shall, Annually, within Forty Days from the First Day of January, make a Report, which shall be published in the *Royal Gazette* of this Island, which shall state the amount of Capital, and of the proportion actually paid in, and the amount of its existing Debts, which Report shall be signed by the President and a majority of the Directors, and shall be verified by the Oath of the President or Secretary of said Company, and filed in the Office of the Colonial Secretary, to be laid before the Legislature.

Annual Report on Oath.

XII.—If any Certificate or Report made, or Public Notice given, by the Officers of any such Company, in pursuance of the provisions of this Act, shall be false in any material representation, all the Officers who shall have signed the same, knowing it to be false, shall be jointly and severally liable for all the Debts of the Company contracted while they are Stockholders or Officers thereof.

Penalty for falsifying Reports, &c.

XIII.—The Members of every Company Incorporated under this Act, shall not be liable under any Attachment, Judgment, Decree, or Order, which shall be obtained against such Company, or for any Debt or Engagement of such Company, further or otherwise than is hereinafter provided.

Liability of Members of Company.

XIV.—If any Execution, Sequestration, or other process in the nature of Execution, either at Law or in Equity, shall have been issued against the property or effects of the Company, and if there cannot be found sufficient whereon to levy or enforce such Execution, Sequestration, or other process, then such Execution, Sequestration or other process, may be issued against any of the Shareholders to the extent of the portions of their Shares respectively in the Capital of the Company not then paid up; but no Shareholder shall be liable to pay, in satisfaction of any One or more such Executions, Sequestrations, or other process, a greater sum than shall be equal to the portion of his Share not paid up; *Provided always*, that no such Execution shall be issued against any Shareholder except upon an order of the Court, or of a Judge of the Court, in which the Action, Suit, or other proceeding, shall have been brought or instituted, and such Court or Judge may order execution to issue accordingly, with the reasonable costs of such application and execution, to be taxed by a Master of the said Court; and for the purpose of ascertaining the names of the Shareholders, and the amount of Capital remaining to be paid upon their respective Shares, it shall be lawful for any person entitled to any such execution, at all reasonable times, to inspect the Register of Shareholders, without fee.

Limitation of their Liability.

XV.—If the Directors of any such Company shall declare and pay any Dividend when the Company is known by them to be Insolvent; or any Dividend the payment of which would to their knowledge render it Insolvent; they shall be jointly and severally liable for the Debts of the Company then existing, and for all that shall be thereafter contracted, so long as they shall respectively continue in Office; Provided that the amount for which they shall all be so liable shall not exceed the amount of such Dividend, and that if any of the Directors shall be absent at the time of making the Dividend, or shall object thereto, and shall file their objection in writing with the Clerk of the Company, they shall be exempted from the said Liability.

Liability of Directors declaring dividend while Company Insolvent.

Shares to be personal property, and liable to attachment and execution.

Mode of proceeding thereon, &c.

Note or obligation not to be regarded a payment of money.

Company not to loan money to Shareholders.

Power of Directors to purchase Ships, Lands, &c.

Power to increase or diminish Capital Stock.

Power to extend business of Company.

Notice thereof to be given.

XVI.—The Shares in the Capital Stock of the said Company shall be deemed Personal Property, and shall be liable to Attachment and Execution as other Personal Property, and the Process or Warrant in such case shall be served on the President or Director of the said Company resident in Newfoundland, and such service shall bind the Shares of any Stockholder to the extent of such Attachment or Execution issued against him from the time that notice thereof shall be actually given at the Principal Office of the said Company in this Island, where the transfer of Shares shall be Registered; and for the purpose of ascertaining the number of Shares held by any Shareholder against whom any Attachment or Execution may have issued, the President, Secretary, or Director, or other Officer of the said Company, may be examined in like manner as any Third Person having in his possession any Goods, Monies, Debts or Effects of any Defendant; and upon the Sale by the Sheriff or other proper Officer, of any such Shares under Execution or otherwise, the Officers or Agents of the said Company having charge of the Transfer Books, shall, on production of a Bill of Sale from the Sheriff, or other proper Officer, transfer to the purchaser thereof the number of Shares sold under such execution or other process, and belonging to the Defendant at the time of such notice being given at the Transfer Office as aforesaid, and such transfer shall be valid and effectual to all intents and purposes; Provided always, that such Sale shall be subject to any Debt that may be due from such Defendant to the said Company, and that no Sale shall be made or Judgment rendered, until at least Three Months after such notice given at the Transfer Office as aforesaid.

XVII.—No Note or Obligation given by any Shareholder to the Company whereof he is a Shareholder, whether secured by any pledge or otherwise, shall be considered as payment of any Money due from him on any Share held by him, and no Loan of Money shall be made by any such Company to any Shareholder therein; and if any such Loan shall be made to a Shareholder, the Directors who shall make it, or who shall assent thereto, shall be jointly and severally liable, to the extent of such Loan and Interest, for all the Debts of the Company contracted before the repayment of the sum so lent.

XVIII.—The Directors of such Company may purchase Vessels, Lands, Mines, Manufactories and other Property necessary for their Business, and issue Stock to the amount of the value thereof in payment therefor; and the Stock so issued shall be declared and taken to be full Stock and not liable to any further calls.

XIX.—Any Corporation which may be formed under this Act, may increase or diminish its Capital Stock by complying with the provisions of this Act, to any amount which may be deemed sufficient and proper, for the purposes of the Corporation; and may also extend its Business to any other Manufacturing, Mining, Mechanical, Chemical, Whaling, Sealing, Fishing, Lumbering, or any other Mercantile Business, subject to the provisions and liabilities of this Act. But before any Corporation shall be entitled to diminish the amount of its Capital Stock, if the amount of its Debts and Liabilities shall exceed the amount of Capital to which it is proposed to be reduced, such amount of Debts and Liabilities shall be satisfied and reduced so as not to exceed such diminished amount of Capital.

XX.—Whenever any Company shall desire to call a Meeting of the Stockholders, for the purpose of availing itself of the privileges and provisions of this Act, or for increasing or diminishing the amount of its Capital Stock, or for extending or changing its Business, it shall be the duty of the Directors to publish a Notice, signed by at least a Majority of them, in the "Royal Gazette" of this Island, at least Six successive

Weeks, and to deposit a written or printed copy thereof in the Post Office, addressed to each Stockholder, at his usual place of residence, at least Six Weeks previous to the day fixed upon for holding such Meeting, specifying the object of the Meeting, the time and place when and where such Meeting shall be held, and the amount to which it shall be proposed to increase or diminish the Capital, and the Business to which the Company would be extended or changed; and a Vote of at least Two-thirds of all the Shares of the Stock shall be necessary to an increase or diminution of the amount of its Capital Stock, or the extension or change of its Business, as aforesaid, or to enable a Company to avail itself of the provisions of this Act.

XXI.—If at any time and place specified in the Notice provided for in the preceding section of this Act, Stockholders shall appear in Person, or by Proxy authorized in writing, in number representing not less than Two-thirds of all Shares of all Stock of the Corporation, they shall organise by choosing one of the Directors Chairman of the Meeting, and also a suitable person for Secretary, and proceed to a Vote of those present, in Person or by Proxy authorised in writing; and if on canvassing the Votes, it shall appear that a sufficient number of Votes has been given in favor of increasing or diminishing the amount of Capital, or of extending or changing its business as aforesaid, or for availing itself of the privileges and provisions of this Act, a Certificate of the proceeding, showing a compliance with the provisions of this Act, the amount of Capital actually paid in, the business to which it is extended or changed; the whole amount of Debts and Liabilities of the Company, and the amount to which the Capital Stock shall be increased or diminished, shall be made out, signed and verified by the affidavit of the Chairman, and be countersigned by the Secretary; and such certificate shall be acknowledged by the Chairman, and filed as required by the first section of this Act; and when so filed and advertised, the Capital Stock of such Corporation shall be increased or diminished to the amount specified in such certificate, and the business extended or changed as aforesaid: and the Company shall be entitled to the privileges and provisions; and be subject to the liabilities, of this Act, as the case may be.

Manner of proceeding at meeting of Stockholders in reference to the objects of said notice.

XXII.—Every Company formed under this Act, shall paint or affix, and shall keep painted and affixed, its Name on the outside of every Office or Place in which the business of the Company is carried on, in a conspicuous position in letters easily legible, and shall have its Name engraved in legible characters on its Seal, and shall have its Name mentioned in legible characters in all Notices, Advertisements and other Official Publications of such Company, in all Bills of Exchange, Promissory Notes, Cheques, or Orders for Money, Bills of Parcels, Invoices, Receipts, Letters, and other Writings used in the transaction of the business of the Company.

Company to have its name on its Office.

XXIII.—It shall be the duty of the Directors of every such Corporation or Company to cause a Book to be kept by the Treasurer or Clerk thereof, containing the Names of all Persons, alphabetically arranged, who are or shall within Six Years have been Stockholders of such Company, and showing their places of Residence, the number of Shares of Stock held by them respectively, and the time when they became respectively the owners of such Shares, and the amount actually paid in; which Book shall, during the usual business hours of the day, on every lawful day, be open for the inspection of Stockholders and Creditors of the Company, and their personal Representatives, at the Office or principal place of business of such Company in this Island; and any and every such Stockholder, Creditor or Representative, shall have a right to make Extracts from such Book; and no Transfer of Stock shall be valid for any purpose whatever, except to render the person to whom it shall be transferred, liable for the Debts of the Company, according to the provisions of this Act, until it shall have been entered therein as re-

Directors to keep a Record of Stockholders.

Such Record to be evidence of facts therein.

quired by this section, by an entry showing to and from whom transferred : such Book shall be presumptive evidence of the facts therein stated, in favor of the Plaintiff in any Suit or Proceeding against such Company or against any one or more Stockholders. Every Officer or Agent of any such Company, who shall neglect to make any proper entry in such Book, or shall refuse or neglect to exhibit the same, or allow the same to be inspected, and extracts to be taken therefrom as provided by this section, shall be deemed guilty of a Misdemeanor, and the Company shall forfeit and pay to the party injured, a Penalty of Forty Pounds sterling for every such neglect or refusal, and all the damages resulting therefrom ; and every Company that shall neglect to keep such Book open for inspection as aforesaid, shall forfeit to Her Majesty the sum of Forty Pounds sterling for every day it shall so neglect, to be sued for and recovered in the name of Her Majesty by the Attorney General of this Island, and when so recovered, the amount shall be paid into the Office of the Receiver General of this Island for the use thereof.

