

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

6 William IV – Chapter

An Act for the relief of Sick and Disabled Seamen, Fishermen, and other Persons. (30th March, 1836.)

Whereas it is desirable and expedient that means should be provided for the relief and benefit of Infirm and Disabled Seamen, Fishermen, and other Persons engaged in the Navigation and Fisheries of this Colony and its dependencies. Be it therefore enacted, by the Governor, Council, and Assembly of Newfoundland, that for the carrying into effect the objects and purposes of this Act, and for the constant and ordinary management and disposal of the Monies intended to be raised and collected hereby, there shall be elected, in manner and form hereinafter provided, a Board of Fifteen Directors in each of the several Electoral Districts of this Colony, as the same are divided in and by His Majesty's Royal Proclamation, Seven of whom shall form a quorum for the transaction of business.

II. —And be it further enacted, that for the purpose of electing such Directors in each respective District, it shall and may be lawful for the Owners and Masters of Vessels owned in the said several Districts, and in such District or Districts where there may not be thirty Registered Vessels, then for the Owners and Masters of all Vessels owned in each District, together with the Planters and Boat-Keepers residing therein, on the second Monday in May now next ensuing, upon ten days, public notice being given by one or more of the Justices of the Peace in each District of the time and place of meeting, to meet and assemble respectively at the following places in their several Districts, and then and there for so many of such Persons as shall be present to elect from among themselves Directors for such Districts;—that is to say, Saint John's in the District of Saint John's ; Harbor Grace, in the District of Conception Bay; Trinity, in the District of Trinity; Bonavista, in the District of Bonavista; Twillingale, in the District of Fogo; Ferry land, in the District of Ferryland; Placentia, in the District of Placentia and Saint Mary's; Burin, in the District of Burin; Harbour Britain, in the District of Fortune Bay: — And the Persons who shall be elected by a majority of such Owners and Masters of Vessels, or other Persons as aforesaid lawfully present and voting at such meetings, shall be Directors for the purposes of this Act for the said several Districts for which they shall respectively be so elected : Provided always, that should no such election take place on the day aforesaid, it shall be lawful for any Justice of the Peace to appoint a subsequent day for that purpose.

III. —And be it further enacted, that the said Directors so elected in the several Districts of this Colony and its Dependencies, shall be and continue in such Office for the period of Four Years from the said Second Monday of May, when a new Election of such Directors shall take place in manner and form aforesaid, and so thereafter at the end of every further period of Four Years.

IV. —And be it further enacted, that the Rates and Dues hereinafter authorized to be assessed, levied and collected in each District, together with all other Monies, Goods and Chattels, Lands and Tenements, which shall come into the hands or possession of the said several Boards of Directors, or be in any manner appropriated towards the endowment of, or to or for the use and purposes of, the several Hospitals to be founded under the provisions of this Act, shall be vested in the said Boards of Directors respectively, to and for the use, benefit, maintenance, and support of the said Hospitals.

V. —And be it further enacted, that each Board of Directors shall elect from among themselves a President and Vice President, and shall have power from time to time to appoint, and at their pleasure remove, a Treasurer and Secretary, with such other Officers as shall to them appear necessary, for managing the affairs and business of the said Boards, and shall also have power to provide proper Medical and other attendance upon the Sick who may from time to time be received into the said Hospitals, or who may be ordered to be relieved as outpatients.

VI. —And be it further enacted, that it shall and may be lawful for the said Boards of Directors, in their respective Districts, to make Rules and Regulations as to the mode and manner of receiving and disposing of the Rates and Dues hereby imposed, and of affording and granting relief to the Persons entitled to the benefit of this Act, for the management of the respective Hospitals, and also for the regulating of the times and manner of the meetings of the said Directors in their several Districts, and other general purposes; Provided the same be not in any wise repugnant to this Act.

