

Laws of His Majesty's Province of Newfoundland, passed in the year 1836.

6 William IV – Chapter 14

An Act to authorize the erection of a Colonial House in the Town of Saint John's, and the raising by loan of a sum of Money for that purpose. (6th May, 1836.)

Whereas His Excellency the Governor has been pleased, on the part of His Majesty, to signify His Majesty's gracious intention of granting for public purposes a certain piece of Land situate in the Town of Saint John's: And whereas it is expedient to build a Colonial House and Offices in which the Legislature may hold its sittings and transact its business, and also to erect a Market House and other Public Buildings, and for such purposes to authorize a loan of Money to be made on the credit of the Colony, towards defraying the expense thereof and to make Regulations respecting the same:

I. Be it therefore enacted, by the Governor, Council and Assembly of Newfoundland, That in order to carry into effect the objects and provisions of this Act, it shall and may be lawful for His Excellency the Governor or Administrator of the Government for the time being, to appoint Nine Persons as Commissioners who shall have full power and authority to superintend the erection, on Church Hill, in the said Town of Saint John's, of a Colonial House and Offices in which the Legislature may assemble and transact the business of the Colony, which shall also be applied to the purposes of a Public Market House, and such other public purposes as may be deemed proper; Provided the same shall not exceed the total cost of Fifteen Thousand Pounds; —and upon the death, resignation or departure from the Colony of any such Commissioners, from time to time to appoint one or more person or persons in the place of the Commissioner or Commissioners so dying, resigning office, or departing from the Colony.

II. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized to negotiate with all and every person or persons having, or pretending to have, any just claim upon the said piece of Ground, and to adjust and settle with such person or persons the sum or sums to be respectively paid to him, her or them, in liquidation of such claims, and out of the Monies to be raised for the purposes of this Act to pay off and satisfy the same, and in case the said Commissioners and any such Claimant or Claimants cannot agree upon the amount to be paid in liquidation of such claims, the same shall be referred to two indifferent persons as Arbitrators, one to be chosen by the said Commissioners, and one by such Claimant or Claimants—and in case of disagreement between them, an Umpire to be appointed by the Governor or Administrator of the Government for the time being, and the award of such Arbitrators, or of such Umpire respectively, shall be binding and conclusive on all parties interested therein: Provided always, that no such claim shall be deemed valid unless notice thereof be given to the said Commissioners within Six months from the passing of this Act.

III. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and directed, upon giving Six months notice to all persons known to have an interest therein, or if such parties do not reside in this Country, to their Agent or Agents, to take possession of any piece or pieces of Land adjoining the piece of Ground herein-before mentioned, with all buildings and erections thereon that may be found necessary to be taken for the purpose of the said intended

Building, and out of the Monies to be raised for the purposes of the said Act to pay for the same such price as may be agreed upon between the said Commissioners and any person or persons being the Proprietor or Proprietors of or having any interest therein; and in case the said Commissioners and any such person or persons cannot agree upon the price or sum to be paid for the same, then such price or sum shall be ascertained either by Arbitration, in the manner directed in the preceding Section of this Act to be had in other cases, or by the Verdict of a Jury, in an Action to be brought for that purpose by such Person or Persons against the said Commissioners in either of the Superior Courts of this Island.

IV. And be it further enacted, That it shall and may be lawful for such Three persons as His Excellency the Governor may nominate and appoint, to take and receive from His Most Gracious Majesty, a Grant of the said piece or parcel of Ground in question, and also to take and receive from all and every person or persons from whom any other piece or pieces of Ground may be purchased for the purposes of this Act, and in the manner hereinbefore directed, a Deed or Deeds sufficient in Law for conveying the Title of and Interest therein; all and every the said pieces or parcels of Ground to be holden by such Three Persons aforesaid, and the Survivor of them, and the Heirs of such Survivor, in Trust, to and for the purpose of the erection thereon of the said Colonial House and Building;—such Grant or Grants and Conveyances to be made in such manner as shall be advised by His Majesty's Law Officers in this Colony.