Statement of the affairs of Company-

XXIV.—Whenever any Person or Persons owning Fifteen per cent. of the Capital Stock of any Company formed under the provisions of this Act, shall present a written request to the Treasurer thereof, demanding a Statement of the Affairs of such Company, it shall be the duty of such Treasurer to make a Statement of the Affairs of said Company, under oath, embracing a particular account of all its Assets and Liabilities in minute detail, and to deliver such Statement to the Person who presented the said written request to the Treasurer, within Twenty Days after such presentation ; and shall also, at the same time, place and keep on file in his Office, for Six Months thereafter, a copy of such Statement, which shall at all times during business hours be exhibited to any Stockholder of said Company demanding an examination thereof : such Treasurer, however, shall not be required to deliver such statement in the manner aforesaid, oftener than once in any Six Months. If such Treasurer shall neglect or refuse to comply with any of the provisions of this Act, he shall forfeit and pay to the person presenting said written request, the sum of Ten Pounds, and a further sum of Two Pounds for every Twenty Four Hours thereafter, until such Statement shall be furnished ; to be sued for and recovered in any Court having cognizance thereof.

On loss of three-fourths of the subscribed capital Stock, the business of the Company to be brought to a close.

XXV.—In the case of any Company which has obtained a Certificate of limited liability, whenever, on taking the yearly accounts of such Company, or by any Report of the Auditors thereof, it appears that Three-fourths of the subscribed Capital Stock of the Company have been lost or have become unavailable in the course of trade, from the Insolvency of Shareholders, or from any other cause, the trading and business of such Company shall forthwith cease, or shall be carried on for the sole purpose of winding up its affairs ; and the Directors of such Company shall forthwith take proper steps for dissolution of such Company, and for the winding up of its affairs, by petition to the Supreme Court, which shall make such Order, Judgment, or Decree thereon, as shall be just, or by such other lawful course as the Directors may think most fit.

Sale of property of Company in contemplation of Insolvency to be void.

XXVI.—Every Sale, Assignment or Transfer of any of the Property or Effects of such Company, made thereby, when in contemplation of a declaration of Insolvency, or after or in contemplation of a declaration of the Insolvency of any Shareholder, with the intent to give a preference to any Creditor of such Company or Insolvent Shareholder over other Creditors of such Company, and every Judgment confessed, Lien created or Security given by such Company, under the like circumstances and with the like intent, shall be void as against the Creditors of such Company.

Transfer of Property of Shareholder in contemplation of Insolvency void,

XXVII.—Every such Sale, Assignment or Transfer of any of the Property or Effects of a Shareholder made by such Shareholder when in contemplation of a declaration of Insolvency, or after or in contemplation of a declaration of the Insolvency of the

Company, with the intent of giving to any Creditor of his own, or of the Company, a preference over Creditors of the Company; and every Judgment confessed, Lien created, or Security given, by any such Shareholder, under the like circumstances and with the like intent, shall be void as against the Creditors of the Company.

XXVIII.—That at any time hereafter any Society or Association formed for Religious, Charitable, Educational, or other lawful purpose, being desirous to promote the objects for which it is or may be established, may, through the Office Bearers, Trustees or Members, make, sign and acknowledge, before a Notary Public, and file in the Office of the Colonial Secretary of this Colony, a Certificate in writing in which shall be stated the proposed Corporate name of the said Society or Association, and the objects for which the same is or shall be formed, the names of its Office Bearers, Trustees, or Members, and the Rules, Regulations, Orders and Bye-laws thereof.

Any Society requiring to be incorporated may file certificate in the Colonial Secretary's Office;

XXIX.—When such Certificate shall have been filed as aforesaid, the Persons who shall have signed and acknowledged the same, and all other Members of such Society or Association, and their Successors, shall be a Body Politic and Corporate in fact and in name; by the name stated in such Certificate, and by that name have Succession, and shall be capable of suing and being sued, and they and their Successors may have a Common Seal, and may make and alter the same at pleasure; and they shall have power to elect Officers, and make, confirm, alter, amend or repeal all Bye-laws, Rules and Regulations, for the management of the affairs of such Society or Association; Provided the same shall not be repugnant to the Laws of this Colony; and they shall, by their Corporate name, be capable in Law of purchasing, holding and conveying any landed or personal Estate whatever; and of transacting all business appertaining to such Society or Association, according to such Bye-laws, Rules and Regulations as aforesaid.

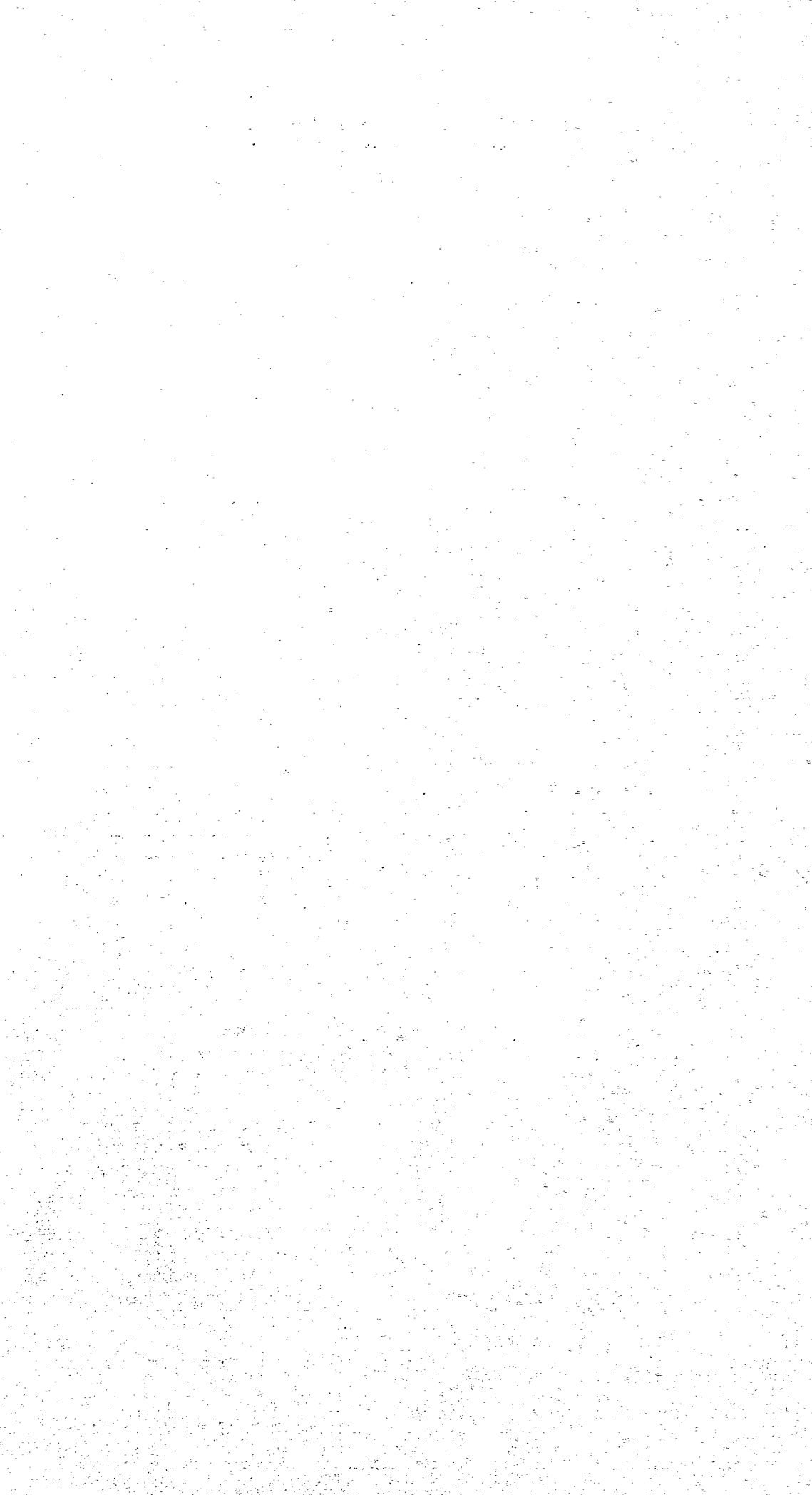
Whereupon such Society shall be deemed a Body Corporate.

XXX.—Immediately upon filing the said Certificate in manner aforesaid, all the Lands, Tenements, Funds, Monies, Securities, and other Property belonging to such Society or Association, shall, by virtue of this Act, and without further or other conveyance, be transferred and vested in such Corporate Society or Association for the uses thereof.

Lands &c, belonging to such Society shall be vested in such Corporate Society.

XXXI.—The Governor of this Island shall have the power of directing an Audit of the Accounts of any such Companies in such manner and at such times as may be deemed necessary or expedient.

The Governor to appoint General Auditors of such Companies.





ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. XIX.

*AN ACT to Repeal the Patent Acts of this Colony,
and to make other Provisions in lieu thereof.*

[Passed 12th May, 1856.]

WHEREAS it is expedient to Repeal an Act passed in the Fourteenth Year of Preamble.
the Reign of Her Majesty, intituled "An Act for Granting of Patents for Useful Inventions," and an Act passed in the Nineteenth Year of Her Majesty's Reign intituled "An Act to amend an Act passed by the Legislature of this Island, in the Fourteenth Year of the Reign of Her Majesty, intituled 'An Act for the Granting of Patents for Useful Inventions,'" and to enact other provisions in lieu thereof:—

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

I.—That the said Act passed in the Fourteenth Year of the Reign of Her Majesty, intituled "An Act for granting of Patents for Useful Inventions"; and the said Act passed in the Nineteenth Year of the Reign of Her Majesty, intituled "An Act to amend an Act passed by the Legislature of this Island in the Fourteenth Year of the Reign of Her Majesty, intituled 'An Act for the granting of Patents for Useful Inventions,'" be and the same are hereby respectively repealed: **Repeal of the 14th and 19th Victoria, respecting Patents.** Provided always, **Proviso.** that nothing herein contained shall in any way affect any Letters Patent already granted under and by virtue of the said recited Acts, or any matter or thing done in pursuance thereof.