VII. —And be it further enacted, that it shall and may be lawful for the said Boards of Directors, in their several Districts, from time to time to appoint under them Collectors for the purposes of this Act, who shall enter into sufficient security, to the satisfaction of such Boards of Directors respectively, for all and every sum and sums of money which shall come into their hands as such Collectors, and who are hereby authorized within their respective Districts to receive all Rates and Dues imposed under or by virtue of this Act ; and such Collectors shall severally keep clear and distinct Books of Accounts of all Rates, Dues, and Sums of Money by them respectively received, together with the names of the Seamen, Fishermen, or other Persons, on account of whom the same may be received, and the said Collectors shall account for and pay all sums of money so received by them at such times and in such manner as the respective Boards of Directors of each District shall require ; and such Collectors shall severally be allowed for the due collection and payment of such Monies received by them, such compensation as such Boards of Directors shall respectively award and determine: Provided always, that such Collectors shall not be Members of the Boards of Directors for any of the said Districts.

VIII. —And be it further enacted, that all Masters, Mates and Seamen above the age of Seventeen Years, belonging to all or any Ships or Vessels which are registered or owned or employed in the Coasting Trade or Fisheries of this Colony and its Dependencies, shall severally pay and contribute towards the purposes of this Act a sum at the rate of Six Pence per man per month in each year in which such Master, Mate, or Seaman, respectively, shall be employed; and each and every Master, Shareman, Sealer, and Servant, engaged in or about the Seal Fishery, shall pay for the aforesaid purposes the sum of Three Pence in the Pound on the full amount of his or their respective wages or shares arising from the Sealing Voyage in each year, after deducting his or their Berth-Money; and each and every Fisherman, Shoreman, and other Person above the age of Seventeen Years, engaged in or about the Cod or other Fisheries of this Colony and its Dependencies, shall pay and contribute for the aforesaid purposes the sum of Two Shillings and Sixpence for each Fishing Season.

IX. —And be it further enacted, that the Master of each and every Ship or Vessel as aforesaid, and each and every Planter or other Person carrying on a Fishery in this Colony or its Dependencies, shall, and they are hereby respectively required to, retain and stop from time to time from and out of the

respective wages or shares of each Seaman, Fisherman, Shoreman, Sealer and Servant, as aforesaid, under the command or in the service and employ of such Master, Planter or other Person as aforesaid, all such respective Rates and Dues as aforesaid which shall be owing and payable by each respective Seaman, Fisherman, Sealer, Shoreman and Servant as aforesaid; and each and every such Master, and every such Planter or other Person carrying on a Fishery in this Colony or its Dependencies, shall keep a correct Muster- Roll of his respective Seamen, Fishermen, Sealers, Shoremen, and other Servants, and also a correct account of all such Rates and Dues stopped or retained by him or them as aforesaid; and when the same shall be so stopped, or retained, shall pay to the Collector of such Rates and Dues, for each respective District, (the same being lawfully demanded) the full amount of all such Monies, and deliver a correct account of the same, together with a true Copy of the Muster- Roll of all his or their Seamen, Fishermen, Sealers, Shoremen, or other Servants; such Account and Muster-Roll to be verified on oath before a Magistrate, if so required by such Collector or by the Board of Directors of the District; in default whereof each and every Master, Planter, and other Person offending herein, shall be liable to a penalty of treble the amount so retained, or which ought to have been so retained and stopped as aforesaid by him or them respectively; and if any Master, Planter, or other Person aforesaid, shall neglect or omit to stop or retain the Rate or Due of or payable by any Seaman, Fisherman, Sealer, Shoreman, or other Servant as aforesaid, in his employment or service, such respective Master, Planter, or other Person as aforesaid, shall, in every such ease, pay the full amount of such respective Rate or Due.

