

Laws of His Majesty's Province of Newfoundland, passed in the year 1834.

4 William IV – Chapter 4 (Session 1)

An Act for the Establishment of Light Houses. (12th June, 1834.)

Whereas in consequence of the want of Light Houses on the coasts of the Island of Newfoundland, Vessels have oftentimes been wrecked and lost thereon, and are frequently delayed in entering the Ports and Harbours of the said Island: Be it therefore enacted by the Governor, Council and Assembly of Newfoundland, in 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 of Light Houses for the purpose of 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 other Commissioners.

II. And whereas there is already erected and provided at the entrance of the Port of St. John's in this Island, a building fit for the purpose of a Light House, and other apparatus necessary for lighting the same, but which cannot be put in operation for want of adequate means to defray the expense thereof: Be it therefore further enacted, that there shall be raised, levied, collected and paid to His Majesty, his Heirs and Successors, upon every Merchant Ship or Vessel entering the said Port of St. John's, (other than Coasting or Fishing Vessels) a duty or rate of One Penny Sterling, per ton, for every ton, Register admeasurement, of each respective Vessel as aforesaid; Provided that such Duty shall not be levied on any one Vessel more than twice in any one year. And there shall be in like manner raised, levied, collected and paid upon every decked Vessel employed in the Coasting Trade of this Island or the Labrador, and entering the said Port of Saint John's, the Duty or Rate of Ten Shillings Sterling for each and every such Vessel exceeding Sixty Tons burthen, Register Tonnage, per annum, and the like duty or rate of Seven Shillings and Six Pence Sterling for each and every Vessel less than Sixty Tons burthen, Register Tonnage, per annum.

III. And whereas it is highly necessary that a Light-House should be erected and established on or near to Cape Spear: Be it therefore further enacted, that the Treasurer of the Island shall, and he is hereby authorized to raise, by loan, from such Person or Persons, or Body Corporate or Politic, 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, at a rate not exceeding Six per centum per annum thereon, in annual instalments of not more than Two Hundred Pounds Sterling, in the way and manner hereinafter provided.

IV. And be it further enacted, that the said Commissioners, or the major part of them, shall, without delay, procure plans of the said intended Erection and 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.

V. 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 Island, on the requisition of the said Commissioners, or the major part of them, for such sum or sums of money as shall be necessary to defray and disburse the expenses of lighting and maintaining the aforesaid Light-Houses or either of them, and the providing of Bells or Cannon and Boats and other appurtenances for the same.

VI. And be it further enacted, that when and so soon as the said Light House shall have been completed near Cape Spear as aforesaid, it shall and may be lawful for the Governor or person administering the Government of this Island 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, (other than Coasting or Fishing Vessels) coming into any Port or Harbour of this Island between Cape Race and Bonavista, excepting the said Harbour of St. John's, a duty or rate of One Penny, Sterling, per ton, for every ton Register admeasurement of each respective vessel as aforesaid; and upon all Merchant Ships and Vessels (other than Coasting and Fishing Vessels) entering the said Harbour of St. John's, a rate or duty of one Half Penny, Sterling, per ton, Register Tonnage.

VII. And be it further enacted, that the Commissioners of Light Houses shall have the charge of the Public Buoys, Chains and Moorings in the Harbor of St. John's, and shall also have power from time to time, to make such Rules and Regulations respecting the use, preservation and management of the said Buoys, Chains and Moorings as they may deem necessary, which shall be binding on all parties using the same; and that all expenses incurred in the management of the said Buoys, Chains and Moorings shall be defrayed out of the funds applicable to the maintenance of the Light Houses under the provisions of this Act, and shall be drawn by Warrant on the Treasurer of the Colony in the manner hereinbefore mentioned.

VIII. And be it further enacted, that during such time as there shall be a Superintendent of Quarantine, such Superintendent for the time being shall be one of the said Commissioners, and shall have the especial superintendence of the said Buoys, Chains and Moorings.

IX. 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 at each respective Port aforesaid, previously to such Vessels respectively being entered at the Customs; and all monies arising from the aforesaid duties shall be paid quarterly to the Treasurer of the Colony, to be appropriated in such manner as the Colonial Legislature shall from time to time direct.

X. And be it further enacted, that the said Treasurer shall be and he is hereby authorised and empowered to grant and issue to the respective persons who shall so 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 One Hundred 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 be respectively issued, and shall be numbered in succession from One

upwards, and shall be signed by the said Treasurer for the time being, and countersigned by the Colonial Secretary, and shall be assignable and transferable by endorsement of the Parties to whom the Debentures shall respectively be issued.

XI. And be it further enacted, that the Interest on the said Debenture 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.

Form of Debenture

No. _____

By virtue of an Act of the Parliament of Newfoundland, passed in the Fourth year of the Reign of His Majesty, King William the Fourth, entitled "An Act for the establishment of Light Houses," I, the Treasurer of the Island of Newfoundland, do hereby certify and declare, that by virtue of the power and authority in and by the said Act vested in me, I have borrowed and received by way of loan from (name and description of lender) 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 Cape Spear, 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 (lender's name) or his assigns on indorsee, on the production of this Debenture at my office in St. John's, at the time and in the proportions provided in the said Act.

Given under my Hand at St. John's, Newfoundland,
day of _____ in the year of Our Lord, 18 _____