

CAP. XXXIV.

An Act to make provision for the payment of a portion of the expenses of maintaining certain Light Houses and Establishments in the Gulph of Saint Lawrence.

Passed 1st March 1837.

Preamble.

Recital of appointment and award of Commissioners of Lower Canada, New Brunswick, Nova Scotia and Prince Edward's Island as to Light Houses and humane Establishments on Saint Paul and Scattarie Islands.

‘ **W**HEREAS His most gracious Majesty was lately pleased to signify to His faithful commons of New Brunswick, his disposition to render less dangerous the navigation of the Gulph of Saint Lawrence, by erecting Light Houses upon the Islands of Saint Paul and Scattarie off the coast of Cape Breton, provided the Colonies whose trade would be thereby benefited should engage to provide for their future maintenance : And whereas Commissioners were thereupon, in pursuance of the recommendations of His Majesty's Ministers, appointed by the several Provinces of Lower Canada, New Brunswick, Nova Scotia and Prince Edward's Island, which said Commissioners have made a final award as to the site, structure and apportionment of the annual expense of maintaining the Light Houses and humane institutions hereinafter mentioned, and have thereby awarded and determined that the superintendence of building Light Houses on the Islands of Saint Paul and Scattarie shall be vested in the Board of Commissioners appointed by the Government of Nova Scotia ; that two good and sufficient Light Houses with bells and guns shall be erected on Saint Paul's Island at the extreme point so as to be conspicuous on entering and leaving the Gulph of Saint Lawrence ; that the Light House on the Island of Scattarie shall be erected on the east point of the said Island which is about thirty feet above the level of the sea ; that the Light House on Saint Paul's should be of suitable elevation and constructed on such principles and with such further additions and appendages as may render them useful and conspicuous in a foggy atmosphere, with keepers' houses, stores or warehouses, with frost proof cellars to preserve provisions for the relief of shipwrecked persons, detached from the Light Houses ; that the establishment on the Island of Scattarie should consist of one Light House with revolving lights to distinguish it from others on the coast, with a keeper's house, warehouse and cellars similar to those recommended for Saint Paul's, subject however to any improved mode of constructing such lights as the Board of Commissioners may think fit to adopt ; that the whole duty of fixing upon the materials to be employed and the plans to be adopted for the lights, should be left to the discretion of such persons as may be charged with the superintendence of their erection ; that the establishment at Saint Paul's will require one superintendent and six other persons under his direction with boats and a continued supply of provisions, clothing, bedding, fuel, &c. for the use and assistance of shipwrecked persons, and that the establishment at Scattarie should consist of one superintendent and three other persons with a boat and a continued supply of provisions, clothing, bedding, fuel, &c. for the use of shipwrecked persons ; and that all the lights should be kept burning throughout the year ; and as to the maintenance of the said lights and humane establishments the said Commissioners did award and determine that New Brunswick shall pay to the Government of Nova Scotia, into the Treasury thereof, two hundred and fifty pounds Halifax currency, on the first day of July in each and every year after the said Light Houses and humane establishments shall be in operation, and as long as they continue to be so in conformity with the provisions of the said award ; that Lower Canada shall annually pay five hundred pounds, Prince Edward's Island thirty pounds, and Nova Scotia itself two hundred and fifty pounds, making

‘ making the whole annual amount one thousand and thirty pounds ; and that with
 ‘ the amount so contributed the Government of Nova Scotia shall support,
 ‘ uphold and maintain the said Light Houses and humane establishments, it
 ‘ being well understood that in case the said amount should prove insufficient in any
 ‘ one year the deficiency ought to be provided by the respective Legislatures of
 ‘ Lower Canada, Nova Scotia and Prince Edward Island, in such manner as
 ‘ shall appear to them most eligible, and in the same ratio as settled in the said
 ‘ award, but as to New Brunswick the sum of two hundred and fifty pounds afore-
 ‘ said shall be a settled and permanent contribution, the overplus (if any) going
 ‘ to Nova Scotia, and the proportionate deficiency being borne altogether by
 ‘ the said last mentioned Province ; provided however that should His Majesty’s
 ‘ Government contribute at a future period to the support of the said establish-
 ‘ ments by an annual grant, a rateable deduction shall be made from the amount
 ‘ of each Provincial contribution ; and it was also by the said award expressed
 ‘ that if the said Light Houses and establishments are destroyed by fire, tempest,
 ‘ or other causes, the expense of rebuilding the same shall not devolve upon Nova
 ‘ Scotia ; and also that the Board of Commissioners of Nova Scotia shall render
 ‘ accounts in each and every year to the House of Assembly of Nova Scotia,
 ‘ duplicates of which shall be transmitted annually to the Legislatures of Lower
 ‘ Canada, New Brunswick and Prince Edward Island respectively: For the
 ‘ purpose therefore of carrying into effect the said recited award, and providing
 ‘ the annual proportion of the expenses thereby charged upon the Province of
 ‘ New Brunswick,’