II.—From and after the publication of this Act, whenever any person whomsoever shall apply to the Governor, alleging that he hath invented and discovered any new and

Governor and Council to grant Letters Patent for new and useful Inventions.

useful Art, Machine, Manufacture or Composition of Matter, not theretofore known or used, and shall, by petition to the Governor, signify his desire to obtain an exclusive Property in such new Invention and Discovery, and shall pray that a Patent be granted for the same, it shall and may be lawful for the Governor, by and with the advice and consent of Her Majesty's Council, to cause and direct Letters Patent, under the Great Seal of this Island, to be issued, which Letters Patent shall recite the allegations and suggestions of the said Petition so to be preferred as aforesaid, and shall therein give a short description of the said Invention and Discovery, and thereupon shall grant to such Person, so applying for the same, his Executors, Administrators or Assigns, for a term not exceeding Fourteen Years, the full and exclusive right and liberty of Making, Constructing and Using, and Vending to others to be used, the said new Invention or Discovery; which Letters Patent shall be good and available to the Grantee therein named, by force of this Act, and shall be recorded in the Office of the Colonial Secretary in a Book to be kept for that purpose, and shall be delivered to the Patentee: Provided always, that it shall be lawful for the Governor in Council, if they should deem it expedient, to insert in any such Letters Patent a provision extending the operation thereof for a further term of Seven Years; and provided further, that before the Great Seal of this Island shall be affixed to any such Letters Patent, or the same shall be issued and signed as aforesaid, such Letters Patent shall be delivered to Her Majesty's Attorney General of this Island, who shall examine the same, and shall, if he finds the same conformable to this Act, certify accordingly, and return the same within Fifteen Days into the Office of the Colonial Secretary, to be issued and signed.

Proviso.

Proviso.

The Improver of a Patented Invention may have a Patent for his improvement.

III.—Where any Letters Patent shall be obtained by any Person, in manner aforesaid, for any new and useful Invention or Discovery in any Art, Machine, or Composition of Matter, and thereafter any other Person shall discover or make any improvement in the principle or process of any such Art, Machine, or Composition of Matter, for which such Patent hath been granted, and shall make application for and obtain Letters Patent under this Act, for the exclusive right of such improvement, it shall not be lawful for the Person who shall obtain and procure Letters Patent for any such Improvement, to Make, Use or Vend the Original Invention, or Discovery, nor for the Person who shall have procured Letters Patent for the original Invention or Discovery, to Make, Use or Vend any such Improvement: Provided always, that simply changing the form or the proportions of any Machine or Composition of Matter, in any degree, shall not be deemed a discovery or improvement within the meaning of this Act.

Proviso.

Copy of Letters Patent and of Petition, may be received from Secretary's office.

IV.—It shall and may be lawful for any Person to obtain and receive from the Office of the Colonial Secretary, any copy or copies of any such Letters Patent, or of the Petition whereon the same were granted and issued, or of any Paper connected therewith or any Drawing relating to the same, on payment, for such copy or copies, of such Fees as are now payable at the Office of the Colonial Secretary for copies of other documents.

Oath or affirmation to be taken before Patent is granted.

V.—Before any Person shall obtain or receive any Letters Patent under this Act, such Person shall make Oath, or, if a Quaker, shall make solemn affirmation, in writing, before some one of the Justices of Her Majesty's Supreme Court, that he doth verily believe that he is the true Inventor or Discoverer of the Art, Machine, Composition of Matter, or Improvement, for which he solicits Letters Patent, and that such Invention or Discovery hath not, to the best of his knowledge or belief, been known or used in this Island or in any other Country, which oath or affirmation shall be delivered in with the Petition for such Letters Patent.

VI.—Together with such Petition and Oath or Affirmation, before any Person shall receive or obtain any Letters Patent as aforesaid, such Person shall also deliver into the Office of the Colonial Secretary, a written description of his Invention, and of the manner of using or process of compounding the same, in such full, clear, and exact terms as to distinguish the same from all other things before known, and to enable any Person skilled in the Art or Science of which it is a branch, or with which it most nearly connected, to make, compound and use the same, and, in case of any Machine, shall deliver a Model thereof into the Office of the Colonial Secretary, and shall explain the principle and the several modes in which such Person hath contemplated the application of that principle or character by which it may be distinguished from other Inventions; and shall accompany the whole with Drawings and Written References, where the nature of the case admits of Drawings, or with Specimens of the Ingredients, and of the Composition of Matter, sufficient in quantity for the purpose of Experiment, where the Invention is of a Composition of Matter; which Description signed by such Person so applying for such Letters Patent, and attested by two Witnesses, shall be filed in the Office of the Colonial Secretary, and copies thereof, certified under his hand, shall be competent Evidence in all Courts where any matter or thing, touching or concerning the said Letters Patent, shall or may come into question: Provided nevertheless, that where, from the complicated nature of any Machinery, the cost of a Model thereof may be so great as to prevent any ingenious but poor Persons from obtaining Patents for their useful Inventions, it shall and may be lawful for the Governor, by and with the advice and consent of the Council, if they shall see fit and proper under all the circumstances so to do, to dispense with the delivery of such Model into the Office of the Colonial Secretary previous to the granting of any such Patent; and in such case the Requisitions of said Act being in all other respects complied with, the Person applying for any Patent shall be entitled thereto in the same manner as if such Model had been so lodged as aforesaid.

Description of Invention and Model with Drawings thereof to be filed with petition.

VII.—Any Patentee, his Executors or Administrators, may assign and transfer all his Right, Title and Interest, in the said Invention and Discovery, in the Letters Patent to him granted, to any Person whomsoever; and the Assignee thereof, having recorded the said Assignment in the Office of the Colonial Secretary, shall thereafter stand in the place and stead of the original Patentee, as well as to all Right, Privilege and advantage, as also in respect of all liability and responsibility as to the said Letters Patent, and the Invention and Discovery thereby secured; and in like manner shall the Assignees of any such Assignee stand, and be considered to be, in the place and stead of the original Patentee or Inventor.

Patentee may assign his interest in Patent.

VIII.—Whenever, in any case, any Letters Patent shall be, or shall or may have been, granted to any Person, under and by virtue of this Act, and any Person, without the consent of the Patentee, his Executors, Administrators, or Assigns, first had and obtained in writing, shall make, devise, use or sell, the Thing, Invention or Discovery, whereof the exclusive right is secured to the said Patentee, by such Letters Patent, such Person so offending shall forfeit and pay to the said Patentee, his Executors, Administrators or Assigns, a Sum equal to three times the actual damage sustained by such Patentee, his Executors, Administrators or Assigns, from or by reason of such offence, which sum shall and may be recoverable, together with costs of suit, by action on the case, founded on this Act, in any Superior Court of this Island.

Forfeiture for infringing Patent right.

IX.—Provided always, that the Defendant in such action shall be permitted to plead the general issue, and give this Act and any special matter in evidence, tending to prove that the specification filed by the plaintiff does not contain the whole truth relative to

In actions for infringement, general issue may be pleaded.

the Invention or Discovery therein alleged to have been made by the said Plaintiff, or that it contains more than is necessary to produce the described effect, (which concealment or addition shall fully appear to have been made for the purpose of deceiving the Public,) or that the Thing, Invention or Discovery, thus secured by Letters Patent, as aforesaid, was not originally discovered by the Patentee, but had been in use, or had been described in some public work, anterior to the supposed Invention or Discovery of the said Patentee, or that the said Patentee had surreptitiously obtained Letters Patent as aforesaid, for the Invention or Discovery of some other Person; in either of which cases, upon sufficient and legal proof thereof, a Verdict shall be returned and Judgment shall be entered for the said defendant with costs, and the said Letters Patent shall thereupon be and become, and shall by the said Court be adjudged, void and of no effect.

No applicant to be deprived of his right to a Patent in this Colony, by reason of obtaining Patent elsewhere.

X.—No Applicant shall be deprived of his Right to a Patent in this Colony for his Invention, by reason of his having previously taken out Letters Patent therefor in any other country: Provided that such Invention shall not have been introduced into public and common use in this Colony prior to the application for a Patent therein, and that the Patent granted in this Colony shall not continue in force after the expiration of the Patent granted elsewhere, and that where more than one such Patent or like Privilege is obtained abroad, then immediately upon the expiration or determination of the term which shall first expire or be determined of such several Patents or like Privileges, the Patents granted in this Colony shall cease to be in force: Provided further, that no Letters Patent for or in respect of any Invention for which any such Patent or like Privilege as aforesaid shall have been obtained elsewhere, and which shall be granted in this Colony, after the expiration of the term for which such Patent or Privilege was granted or was in force, shall be of any validity.

Proviso.

No Patent to be in force in this Colony which has expired elsewhere.

XI.—Letters Patent may be issued by the Governor and Council, to the Assignee of any person who may have taken out Letters Patent for his Invention or Discovery in any other country, but not for any Invention or Discovery made abroad for which no Letters Patent have been there obtained: Provided that the Invention or Discovery so assigned, shall not have been introduced into public and common use into this Colony prior to the application for a Patent; and that the Assignee of such Foreign Patent shall file, with his application, the Assignment duly proved, under which he claims a Patent in this Colony, and an Affidavit, setting forth the date of the Patent abroad, that the article thereby patented has not been in public and common use in this Colony, and that he is the Assignee for a good consideration.

Letters Patent may issue to Assignee of Persons obtaining Patents elsewhere.

Proviso.

Patents not brought into operation within 12 months to be forfeited.

XII.—Any Letters Patent which may be taken out under or by virtue of this Act, and which shall not have been brought into operation within Two Years next ensuing, from and after the date thereof, such Letters Patent shall, at the expiration of the said period of Two Years, be deemed to be forfeited, and shall thence be and become void and of no effect.

Notice of intention to apply for Patents to be published in Gazette, &c.

