



ANNO QUINTO

GULIELMI IV. REGIS.

(2ND SESSION.)

CAP. VII.

An ACT for the Establishment of a Light House, on Harbor-Grace Island.

[8th May, 1835.]

WHEREAS it is considered that the erection of a Light House on Harbor-Grace Island, in Conception Bay, would tend much to the safety of Ships and Vessels bound for, and putting into, the Ports and Harbors of the said Bay:—

Preamble.

Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, in Colonial Parliament Assembled, that it shall and may be lawful for the Governor, or Acting Governor of Newfoundland, for the time being, by and with the advice of His Majesty's Council, to appoint Five Persons to be Commissioners for the purpose of Superintending and regulating the erection of a Light House on Harbor-Grace Island aforesaid, and for carrying into effect the provisions of this Act; and in case of the death, absence or resignation of any of such Commissioners, it shall and may be lawful for the Governor or Acting Governor, for the time being, by and with the advice aforesaid, to nominate and appoint a Commissioner or Commissioners in his or their stead, who shall have the like power and authority conferred by this Act upon the first appointed Commissioners.

Governor, with advice of Council, to appoint *five* Commissioners for the purposes of this Act;

and supply vacancies.

II.—*And be it further enacted*, that the Treasurer of the Colony shall, and he is hereby authorized to raise by Loan, from such Person or Persons, or Body Corporate, as will advance the same, a Sum not exceeding in the whole One Thousand Pounds Sterling, chargeable upon and to be repaid out of the Public Funds of this Colony, together with Interest not exceeding Six per centum per Annum, in annual instalments of not more than Two Hundred Pounds Sterling, in the way and manner hereinafter provided.

Treasurer authorized to raise Funds by Loan.

Such loans to bear interest, &c.

III.—*And be it further enacted*, that the said Commissioners, or the major part of them, shall without delay procure plans of the said intended Light House or Building, and Estimates of the Expenses of Materials and Workmanship necessary to complete the same, which, together with all Contracts that may be entered into by the said Commissioners, shall previously to their being executed be laid before the Governor or Acting Governor, for the time being, in Council, for approval.

Commissioners to procure plans and estimates of intended Light House;

which are to be approved by Governor and Council.

Governor to draw Warrants on Treasurer to defray Expenses of Lighting, &c.

IV.—*And be it further enacted*, that the Governor or Acting Governor, for the time being, shall, and he is hereby authorized and empowered to draw Warrants on the Treasurer of the Colony, on the requisition of the said Commissioners, or the major part of them, for such Sums or Sum of Money as shall be necessary to defray and disburse the expenses of lighting and maintaining the aforesaid Light House and its appurtenances.

Governor to certify when Light House is completed, when certain Dues for its support are to commence.

V.—*And be it further enacted*, that when and so soon as the said Light House on Harbor-Grace Island shall have been completed, it shall and may be lawful for the Governor or Acting Governor for the time being, to issue a Proclamation under the Great Seal, signifying that the same hath been so completed, and that thenceforth there shall be raised, levied, collected and paid to His Majesty, his Heirs and Successors, upon every Merchant Ship or Vessel entering any Port or Harbour of the aforesaid Bay, a Duty or Rate of One Penny Halfpenny Sterling per Ton for every Ton Register admeasurement of each respective Vessel as aforesaid: *Provided always*, that no Vessel owned in or belonging to this Colony, having once paid such Light Duty as aforesaid, shall during the same Year be liable to any further Duty under this Act, while employed in fishing or in the Coasting Trade of this Island and its Dependencies, and sailing under a general Coasting Clearance.

Dues levied by this Act to be collected by Customs.