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assem-
 bly, That when and after the Light Houses and humane Establishments in the
 preamble to this Act mentioned shall be erected and in operation, and so long as
 they shall continue in operation, in conformity with the provisions of the award
 recited in the preamble of this Act, there be and is hereby granted to the Lieu-
 tenant Governor or person administering the Government of the Province of
 Nova Scotia for the time being, to be paid into the Treasury of the said Province,
 the yearly sum of two hundred and fifty pounds current money of Nova Scotia,
 to be paid on the first day of July in each and every year from the Treasury of
 this Province and drawn out of the same by warrant of the Lieutenant Governor
 or person administering the Government of this Province for the time being, by
 and with the advice and consent of His Majesty’s Executive Council.

*£250 per an-
 num granted to
 Nova Scotia
 when the Light
 Houses and
 humane esta-
 blishments are
 in operation.*

II. Provided always and be it enacted, That no second or subsequent pay-
 ment of the said yearly sum of two hundred and fifty pounds shall be made nor
 shall any warrant be issued for the same, until full accounts duly certified of the
 expenses incurred in the maintenance of the said Light Houses and Establishments,
 during the preceding year shall have been transmitted to and received by His
 Excellency the Lieutenant Governor or other person administering the Govern-
 ment of this Province for the time being, nor shall any such payment be made, or
 warrant issued, until and unless it shall be made to appear by certificates from the
 respective Commissioners and superintendents of the said Light Houses and Esta-
 blishments that the same have been in continued and uninterrupted operation,
 provided and furnished with men, provisions and other necessaries according to
 the terms of the said award recited in the preamble of this Act.

*No second or
 subsequent
 payment to be
 made until ac-
 counts of the
 expenses and
 certificate of un-
 interrupted oper-
 ation shall have
 been received.*

III. And be it enacted, That if His Majesty’s Government shall at any time
 hereafter contribute to the support of the said Light Houses and Establishments
 by an annual grant or other pecuniary assistance, a rateable deduction from the
 amount of the grant hereinbefore given shall be made, and the balance only after

*Proportionable
 deduction to be
 made from the
 annual grant if
 His Majesty’s
 Government
 shall contribute,*

making such deduction shall be drawn out of the Treasury of this Province and paid to the said Province of Nova Scotia.

Duty of one penny per ton imposed on all vessels arriving at Ports in this Province in the Gulph of Saint Lawrence.

Exceptions.

What vessels shall be deemed coasters and fishing vessels.

Rate of payments by coasters and fishing vessels.

Masters of vessels within twenty four hours to report to the Deputy Treasurer and pay the duty.

IV. And be it enacted, That from and after the time when this Act shall commence and go into operation there be and are hereby granted to His Majesty, His Heirs and Successors, for the support of the several Light Houses already erected or which may hereafter be erected on the said Islands of Saint Paul and Scattarie, a duty of one penny per ton for each and every ton which each and every vessel shall admeasure, agreeably to their registers, which shall arrive at any port or place of this Province in the Gulph of Saint Lawrence, excepting coasters and fishing vessels and new vessels not registered, and all registered coasters and fishing vessels which are wholly employed on the Gulph of Saint Lawrence, whether belonging to New Brunswick, Lower Canada, Nova Scotia or Prince Edward Island shall be deemed coasters, within the meaning of this Act; and all vessels which are employed in fishing on any of the fishing grounds upon the coasts of the British Provinces or Newfoundland, and when not so employed shall be otherwise wholly employed within the said Gulph of Saint Lawrence and limits prescribed for coasters shall be deemed fishing vessels within the meaning of this Act: Provided always, that all such vessels making a voyage to any port or place without the Gulph of Saint Lawrence aforesaid shall, upon their arrival at any port or harbour in the said Gulph from or after such voyage, be liable to the same duties as vessels which are not deemed coasters or fishing vessels, and upon the payment of such duty, agreeably to the tonnage of such vessel, the master or person having charge of such vessel may on payment of the annual duty imposed upon coasters and fishing vessels ceive a new coasting receipt, which the Treasurer or Deputy Treasurer as the case may be is hereby required to give, which receipt shall excuse such vessel from the payment of any further light duty until the first day of January next following the date thereof, unless the said vessel shall again sail beyond the limits prescribed for coasting and fishing vessels, in which case such vessel shall upon her arrival again from without such limits be again liable to the tonnage light duty, and may again upon payment of such duty resume her character as a coaster, and so on as often as such cases may happen: Provided also, that no vessel shall be deemed or taken to be a coasting or fishing vessel until the master or person having charge shall have paid the annual duty imposed by this Act, and have received a receipt for the same, and for the said registered coasters and fishing vessels above defined and described when under thirty five tons six shillings per annum, from thirty five to fifty tons twelve shillings and sixpence per annum, from fifty to seventy five tons fifteen shillings per annum, and for all such vessels over seventy five tons seventeen shillings and sixpence per annum: Provided always, that vessels arriving from any port or place without the Gulph of Saint Lawrence shall not be liable to pay the duties herein imposed more than once in each year, notwithstanding they may in order to complete their voyages have occasion to visit several ports or places within the said Gulph of Saint Lawrence; and provided also, that no ship or vessel shall be liable to pay the light duties herein imposed, more than four times in one year.