XIII.—No Letters Patent shall be granted under or by virtue of this Act, until Notice shall be published in the Royal Gazette, and one other of the newspapers of this colony, for at least four weeks, of the intention of the applicant to apply for such Letters Patent; and such notice shall contain, in general terms, the description of invention for which such Letters Patent shall be desired.

Remedy where Patentee takes a larger interest than his invention entitles him to.

XIV.—If by mistake, accident or inadvertence, and without any wilful default, or intent to defraud or mislead the public, a patentee shall in his specification have claimed to be the original and first inventor or discoverer of any material or substan-

tial part of the thing patented, but of which he was not the original or first inventor, and shall have no just or legal right to claim the same, his patent in such case shall be deemed good and valid for so much of the invention or discovery as shall be actually his own, provided it is a material and substantial part of the thing patented, and be plainly distinguishable from other parts patented without right; and every such patentee and his legal representatives, whether holding the whole or a particular interest in the patent, may maintain suits at law or in equity, for any infringement of such part of the same as is actually the invention or discovery of the patentee, although his specification may embrace more than he has a legal right to claim; but if in such case the plaintiff shall obtain a verdict or judgement, he shall not be entitled to costs, unless before the commencement of the suit he shall have filed in the office of the Colonial Secretary, a disclaimer, attested by one witness, or more, of that part of the thing patented which was claimed without right; provided always, that no person bringing a suit shall be entitled to the benefits of this section, if he shall have unreasonably neglected or delayed to record his disclaimer.

XV.—If through inadvertence, accident or mistake, a patentee shall have made his specification too broad, by claiming more than that of which he was the original or first inventor, (some material and substantial part of the thing patented being justly and truly his own,) such patentee, or his legal representatives, may disclaim the excess; the disclaimer shall be in writing, and shall state the extent of interest in the patent held by the party making the same; it shall be attested by one or more witnesses, and be recorded in the office of the Colonial Secretary; thereafter, such disclaimer shall be taken and considered as part of the original specification, to the extent of the interest possessed by the party making the same, or by those claiming under him; but no such disclaimer shall affect any action or suit pending at the time of its being recorded, except so far as may relate to the question of unreasonable neglect or delay in recording the same.

Disclaimer of surplus where specification is too broad.

XVI.—If any patent shall become inoperative, or invalid, by reason of a defective or insufficient description or specification, or by reason of the patentee claiming in his specification, as his own invention, more than he had a right to claim, and the error has arisen from inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, it shall be lawful for the Governor, upon the surrender of such patent, and upon petition therefor, to cause a new patent to be issued to the patentee, for the residue of the term mentioned in the first patent in accordance with the patentee's amended description and specification; in case of his death or the assignment by him of the original patent or any fractional interest therein, the right shall vest in his legal representatives, to the extent of their respective interests in such patent; and the patent so re-issued, together with the amended description and specification, shall have the same effect and operation in law as though the same had been originally filed in such amended form, before the issuing of the original patent.

Remedy where Patent becomes invalid by reason of a defect in description, &c.

XVII.—If an original patentee shall be desirous of adding a description and specification of an improvement upon his original invention or discovery, made or discovered by him subsequent to the date of his patent, he may, upon the like proceedings being had in all respects as in the case of an original application, have the same annexed to his original description and specification; and the Colonial Secretary shall certify upon such annexed description and specification, the time of its being annexed and recorded, and thereafter, it shall have the same effect in law as if it had been embraced in the original description and specification, and had been recorded therewith.

Original Patentee's right to patent any improvement he may make on his invention.

No patent granted elsewhere to be of effect in this Colony, until specifications, &c, be filed in Secretary's Office.

XVIII.—No patent for any invention or discovery, granted in England or elsewhere out of the Colony subsequent to this Act coming into operation, and extending to the Colonies, shall be of force and effect in this Colony, until copies of the original specification and drawings filed, or duplicate of the models lodged in England, or elsewhere out of the Colony, upon which such patent was there obtained, shall be filed or lodged in the office of the Colonial Secretary, who shall grant a certificate of the lodging or filing of the same.

Affirmations and Oaths.

XIX.—Quakers may affirm in all cases where an oath is required by this Act; and all oaths or affirmations under this Act, unless otherwise provided, may be taken in this Colony before a Judge of the Supreme Court, or any of the Circuit Courts, or a Commissioner for taking affidavits in the same; or in Great Britain or Ireland, before the Mayor of a City or Borough, the deposition being certified under the Corporate Seal; or, in a Foreign Country, before a British Consul or Vice-Consul, and certified by his Seal of Office.

Every patentee to pay fees of office & £5.

XX.—Any person who may take out Letters Patent under or by virtue of this Act shall pay for the same such Fees as are charged on documents issued under the Great Seal of this Island, and shall, in addition, deposit with the Colonial Secretary the sum of Five Pounds, to be by him paid to the Receiver General, for the uses of the Colony.







ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. XX.

AN ACT for the Naturalization of Aliens.

[Passed 12th May, 1856.]

BE it enacted by the Governor, Legislative Council and Assembly, in Legislative Session convened :

I.—It shall be lawful for the Governor, on the application of any Alien resident in this Colony, to issue Letters Patent, under the Great Seal of this Island, Naturalizing such Alien ; and thereupon such Alien, upon compliance with the provisions of this Act, shall become and be entitled to all the Rights, Privileges and Immunities, and subject to all the Liabilities, of a Natural-born Subject of Her Majesty.

Governor may issue Letters Patent Naturalizing Aliens resident in this Colony.

II.—Every Alien receiving Letters of Naturalization, shall, within Ten Days thereafter, take and subscribe, in Duplicate, before a Judge of the Supreme Court, the Oath of Allegiance, one copy of which Oath shall be filed in the Secretary's Office, and the other in the Registry of the Supreme Court.

Aliens receiving Letters of Naturalization to take the Oath of Allegiance.

III.—The Judge Administering such Oath shall, if required, attest and certify the same under his hand, on such Letters of Naturalization, which Certificate shall be evidence of its contents.

Judge administering such Oath to certify same if required.



ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. XXI.

AN ACT to Amend "An Act to Incorporate Sundry Persons by the name of 'The Newfoundland Provident Society.'"

[Passed 12th May, 1856.]

WHEREAS it is expedient to Amend an Act passed in the Nineteenth Year of the Reign of Her Majesty, intituled "An Act to Incorporate Sundry Persons by the name of 'The Newfoundland Provident Society :'" Preamble:

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

I.—That in addition to the provisions contained in the Second Section of the said recited Act, it shall be necessary, in order to constitute Persons Members of this Society, that they shall each give a Guarantee Bond to the Society for a sum equal to One-fifth of the amount Insured upon his or her Life. Members of Society to give Guarantee Bond for certain amount.

II.—That in case the Funds of the Society shall be at any time insufficient to discharge its Liabilities, *pro rata* Assessments shall be made on such Bonds to raise Funds for that purpose ; and the Obligors shall pay such Assessments from time to time as the same may be required : Provided always that no Member shall be bound to pay in the whole a larger amount than the amount of his or her Bond. Assessments may be made on Guarantee Bonds in case of deficiency in Society's Fund. Proviso.

III.—That no Member of this Society shall be liable, in his or her individual capacity, further than to the amount of his or her Guarantee Bond for Liability of this Society. No member liable for more than amount of guarantee bond.



ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. XXII.

AN ACT for Transferring to One of Her Majesty's Principal Secretaries of State, the Powers and Estates vested in the Principal Officers of the Ordnance.

[Passed 12th May, 1856.]

WHEREAS by an Act passed by the Legislature of this Colony in the Sixth Year of the Reign of Her present Majesty, entitled "An Act for vesting all Estates and Property occupied for the Ordnance Service of Her Majesty in the Principal Officers of the Ordnance Department," various powers and authorities were given to, and vested in, and exercisable by, the Principal Officers of Her Majesty's Ordnance; and by the said Act, and by or under divers Conveyances, Assurances and Leases, or by some other means, divers Lands, Tenements, Estates and Property, purchased, taken, used and occupied for the Ordnance and Barrack Services in this Island, before and at the time of the revocation by Her Majesty next hereinafter mentioned, were vested in the said Principal Officers: and whereas, Her Majesty hath thought fit to revoke the Letters Patent of some of the said Principal Officers, and by other Letters Patent to transfer to one of Her Majesty's Principal Secretaries of State, the Administration of the Department, the duties of which were previously executed by the said Principal Officers of Her Majesty's Ordnance: and whereas it is expedient that the said several Powers and Authorities, and the said Lands, Tenements, Estates and Property, and all title, estate and interest therein respectively, should be also transferred from the said Principal Officers, and vested in one of Her Majesty's Principal Secretaries of State.

Preamble:

6 Vio. Cap. 19.

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

Powers, &c., vested in Principal Officers of Ordnance transferred to H. Majesty's Secretary of State for the War Department.

I.—All the Powers, Authorities, Rights and Privileges whatsoever, which, by virtue of the said Act, passed in the Sixth Year of the Reign of Her present Majesty, intituled "An Act for vesting all Estates and Property occupied for the Ordnance Service of Her Majesty in the Principal Officers of the Ordnance Department," or of any Act or Acts of the Legislature of this Colony, or of the Imperial Parliament, or of any other Law, Custom, or Usage whatsoever, have been or were at any time vested in, or exercised, or exerciseable by, the Principal Officers of Her Majesty's Ordnance, or any of them, shall from henceforth continue in full force, and shall be, and the same are hereby declared to be, transferred to, and vested in, and exerciseable by, Her Majesty's Principal Secretary of State, for the time being, to whom Her Majesty shall think fit to entrust the Seals of the War Department; and such last-mentioned Principal Secretary of State shall be entitled to the same exemption from personal responsibility as the said Principal Officers were entitled to.

All Lands, &c. vested in such Officers vested in the said Secretary of State.