V. And be it further enacted, That the said Commissioners shall, and they are hereby required to advertise publicly for the period of Six Months, for Plans and Specifications of the said intended Building; and, for the encouragement of Emulation, and to insure a suitable Plan. Sections, Elevations and Specifications thereof, they the said Commissioners are hereby authorized to award and pay, (from and out of the Monies aforesaid) to the person furnishing at the expiration of Six months from and after the date of such public Advertisement as aforesaid, the Plan, Section, Elevation and Specification which may be approved and adopted, the sum of Fifty Pounds; and to the persons furnishing the two next best Plans, Sections, Elevations and Specifications, the sum of Thirty Pounds and Twenty Pounds respectively.

VI. And be it further enacted, That for the more faithful expenditure of the Money to be raised for the purposes of this Act, the said Commissioners shall, and they are hereby required to advertise by Public Notice, for Three Months, for Tenders for the performance of all or any part of the work necessary for completing the erection of the said Building, and for providing of materials necessary for the same, according to the Plan and Specification thereof which may be adopted and approved, and they are hereby required to accept of the lowest and best Tender or Tenders which shall be made and offered for the above purposes; and they are also required to take from the parties whose tenders shall be so accepted, sufficient security for the due and faithful performance of the Contract or Contracts which shall be entered into in pursuance of the said Tenders: Provided, that there shall not be paid to any Contractor or Contractors more than Two Thirds of the amount in value of the Materials supplied, or of the Work performed by him or them, until he or they shall have completed his or their Contract.

VII. And be it further enacted, That it shall and may be lawful for the said Commissioners, or the majority of them, to appoint a person of competent professional knowledge and skill, to be the Superintendant and Inspector of the erection of the said intended Building, under such orders and

directions as the said Commissioners, or a majority of them, shall from time to time give and make; and such Superintendant shall be sworn to the faithful performance of his duty, and shall receive for his labour and trouble therein, four per cent upon the Monies expended under his superintendance for the erection of the said Building: Provided always, that neither the said Commissioners, nor such Superintendant, shall be in any manner, directly or indirectly, concerned in any Contract for the erection of all or any part of the said intended Building, or for the supply of Materials for the erection of the same, under a penalty of One Thousand Pounds to our Sovereign Lord the King, to be recovered by Bill, Plaint or Information, in any Court of Record in this Colony, and to be paid one moiety thereof to the Treasurer of this Colony, to and for the use of our Sovereign Lord the King, his Heirs and Successors, and the other moiety thereof to the person who shall inform and sue for the same.

VIII. And be it further enacted, That it shall and may be lawful for the said Commissioners, or the major part in number of them, and they are hereby authorized, to raise by loan from such Person or Persons, or Body Corporate or Politic, as will advance the same, a sum or sums of Money not exceeding in the whole the sum of Fifteen Thousand Pounds, in such amounts and proportions, and at such times as they may require the same; chargeable upon and to be repaid out of the Public Funds of this Colony, together with Interest not exceeding the rate of six per centum per annum thereon—such sum of Money to be applied and appropriated by the said Commissioners towards the carrying into effect the provisions of this Act.

IX. And be it further enacted, That the Treasurer of this Colony shall be and he is hereby authorised 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 not be issued for sums of 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 transferable by endorsement of the parties to whom the Debentures shall respectively be issued.

X. 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.

XI. And be it further enacted, That when and so often as the Rents or other profits accruing from the said Public Building shall exceed the Interest payable on the said Debentures, or so soon as the Colonial Legislature shall grant any sum or sums of Money for that purpose, it shall and may be lawful for the said Commissioners, or the major part in number of them, to appropriate any such sum or sums of Money so granted, or any such surplus Rents or Monies, to the payment of the principal Monies lent on such Debentures as aforesaid, and on giving Six Month's Public Notice, from time to time to pay off such Debentures, so far as the Funds at the disposal of such Commissioners will admit.

Schedule

(Form of Debenture)

No. _____

By virtue of an Act of the General Assembly of Newfoundland, passed in the Sixth Year of the Reign of His Majesty King William the Fourth, entitled 'An Act to authorize the erection of a Colonial House in the Town of Saint John's, and the raising by loan of a sum of Money for that purpose,' 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 each year; and I do declare that the said sum of Money has been paid and received by me towards defraying the expense of erecting a Colonial House 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 or Indorsee, on the production of this Debenture at my Office in Saint John's at the time and in the proportions provided in the said Act. Given under my hand, at Saint John's, Newfoundland, _____ day of _____ in the year of Our Lord 18 _____