V. And be it enacted, That the master or commander of every ship or vessel subject to the duty under the provisions of this Act, and entering any port in this Province within the said Gulph of Saint Lawrence, shall within twenty four hours after such arrival and before any part of the cargo, if any, be discharged, or before any cargo be taken on board, make report at the office of the nearest Deputy Treasurer or other person legally authorized to receive the same, and pay him the

tonnage

tonnage duty imposed by the preceding section of this Act; and in case any master or commander of any ship or vessel so entering as aforesaid shall neglect to make such report or to pay such duty within twenty four hours after the arrival of any such ship or vessel as aforesaid, he shall forfeit and pay the sum of five pounds, to be sued for and recovered with costs of suit by any Deputy Treasurer before one of His Majesty's Justices of the Peace for the County in which such port may be situated or where such master or commander may be found.

Penalty for neglect.

VI. And be it enacted, That separate accounts of the duties collected under and by virtue of this Act shall be kept by the several Deputy Treasurers, and the amounts of all such duties shall be paid into the Province Treasury to defray the said annual grant of two hundred and fifty pounds hereinbefore mentioned; and any surplus which shall remain after payment of the said annual grant shall from time to time be paid over to Commissioners of lights in the Gulph of Saint Lawrence, already appointed or to be appointed by His Excellency the Lieutenant Governor or other person administering the Government for the time being, to be by them applied towards the erection and maintenance of light houses and the general improvement of the navigation of the Gulph of Saint Lawrence, or of any of the ports and harbours thereof in this Province, in such manner as to them shall seem advisable.

Separate accounts of the duties collected to be kept, and amount paid into the Treasury. Application of the surplus after paying the annual grant.

VII. And be it enacted, That the Commissioners appointed or to be appointed in pursuance of the last preceding section of this Act shall, annually on the first day of January in each and every year, render true and full accounts upon oath with vouchers of the application of all such monies to the Lieutenant Governor or other person administering the Government of this Province for the time being; and such Commissioners or any of them shall and may be removed or displaced at the pleasure of the Lieutenant Governor or other persons administering the Government as aforesaid.

Commissioners of Lights in the Gulph to render accounts.

VIII. And be it enacted, That this Act shall not commence or go into operation until it shall be duly certified unto His Excellency the Lieutenant Governor or other person administering the Government of this Province for the time being, that the General Assemblies of the Provinces of Lower Canada, Nova Scotia and Prince Edward Island have respectively made and enacted laws or statutes confirming the award recited in the preamble of this Act, and providing for the fulfilling and carrying into effect the said award so far as the same relates to the said Provinces respectively, and until it shall also be duly certified to His Excellency the Lieutenant Governor or Commander in Chief for the time being that the light houses and establishments mentioned and contemplated in the said award have been erected and made and are in full operation; and whenever such certificates shall be received it shall and may be lawful for His Excellency the Lieutenant Governor or other person administering the government of this Province for the time being, and he is hereby required, by and with the advice of His Majesty's Executive Council, to issue his proclamation stating the same, and thereupon this Act shall commence and go into operation.

When Act to go into operation.

Repealed by 3rd Act. c.

~~CAP. XXXV.~~

~~An Act to establish a Boundary Line between the Counties of Westmorland and Saint John, and King's and Queen's Counties.~~

~~Passed 1st March 1837.~~

6 WHEREAS by an Act made and passed in the twenty seventh year of the reign of His Majesty King George the Third, intituled "An Act in addition

Preamble. 27 G. 3, C. 7,

Amended by 15th Act Cap 51