II.—All Lands, Tenements, Estates and Property whatsoever, which, by virtue of the said recited Act, or of any other Act or Acts of the Legislature of this Colony, or of the Imperial Parliament, or of any Conveyance, Surrender, Lease, or other Assurance, or of any Law, Custom, or Usage, whatsoever, before and at the time of the revocation by Her Majesty herein-before mentioned, were vested in the Principal Officers of the Ordnance, on behalf of Her Majesty, or which have been at any time before the passing of this Act held, used, or occupied, or purchased, vested, or taken, by or in the nature of or by any Person or Persons in trust for Her Majesty, for the use and service of the said Department, or for the defence and security of this Colony, and which have not been sold, aliened, or parted with, shall from henceforth be, and the same are hereby declared to be transferred to, and vested in, the last-mentioned Principal Secretary of State, for the time being, on behalf of Her said Majesty; and when and so often as the said last-mentioned Principal Secretary of State, and any succeeding Principal Secretary of State, to whom Her Majesty shall have intrusted the Seals of the War Department, shall cease to hold such office, the said several Lands, Tenements, Estates and Property, and all Lands, Tenements, Estates and Property, which hereafter shall be purchased or otherwise acquired by any such last-mentioned Principal Secretary of State for the time being, on behalf of Her said Majesty, shall, by virtue of this Act, be absolutely divested out of such Secretary of State so ceasing to hold such office as aforesaid, and shall by virtue of this Act be transferred to and vested in his Successor in the said Office, immediately upon his receiving the Seals of the said Department, absolutely; and the said Lands, Tenements, Estates and Property, hereby vested and hereafter to be vested in the said last-mentioned Principal Secretary of State, and his Successors, shall, as to such of them as were or shall have been purchased, or are or shall be held for an Estate of Freehold, be so vested in such last-mentioned Principal Secretary of State and his Successors, in the same manner as if such Estate of Freehold had been originally conveyed to such Principal Secretary of State, as a Corporation Sole, and his Successors; and as to all Lands, Tenements and Property purchased or held for any less Estate than an Estate of Freehold, as if the same Lands, Tenements and Property had been originally conveyed, surrendered, demised or otherwise assured, to such Principal Secretary of State as a Corporation Sole, and his Successors, for all the existing Estates or Interests therein respectively.

Contracts made by the Principal Officers relating to the Public Service to be enforced by such Secretary of State.

III.—All Contracts, Covenants, and Agreements heretofore made or entered into by any Person or Persons whomsoever, with the said Principal Officers of the Ordnance, or any Person or Persons on their behalf, concerning any Lands, Tenements, Estates, and Property vested in or agreed to be purchased by the said Principal Officers, or in anywise relating to the Public Service, shall be deemed and taken to have been made or

entered into with such Principal Secretary of State as last aforesaid, and shall be executed and enforced by him in like manner as if he had originally been party thereto, instead of the said Principal Officers of the Ordnance; and all proceedings whatsoever which have been or might or may have been commenced, taken or done, in the names of the said Principal Officers on behalf of Her Majesty, shall and may hereafter be commenced, continued, taken and done, in the name of such Principal Secretary of State as aforesaid, in like manner (in the case of proceedings already commenced, taken or done,) as if he had originally been party thereto, instead of the said Principal Officers of the Ordnance.

IV.—In every Contract, Conveyance, Surrender, Lease, or other Assurance, of any Lands, Tenements, Estates or Property, with, unto, or by the last-mentioned Principal Secretary of State for the time being, and in every other Deed or Instrument relating to any Lands, Tenements, Estates or Property, or in anywise to the Public Service, to which the last-mentioned Principal Secretary of State, for the time being, shall be, or shall be intended to be, a party, it shall be sufficient to call or describe him by the style or title of "Her Majesty's Principal Secretary of State for the War Department," without naming him; and every such Contract, Conveyance, Surrender, Lease, Assurance, Deed or Instrument, may be executed by such last-mentioned Principal Secretary of State, or by any other of Her Majesty's Principal Secretaries of State for the time being, by signing his name thereto; and if the Instrument so executed be in the form of a Deed, by setting or affixing a Seal thereto, and delivering the same as his Deed, and whenever any Contract, Conveyance, Surrender, Lease, Assurance, Deed or Instrument, shall be executed by any other Principal Secretary of State than the Principal Secretary of State for the War Department, the Principal Secretary of State so executing the same shall, for that time, and on that occasion, and for the purposes thereof, be deemed to be the Principal Secretary of State for the War Department.

Such Secretary to be described as "Her Majesty's Principal Secretary of State for the War Department."





ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. XXIII.

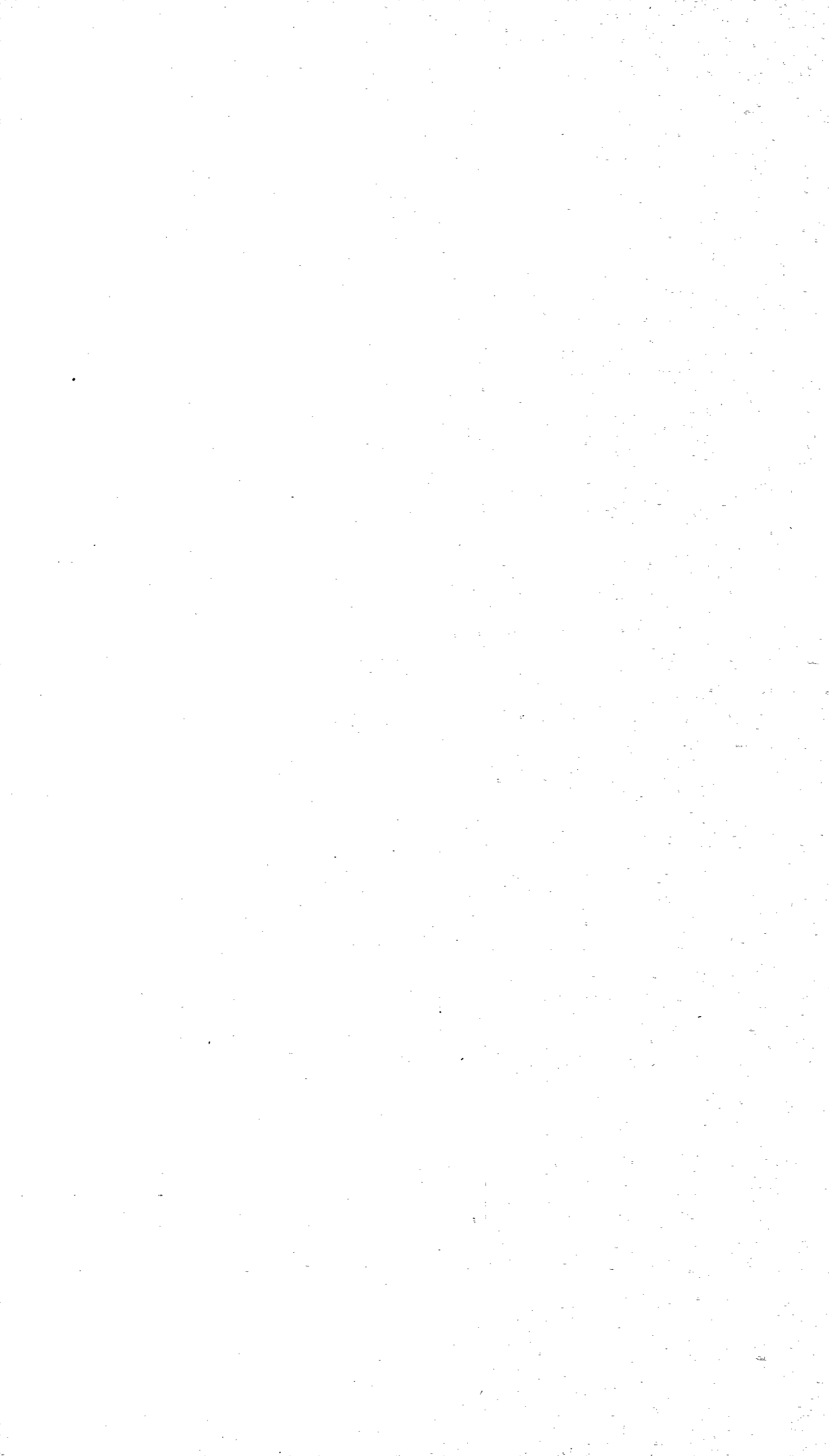
AN ACT to Provide for the Retirement of the present Sheriff of the Central District of Newfoundland.

[Passed 12th May, 1856.]

BE it enacted by the Governor, Legislative Council and Assembly, in Legislative

Session convened, that from the First Day of July next, Benjamin Greer
Garrett, Esquire, the present Sheriff of the Central District of Newfoundland, shall
receive, for the term of his natural life, as a Retiring Allowance, the Annual sum of
Two Hundred and Seventy Five Pounds, payable Quarterly out of the Public Funds,
Income, and General Revenue of this Colony; which Retiring Allowance shall cease
upon his accepting any Office under the Government of this Colony of equal or greater
value.

B. G. Garrett, Esq.,
Sheriff of Central Dis-
trict, to receive retiring
allowance of £275 per
annum.





ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. XXIV.

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 31st day of December, One Thousand Eight Hundred and Fifty Six, and for other purposes.

[Passed 12th. May, 1856.]

MAY IT PLEASE YOUR MAJESTY :—

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

Preamble.

Be it therefore enacted, by the Governor, Legislative 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 Receiver General, and unappropriated, there be granted to Your Majesty, Your Heirs and Successors, the Sum of *Thirty Two Thousand Two Hundred and Fifteen Pounds Nineteen Shillings and Five 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-Six, and ending on the Thirty-First Day of December in the same Year; that is to say:—

£32,215 19s 5d.

- The Private Secretary to the Governor, Two Hundred Pounds.
- Two Clerks in the Secretary's Office, Four Hundred Pounds.
- The Clerk in the Receiver General's Office, One Hundred and Fifty Pounds.

Salaries of
Private Secretary.
Clerks of Secretary.
Clerk of Receiver
General.