VI.—*And be it further enacted*, that all such said Duties or Dues shall be levied, collected and received by the Collector or Sub-Collector of His Majesty's Customs, for the respective Port or District, previously to such Vessels respectively being entered at the Customs; and in the event of any Vessel or Vessels putting into any Port or Harbor of the said Bay, either by Stress of Weather or otherwise, where no Officer of Customs or Person authorized or acting in such behalf shall reside, then and in such case the Duties or Dues shall be levied, collected and received by any Justice of the Peace residing or then being at or near to the respective Port, Harbor or Roadstead where such Vessel shall arrive or put in, and shall be payable immediately on such Vessel coming to Anchor; and all Sums of Money so received by such Justices of Peace, shall be paid forthwith to the nearest Collector or Sub-Collector of His Majesty's Customs: And all Monies arising from the whole of the aforesaid Light Duties, shall be paid Quarterly to the Treasurer of the Colony, and be appropriated in such manner as the Colonial Legislature shall from time to time direct: *Provided always*, that it shall be lawful for such Collector or Sub-Collectors of His Majesty's Customs, and such Justices of the Peace as aforesaid, to retain and withhold from the Sums by them respectively collected for Light Duties under this Act, and paid into the hands of the Treasurer of the Colony, a Commission at and after the Rate of Five Pounds per Centum upon the amount by them respectively collected and paid over, as a compensation for their trouble in collecting the same.

Or by Justices of Peace.

Dues to be paid over quarterly to Colonial Treasurer.

Proviso.

Recovery of Dues in cases of non-payment.

VII.—*And be it further enacted*, that on the non-payment by the Master or Owner or Owners of any Ship or Vessel, of any Duty or Dues incurred or payable under this Act, such Duty or Dues shall and may be sued for and recovered by the respective Person or Persons authorized to receive the same, in a summary way, before one or more of His Majesty's Justices of the Peace, and the amount thereof, together with all costs incurred, shall be levied on the Goods and Chattels of the Owner or Owners or of the Master of the Respective Vessel on account of which the said Light Duty or Dues shall be payable.

VIII.—*And be it further enacted*, that the Treasurer of the Colony shall be and he is hereby authorized and empowered to grant and issue to the respective Persons who shall lend and advance Money for the purposes of this Act, one or more Debenture or Debentures, in the form and to the effect hereinafter set forth, which Debentures shall be issued for Sums of not less than Fifty Pounds respectively, and shall express therein the rate of Interest agreed to be paid, and the day of the Month and Year in which they shall respectively be issued, and shall be numbered in succession from one upwards, and shall be signed by the Treasurer for the time being, and countersigned by the Colonial Secretary, and shall be assignable and transferrable by endorsement of the Parties to whom the Debentures shall respectively be issued.

Treasurer to issue Debentures for Money borrowed under this Act.

—to be countersigned by the Colonial Secretary and to be transferrable.

IX.—*And be it further enacted*, that the Interest on the said Debentures shall be payable Half Yearly, on the last days of June and December in each Year, at the Office of the said Treasurer; and the said Treasurer shall not be required to commence the payment of the Instalments hereinbefore mentioned until after Two Years from the date of the said Debentures respectively.

Interest on Debentures to be paid half yearly.

Repayment of Instalments.



(Form of Debenture.)

No.

By virtue of an Act of the Parliament of Newfoundland, passed in the Fifth Year of the Reign of His Majesty King William the Fourth entitled "An Act for the Establishment of a Light House, on Harbor-Grace Island," I, the Treasurer of the Island of Newfoundland, do hereby certify and declare, that under the power and authority in and by the said Act vested in me, I have borrowed and received by way of loan from _____ the Sum of _____ Pounds Sterling, bearing Interest from the Date hereof at the rate of _____ per centum per annum, which Interest is payable half yearly, on the last days of June and December in every Year; and I do declare that the said Sum of Money has been paid and received by me towards defraying the expense of erecting and constructing a Light House on Harbor-Grace Island as provided by the said Act; and I do further certify that the said principal money and Interest will be paid and payable to the said _____ or his assigns or indorsee, on the production of this Debenture at my Office at St. John's at the time and in the proportions provided in the said Act.

Form of Debenture.

Given under my Hand and Seal, at St. John's, Newfoundland, the _____ day of _____ in the Year of Our Lord 183 .

Treasurer.

Colonial Secretary.