X. —And be it further enacted, that all such Rates and Dues payable by or on account of any Seaman or other Person on board any Vessel engaged on a Foreign voyage, shall be paid on the arrival of such Vessel at her Port of Discharge in this Colony, and no such Vessel shall be entered inwards by the Officers of His Majesty's Customs until a receipt for the due payment of such Rates and Dues, signed by the respective Collectors thereof, shall have been produced, or the amount paid to such Officer of His Majesty's Customs, or to such Persons as shall be appointed by them to receive the same; and all Rates and Dues payable by any Seaman or Sealer engaged in a Coasting or Sealing Voyage, shall be paid at the conclusion of each respective Voyage; and all Rates and Dues payable by each and every Fisherman, Shoreman, and other Servant as aforesaid, shall be paid at the conclusion of their respective current Fishing Voyages: Provided always, that all Rates or Dues paid by any Master, Mate, Seaman or Shareman on board any Ship or Vessel, upon her entry inwards at any Port in this Island, from any Foreign, Coasting, Sealing or Fishing Voyage, shall in all cases be accounted for and paid over to the Collector of Rates and Dues for the District in which such Ship or Vessel shall be owned.

XI. —And be it further enacted, that each and every Seaman, Fisherman, or other Person having paid Rates or Dues under this Act, and who may be afflicted with sickness, or may have incurred any severe bodily injury, shall, on application to the Board of Directors of the District in which he may then be, be entitled to such relief as the nature of his case may require ; and the Board of Directors of such District shall be entitled to claim the expenses incurred for such sick or disabled Person from the Board of Directors of that District in which such Person paid the last yearly Dues.

XII. —And be it further enacted, that each and every of the Collectors of Rates or Dues who may be appointed under this Act, shall, on the reasonable request of any Seaman, Fisherman, or other Person, from whom or in whose name any Rates or Dues may have been received, grant a Certificate, signed

with the name of such Collector, of the payment of such Rates or Dues by, or in the name of, such Seaman, Fisherman, or other Person ; and any Person who shall fraudulently obtain or alter or counterfeit any such Certificate, or cause or procure the same to be altered or counterfeited, shall be deprived of any benefit which such Persons would otherwise derive under this Act, and shall, on conviction, be imprisoned for a period not exceeding three months : Provided always, that no Person shall be entitled to demand a Certificate after the expiration of six months from the time when he shall have paid his Rates or Dues.

XIII. —And be it further enacted, that all Actions and Suits touching or concerning the affairs of the said Hospitals, shall be brought by, or against, the several Boards of Directors, by the style of “The Directors of the Hospital” of each District respectively, without naming the individuals; and that all matters of Debt under Twenty Pounds shall be sued for, heard and determined in a summary way, before any one or more of His Majesty’s Justices of the Peace, residing in the district where such Debt shall be due, and shall be levied by distress and sale of the party’s goods, together with Costs of Suit; and that all penalties and forfeitures incurred under the provisions of this Act, shall in like manner be sued for and recovered on the complaint of the Collector or other Officer named by each Board of Directors for that purpose; and that one half of such Penalties shall go to the Informer, and the other half be applied for the use of the Hospital of the District where such Penalty shall have been incurred.

XIV. —And be it further enacted, that each and every of the said Boards of Directors shall, on or before the first day of December in each year, transmit to the Governor of the Colony, to be laid before the Legislature, true and correct statements of the number of Persons paying Rates and Dues, and of all Monies by them the said Collectors respectively received under or by virtue of this Act, according to the form in the Schedule to this Act annexed, marked A., and also a correct statement of the appropriation of the same.

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Return of the Persons paying Rates and Dues, with the amount thereof.

(a) 539 Persons engaged in the Seal Fishery paying } £
Three Pence in the Pound on their Shares.

230 Masters, Mates and Seamen belonging to 39 } £
Registered Vessels, paying Six Pence per
month on their Wages,

175 Masters, Mates and Seamen belonging to 50 } £
Vessels and Boats not Registered, but not
employed in the Coasting Trade,

500 Fishermen, Shoremen and Servants, engaged } £ 62 10 0
in the Cod and other Fisheries, paying Two
Shillings and Six Pence per Season,

_____ Total, £ _____
1444

(a) 430 of these Men were also employed in the Cod Fishery, to be deducted.

1014 Men employed in the Fisheries and Merchant Service in the District of Trinity.