Keeper of Colonial Building.	The Keeper of the Colonial Building, Sixty Pounds.
Office Keeper.	An Office Keeper to the Colonial Secretary's Office, Sixty Pounds.
Messenger of Secretary.	A Messenger at the Secretary's Office, Sixty Pounds.
Gate Keeper Government House.	The Gate Keeper at Government House Lodge, and Preserver of the Grounds about the same, Sixty Pounds.
Keeper Half-way house.	The Keeper of the Half-way House on the Salmonier Road, Thirty Five Pounds.
Clerk Supreme Court.	The Chief Clerk and Registrar of the Supreme Court and Central Circuit Court, Three Hundred and Fifty Pounds, together with Fifty Pounds to defray the Salary of a Clerk Assistant, also Twenty Pounds for the purchase of Printed Forms: Provided that all Fees and Perquisites received or that shall be received in or by virtue of the said Office or in any way connected therewith, shall be accounted for and paid over half-yearly to the Receiver General.
Clerk Assistant.	
Clerk N. C. Court.	The Chief Clerk and Registrar of the Northern Circuit Court, Two Hundred Pounds.
Clerk 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.
Crier N. C. Court.	The Crier and Tipstaff of the Northern Circuit Court at Harbor Grace, Twenty Pounds.
Crown Prosecutions.	The Sum of Three Hundred Pounds to defray the expenses of Crown Prosecutions.
Coroners.	The Sum of Two Hundred Pounds to defray the expenses of Coroners.
Expenses of Courts on Circuit.	The Sum of Four Hundred Pounds towards defraying the expenses of Judges and Officers on Circuit, and of Crown Prosecutions thereon; which Sum of Money includes Table Money and means of conveyance, and for payment of Rent of any Court Rooms where Court Houses may not be erected: Provided that Passages shall be allowed and provided on board of each vessel proceeding on the respective Circuits, to such Members of the Bar as may desire to proceed thereon: Provided further that the amount of Table Money and Travelling Expenses hereinbefore provided for the said Judges and Officers of Court on Circuit, shall be apportioned for the said Judges and Officers respectively, by the Governor in Council; and provided further, that should the Governor in Council be of opinion that the said respective Judges and Officers can proceed on Circuit by land, the said Sum of Four Hundred Pounds shall be reduced to Three Hundred Pounds.
Salaries of Out-port Magistrates.	The Sum of Seventeen Hundred and Seventy Pounds to defray the Salaries of the undermentioned Outport Magistrates as follows:— A Magistrate for Brigus and Port-de-Grave, One Hundred and Fifty Pounds. A Magistrate at Harbor Grace, Two Hundred Pounds. A Magistrate at Carbonear, One Hundred and Fifty Pounds. A Magistrate at Old Perlican, One Hundred and 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 at Bay Bulls, One Hundred Pounds. A Magistrate at Ferryland, One Hundred Pounds. A Magistrate at Placentia, One Hundred and Thirty Pounds. A Magistrate at Burin, One Hundred and Fifty Pounds. A Magistrate at Grand Bank, One Hundred and Thirty Pounds. A Magistrate at Harbor Breton, One Hundred Pounds.

The Sum of Five Hundred and Eighty Five Pounds towards defraying the Salaries of Out-port Salaries of the undermentioned Outport Clerks of the Peace, as follows:— Clerks of Peace.

- A Clerk of the Peace for Brigus and Port de Grave, Sixty Pounds.
- A Clerk of the Peace at Harbor Grace, One Hundred and Fifty Pounds.
- A Clerk of the Peace at Carbonear, 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 Harbor Breton, Thirty Five Pounds.

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

The Sum of Nine Hundred and Sixty Six Pounds towards defraying the salaries of the undermentioned Outport Constables, as follows:— Out-port Constables:

- One Constable at Petty Harbor, 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 Harbor 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 Harbor Grace, One Hundred Pounds; that is to say, One Constable at Fifty Pounds, and Two Constables at Twenty Five Pounds each.
- 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 Hants Harbor, Twelve pounds.
- One Constable at Perlican, Twelve pounds.
- One Constable at Hearts Content, Twelve pounds.
- One Constable at New Harbor, Twelve pounds.
- Two Constables at Trinity, Thirty Seven pounds.
- One Constable at Catalina, Twenty Five pounds.
- One Constable at Bonavista, Twenty Five pounds.
- One Constable at Tickle Cove, Twelve pounds.
- One Constable at King's Cove, Twelve pounds.
- One Constable at Salvage, Twelve pounds.
- One Constable at Greens Pond, 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.

Outport Constables (Continued.)	<p>One Constable at Ferryland, Twenty Five pounds. One Constable at Aquafort, Twelve pounds. One Constable at Fermuse, Twelve pounds. One Constable at Renewes, Twelve pounds. One Constable at Trepassy, 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 Saint Lawrence, Twelve pounds. One Constable at Lamaline, Twelve pounds. One Constable at Grand Bank, Twelve pounds. One Constable at Jersey Harbor, Twelve pounds. One Constable at Harbor 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.</p>
Outport Gaolers.	<p>The Sum of Two Hundred and Ten pounds towards defraying the Salaries of the undermentioned Outport Gaolers, as follows :</p> <p>A Gaoler at Harbor Grace, Ninety pounds: Provided, that all Fees of Office received by him shall be accounted for and paid over to the Receiver General.</p> <p>A Gaoler at Trinity, Twenty Five pounds. A Gaoler at Bonavista, Ten pounds. A Gaoler at Twillingate and Fogo, Ten pounds. A Gaoler at Ferryland, Twenty Five pounds. A Gaoler at Placentia, Twenty Five pounds. A Gaoler at Burin, Twenty Five pounds.</p>
Ferryman.	<p>The Sum of Two Hundred and Seventy pounds towards defraying the Salaries of the undermentioned Ferryman, as follows :</p> <p>A Ferryman at Great Placentia, Thirty pounds. A Ferryman at Salmonier, Twenty Five pounds. A Ferryman at Portugal Cove, Twenty Five pounds. A Ferryman at Trinity, Thirty pounds. A Ferryman between Harbor Grace and Thomas Fitzgerald's on the South Side of the Harbor, Thirty pounds. A Ferryman at Little Saint Lawrence, Ten pounds. Ferryman for Two Ferries between Burin and Mud Cove, Twenty Five pounds. A Ferryman at Holyrood, Thirty pounds: That is to say—for a Boat to be stationed near Crawley's on the South Side, and a Boat near Haley's on the North Side of the Harbor, Fifteen pounds each. A Ferryman at Aquafort, Fifteen pounds. Ferryman for Two Ferries at Mortier Bay, Twenty Five pounds. A Ferryman at Colinet, Twenty Five pounds.</p>
Expenses Court Houses and Gaols.	<p>The sum of Two Hundred pounds towards defraying the ordinary expenses of Court Houses and Gaols.</p>

The sum of Six Hundred pounds towards defraying the expenses of Gaols.	Gaol Expenses.
The District Surgeon for Saint John's, Two Hundred pounds, including provision for Medicine.	District Surgeon at St. John's.
The District Surgeon for Conception Bay, One Hundred pounds.	District Surgeon, Harbor Grace.
The Physician of the Lunatic Asylum, Two Hundred pounds.	Physician of Lunatic Asylum.
For Medical Attendance at Saint John's Hospital, Two Hundred and Fifty pounds.	Medical Attendance at Hospital.
The sum of Seven Thousand Five Hundred pounds towards the Relief of the Permanent and Casual Poor in Saint John's and the Outports.	Casual Poor.
The sum of Two Thousand pounds towards defraying the expenses of Lunatic Paupers.	Lunatic Poor.
The sum of Fifteen Hundred pounds towards defraying the expenses of Paupers in Saint John's Hospital.	Paupers in St. John's Hospital.
To defray the expenses of Repairing Public Buildings in this Island, Eight Hundred and Twenty pounds.	Repairing Public Buildings.
For Printing and Stationery, Five Hundred pounds.	Printing and Stationery.
The sum of Two Hundred pounds towards defraying the expense of Fuel and Light for Government House.	Fuel and Light Government House.
The sum of Two Hundred and Fifty pounds towards defraying the expenses of Fuel and Light for the Colonial Building.	Do. Colonial Building.
The sum of One Hundred pounds towards defraying the expenses of Postages and other Incidental expenses.	Postages.
The sum of Two Hundred pounds towards defraying the expense of Insuring the Public Buildings.	Insurance of Public Buildings.
The sum of Three Hundred pounds to defray the expenses of carrying the Crown Lands Act into operation.	Crown Lands' Act.
The sum of Five Hundred pounds to defray Unforeseen Contingencies.	Unforeseen Contingencies.
The sum of Thirty Six pounds and Ten Shillings towards defraying the expenses of Men stationed at Fort Amherst.	Fort Amherst.
The sum of Fifty pounds towards payment of Duties on Wines imported or purchased for the use of the Military.	Duties on Military Wines.
The sum of one hundred and fifty-eight pounds six shillings and eight pence towards defraying the expenses of Lighting Saint John's with Gas.	St. John's, Gas.
The sum of fifty pounds to the Harbor Grace Gas Light Company towards defraying the expense of lighting twelve Gas Lamps in that town.	Harbor Grace do.
The sum of fifty pounds towards the support of the Dorcas Society in St. John's.	Dorcas Society, St. John's.
The sum of twenty five pounds towards the support of the Dorcas Society in Harbor Grace.	Dorcas Society, Harbor Grace.
The sum of twenty-five pounds towards the support of the Dorcas Society in Carbonear.	Dorcas Society, Carbonear.
The sum of fifty pounds towards defraying the expenses of the Mechanics' Institute in Saint John's.	Mechanics' Institute.
The sum of one hundred pounds towards the support of the Factory, Saint John's.	Factory, St John's.
The sum of fifty pounds towards the support of the Industrial Department of the Orphan Asylum School in Saint John's.	Orphan Asylum School

Reading Room, Saint John's.	The sum of twenty-five pounds towards the support of the Reading Room in Saint John's.
Agricultural Society	The sum of two hundred and fifty pounds towards the support of the Agricultural Society in Saint John's, to be expended as follows: The sum of one hundred and fifty pounds in the purchase of Seed, and of Cattle to improve the breed, in and for such Outport Electoral Districts as may require the same; and the remaining sum of one hundred pounds to be expended for the like purpose in Saint John's.
Night Watch, Saint John's	The sum of one hundred pounds towards defraying the expense of the Night Watch in Saint John's.
Phoenix Fire Company	The sum of one hundred pounds towards defraying the expenses of the Phoenix Volunteer Fire Company, Saint John's.
Steam Packet Company	The sum of three hundred pounds to the Newfoundland Steam Packet Company: Provided the Conception Bay Steam Packet shall ply during the whole season in strict conformity, as far as practicable, with the terms of the existing contract for carrying the Mails.
Robert Smith	The sum of ten pounds to Robert Smith, Constable at Greenspond.
Shipwrecked Sealers	The sum of one hundred pounds towards the Relief of Shipwrecked Sealing Crews.
Protection of Fisheries	The sum of three hundred pounds towards the protection and encouragement of the Fisheries at Cape John and Bell Isle.
Seed Potatoes	The sum of seven hundred pounds towards the purchase of Seed Potatoes for the Poor in the several Electoral Districts of this Island.
Pumps and water-tanks	The sum of two 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.
Gaol Surgeon, Harbor Grace	The Gaol Surgeon, Harbor Grace, thirty pounds.
Police Magistrates, St John's	Three Police Magistrates for St. John's, nine hundred pounds.
Inspector Police	The Inspector of Police, eighty pounds.
Police Constables	The Police Constables for St. John's, five hundred and thirty pounds.
Gaoler, St John's	The Gaoler for St. John's, one hundred and fifty pounds, in lieu of all fees, which are to be accounted for and paid over to the Receiver General.
W S Knight	The sum of two hundred and fifty two pounds thirteen shillings and two pence, to satisfy the Judgment of the Court obtained by William S. Knight against the late Board of Road Commissioners in the District of St. John's.
Michael Carroll	The sum of twenty pounds to Michael Carroll in full satisfaction of his claim for services rendered on the Bonavista Road.
James Furlong	The sum of two pounds fifteen shillings to the Executors of the late James Furlong as a drawback on Goods.
Rich. Rankin	The sum of forty four pounds one shilling and eight pence to Richard Rankin to defray expenses incurred in employing the Poor on the North Shore of Conception Bay.
Robert Pack	The sum of two hundred and fifty pounds to Robert Pack and others, towards defraying the expenses of erecting a Public Wharf at Carbonear.

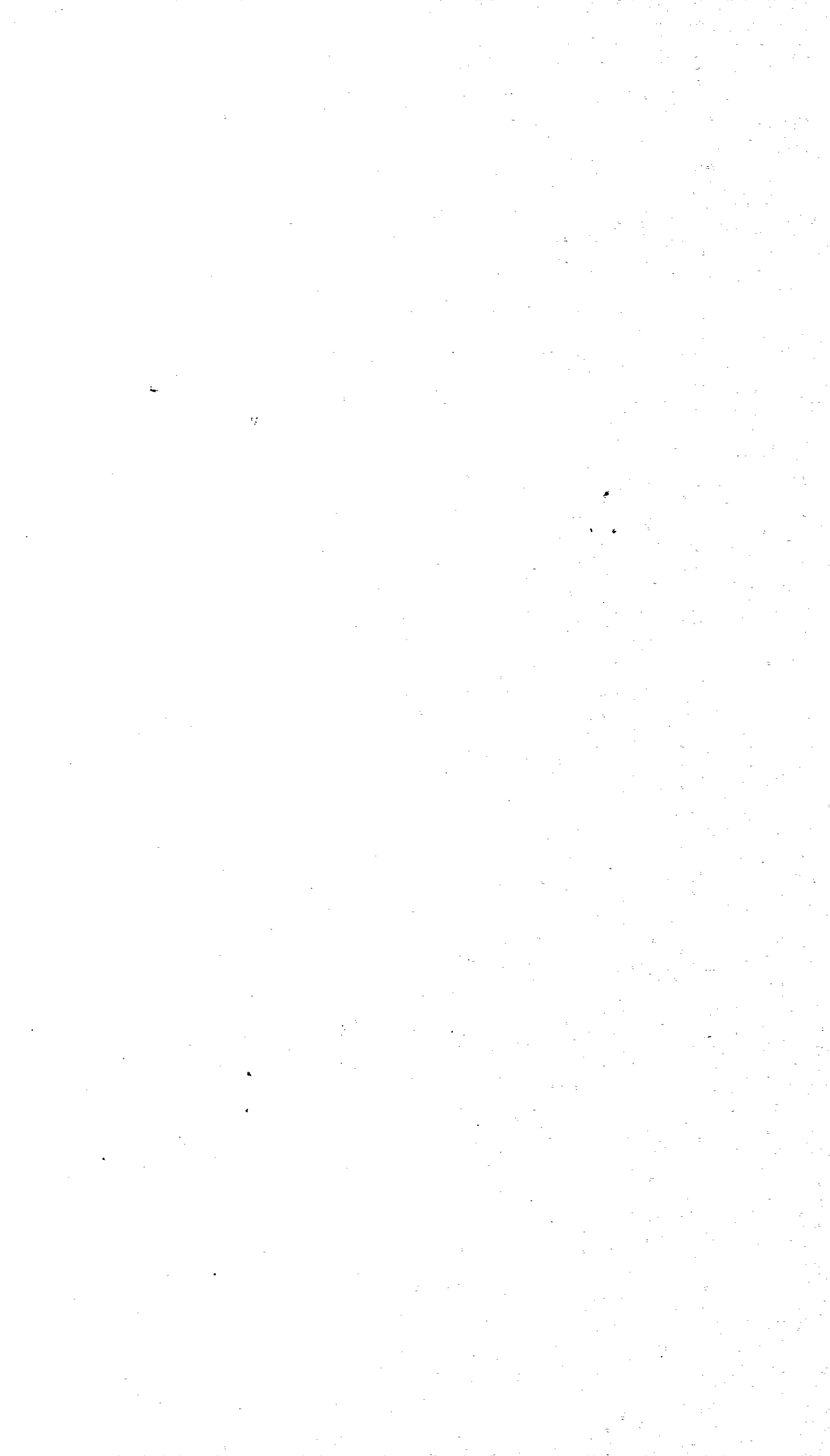
- The sum of ninety pounds to Robert R. W. Lilly in full satisfaction of his claim R R W Lilly
for arrears of Salary and extra services as Secretary to the late Board of
Poor Commissioners for the District of St. John's.
- The sum of five hundred pounds for the encouragement of the Greenland Seal Greenland Seal Fishery
Fishery, to be paid and expended subject to the Orders of the Governor in
Council.
- The sum of twenty five pounds to John Brine in full satisfaction of his claim as John Brine
Keeper of the Market House in St. John's.
- The sum of ninety five pounds fourteen shillings and one penny to Samuel G. S G Archibald
Archibald as a drawback on Machinery.
- The sum of twelve pounds fourteen shillings and two pence to R. J. Fraser as a R J Fraser
drawback on Goods.
- The sum of four pounds six shillings and eight pence to Joseph Akerman to Joseph Ackerman
compensate him for his services in erecting a Hustings at Bonavista.
- The sum of fifty pounds towards indemnifying His Excellency the Governor, ap- Salvors of crew of the
propriated by Address to reward several persons at Ferryland, for their "Heather."
services in saving the crew of the "Heather," shipwrecked on the coast of
this Island.
- The sum of eighty-one pounds to defray expenses incurred in the District of District of Burin, able
Burin in the employment of the able bodied Poor on the Roads in that bodied poor.
District.
- The sum of sixty-seven pounds to defray expenses incurred in the District of District of Trinity, able
Trinity in the employment of able bodied poor on the Roads in that bodied poor
District.
- The sum of sixty-six pounds to defray expenses incurred by order of the Gover- For 2 bridges in Con-
nor in Council on two Bridges in the District of Conception Bay. ception Bay
- The sum of eight pounds thirteen shillings and four pence to John Oakley in John Oakley
full satisfaction for building a bridge at Greenspond.
- The sum of one hundred and fifty pounds to Patrick Morris as compensation in Patk Morris, compen-
full for loss of office as Deputy Sheriff of the Southern District of this Island. sation for loss of office
- The sum of fifty pounds to Clement Benning to defray expenses on a breakwater Breakwater at Lamaline
at Lamaline, in the District of Burin.
- The sum of thirty one pounds seven shillings and ten pence to William Butler William Butler, for Sus-
to defray the expenses of erecting a Suspension Bridge at Tite's Brook in pension Bridge
the vicinity of the District of Fortune Bay.
- The sum of one hundred and fifty pounds to John Driscol, Road Commissioner, John Driscoll for Road
to defray the expense of erecting a Breakwater at Toads Cove in the District expenses
of Ferryland.
- The sum of five hundred and seventy four pounds seven shillings and one penny Colonial Building
to defray expenses incurred on account of the Colonial Building.
- The sum of two hundred pounds for general repairs on Roads and Bridges. Roads and Bridges
- The sum of one hundred and fifty pounds to John V. Nugent, in full satisfaction John V, Nugent.
of all claims he now has or may hereafter have or make, as Junior or other
Master of the St. John's Academy, for or on account of house rent, fuel or
other expenses in any way relating to the said Academy or his connection
therewith.

Chas D Newman.	The sum of eighty pounds to Charles D. Newman in full satisfaction of all claims he now has or may hereafter have or make, as late Senior or other Master of the St. John's Academy, for or on account of house rent, fuel or other expenses in any way relating to the said Academy or his connection therewith.
Jas Campbell	The sum of thirty pounds to James Campbell in full satisfaction of all claims he now has or shall hereafter make in respect of arrears of salary and rent of school room.
St John's Water Company	The sum of one hundred pounds to the St. John's Water Company.
Dr John Skelton	The sum of twenty pounds and ten shillings to Dr. John Skelton in full satisfaction of his claim for medical attendance and Medicines given by him to the poor of Bonavista.
Bridges in Twillingate	The sum of seventy five pounds to defray expenses incurred on Bridges in Twillingate, in the district of Twillingate and Fogo.
Breakwater at Point Verd	The sum of fifty pounds to defray the expenses of a Breakwater at Point Verd in the District of Placentia and St. Mary's.
Robert Ellis	The sum of twenty one pounds four shillings and eight pence to Robert Ellis, to defray expenses incurred in relieving the Poor of the District of Twillingate and Fogo.
Indemnity to the Governor for expenditure	II.—And whereas it is necessary to indemnify His Excellency the Governor for the sums of money advanced by him from the Colonial Treasury for the Public Service, as hereinafter declared: Be it therefore further enacted by the authority aforesaid, that from and out of such Monies as may from time to time remain in the hands of the Receiver General and unappropriated, there be granted to Her Majesty, Her Heirs and Successors, the sum of two thousand four hundred and ninety-seven pounds fifteen shillings and one penny, to be appropriated as follows, that is to say, towards Indemnifying His Excellency the Governor for the said sum advanced by him out of the Colonial Treasury partly on his own responsibility and partly with the concurrence of the Council, and expended by him for the Public Service, as follows, that is to say—
C Ayre	For sixty-two pounds nineteen shillings and six pence paid to Christopher Ayre for his Salary as Acting Colonial Secretary and Clerk of the Council, in the absence of James Crowdy from the Colony, as Delegate to England from the Legislative Council.
Poor on Roads, &c	For one hundred and twenty-two pounds three shillings and eleven pence expended in the Employment of the Poor on the Roads in the District of Saint John's.
For Elections	For thirty pounds seventeen shillings and seven pence to defray Election expenses.
Quarantine	For forty- one pounds eighteen shillings and ten pence to defray expenses in carrying the Quarantine Act into operation.
Roads, &c, in St John's	For one hundred and three pounds three shillings and five pence to defray expenses incurred in the improvement of the Roads and Bridges of the District of Saint John's.
Do Bonavista	For eighteen pounds sixteen shillings and two pence to defray expenses incurred in improving Roads and Bridges in the District of Bonavista.
Do Ferryland	For ten pounds twelve shillings and five pence to defray expenses incurred in improving Roads and Bridges in the District of Ferryland.

For three pounds sixteen shillings and eleven pence expended in the improvement of the Road between Holyrood and Salmonier.	Road—Holyrood.
For one hundred and fifty one pounds eleven shillings and nine pence to defray the expenses of the Circuit Courts.	Circuit Courts
For twenty-eight pounds two shillings and five pence to defray expenses.	Election expenses
For four hundred and eighty-nine pounds three shillings and six pence to pay for Fuel and Light for the Public Service.	Fuel and Light for the Public Service
For ninety-six pounds nineteen shillings and nine pence to defray expenses incurred on account of Lunatic Paupers.	Lunatic Paupers
For twenty-one pounds twelve shillings and ten pence paid to Commissioners of Lunatic Asylum.	Lunatic Asylum
For twenty-four pounds one shilling and two pence paid for Printing and Stationery.	Printing and Stationery
For seven hundred and fifty-two pounds five shillings and sixpence paid for the Relief of the Poor.	Relief of Poor
For seventy-one pounds eight shillings and five pence paid on account of the Postal Service of this Colony.	Postal Service
For one pound paid to carry out the provisions of the Quarantine Act.	Quarantine
For twenty-one pounds thirteen shillings and four pence paid under the Saint John's Rebuilding Act.	St John's Rebuilding Act
For three hundred and ninety-seven pounds fifteen shillings and ten pence expended on the Streets of Saint John's.	Streets in St. John's
For forty-seven pounds eleven shillings and ten pence expended in the general repairs of Roads and Bridges throughout the Colony.	Roads and Bridges in Colony

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

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





ANNO NONO DECIMO

VICTORIÆ REGINÆ.

CAP. XXV.

AN ACT to Provide for the Contingent Expenses of the Legislature.

[Passed 12th May, 1856.]

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

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

I.—That from and out of such Monies as shall from time to time remain in the hands of the Receiver General, and unappropriated, there be granted to Her Majesty the sum of Five Thousand Three Hundred and Sixty Three Pounds Five Shillings and One Penny, to be applied towards remunerating the Officers of the Legislature for their services, and towards defraying the Contingent Expenses of the Legislative Council and the House of Assembly during the present Session, as follows:— £5363 5s. 1d. granted to defray the Contingent Expenses of the Legislature.

The Clerk of the Legislative Council, for his services during the present Session, One Hundred and Sixty Five Pounds. Clerk of Council

The Master-in-Chancery attending the Legislative Council, for his services during the present Session, One Hundred and Forty Pounds. Master-in-Chancery

The Usher of the Black Rod, for his services during the present Session, One Hundred Pounds. Usher of Black Rod

The Door Keeper of the Legislative Council, for his services during the present Session, Fifty Pounds. Door Keeper

The Assistant Door Keeper and Messenger of the Legislative Council, for his services during the present Session, Twenty Five Pounds. Assistant Door Keeper

Messenger	The Messenger of the Legislative Council, for his services during the present Session, Twenty Pounds.
Clerk's Contingencies	The Clerk of the Legislative Council to defray the Contingent Expenses of his office, during the present Session, One Hundred and Eighty Seven Pounds Four Shillings and One Penny.
Ditto of Usher of Black Rod	The Usher of the Black Rod to defray the Contingent Expenses of his office, during the present Session, Seven Pounds Seventeen Shillings and Seven Pence.
Reporter of Council	The Reporter to the Legislative Council, for his services during the present Session, One Hundred and Twenty Five Pounds.
Publishers of Debates	The Proprietor of the "Newfoundlander" for Publishing the Debates and Proceedings of the Legislative Council, Forty Five Pounds. The Proprietor of the "Courier" for Publishing the Debates and Proceedings of the Legislative Council, the sum of Forty Five Pounds.
Journals	Joseph Woods, balance for Printing and Binding Journals of last Session, Fifty Three Pounds Seventeen Shillings and Six Pence; and for probable cost of Printing and Binding Journals for the present Session, One Hundred and Sixty Pounds.
Publishers of Debates	The Proprietor of the "Express," for copying Debates of the Legislative Council, Thirty Pounds. The Proprietor of the "Public Ledger," for copying Debates of the present Session, Thirty Pounds.
Robert Rodger	Robert Rodger, late Reporter to the Legislative Council, in full, Ten Pounds.
James Seaton	James Seaton, late Reporter and Publisher to the Legislative Council, in full, Twenty Pounds.
John Higgins	John Higgins, attending Hot-air Stove, Ten Pounds.
Edward Delany	Edward Delany, for a Chart, Six Pounds Six Shillings.
Legislative Library	Required for Books for the Legislative Library, Fifty Pounds.
James J. Graham	James J. Graham, Two Pounds Nineteen Shillings and Seven Pence.
Speaker House of Assembly	The Speaker of the House of Assembly, for his services during the present Session, Two Hundred Pounds.
Clerk	The Clerk of the House of Assembly, for his services during the present Session, Two Hundred Pounds, and for Indexing and Superintending the Printing of the Journals; and Twenty Five Pounds for transmitting copies of the Journals to the Colonial Office.
Clerk Assistant	The Clerk Assistant, for his services during the present Session, One Hundred Pounds.
Solicitor	The Solicitor, for his services during the present Session, One Hundred and Fifty Pounds.
Sergeant-at-Arms	To the Sergeant-at-Arms, for his services during the present Session, One Hundred Pounds.
Door Keeper	To the Door Keeper of the House of Assembly, for his services during the present Session, Forty Five Pounds.
Messenger	To the Messenger of the House of Assembly, for his services during the present Session, Forty Pounds.
Under Door Keeper	To the Under Door Keeper of the House of Assembly, for his services during the present Session, Thirty Five Pounds.
Outer Door Keeper	To the Outer Door Keeper, for his services during the present Session, Fifteen Pounds.
Assistant Door Keeper &c	To the Assistant Door Keeper, Messenger and Attendant of the House of Assembly, for his services during the present Session, Fifteen Pounds.

To the Assistant Messenger and Fireman, Fifteen Pounds.	Assistant Messenger, &c
To the Reporters and Publishers of the Debates of the House of Assembly, for their services, as follows :	Reporters & Publishers of Debates
Edward Morris, and Assistant, One Hundred and Ninety Pounds; and George Webber, Thirty Five Pounds.	
Proprietor of "Newfoundlander," Sixty Pounds.	
Proprietor of the "Courier," Sixty Pounds.	
To Twenty Nine Members of the House of Assembly, Speaker not included, the sum of Thirteen Hundred and Eighty Six Pounds: being Forty Two Pounds each, for Twenty One Members resident in St. John's, and Sixty Three Pounds each for Eight Outport Members not resident in St. John's, for their attendance during the present Session.	Members' Pay
To the Proprietors of the "Patriot" Press, for Printing Bills and Miscellaneous Papers during the present Session, Three Hundred and Thirty Three Pounds Nine Shillings and Six Pence.	Miscellaneous Printing
To the Proprietors of the "Newfoundlander" Newspaper, estimate for Printing Journals and Appendix of the House of Assembly, for the present Session, Three Hundred Pounds; and balance for Printing Journals and Appendix of last Session, Twenty Eight Pounds Fifteen Shillings.	Journals
To the Clerk of the House of Assembly, to defray the Contingent Expenses of his office, One Hundred and Seventy Six Pounds Six Shillings and Six Pence.	Contingencies of Clerk
To the Clerk of the House of Assembly, to defray the Contingent Expenses of the Legislative Library, Sixty Seven Pounds Fourteen Shillings and Seven Pence.	
To the Serjeant-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, Sixty Three Pounds Eleven Shillings.	Serjeant-at-Arms' Contingencies
To the Chairman of Supply, Fifty Pounds.	Chairman Supply
To Richard Holden, Junr., for services during the present Session, Sixty Pounds.	R. Holden, Jr
To the Chairman of Audit, Fifty Pounds.	Chairman Audit
To James L. Prendergast and John Hayward, Esquires, for Auditing the Public Accounts, One Hundred Pounds, being Fifty Pounds each.	Auditing Accounts
To defray the following Accounts:—	
Thomas McConnan for Stationery, Forty Seven Pounds Sixteen Shillings.	Accounts
J. J. Graham, Twenty Three Pounds Thirteen Shillings and Ten Pence.	
St. John's and Carbonear Telegraph Company, Forty Three Pounds.	
Dicks and Brace, binding Journals, Twenty Four Pounds Thirteen Shillings and Nine Pence.	
Post Office, St. John's, Fifteen Pounds and Two Pence.	
To James Bayly, for compiling Statistics in reference to the Trade of this Country with Foreign Countries, Twenty Five Pounds.	

E. J. C. A.
9/22/07