

Laws of Her Majesty's Province of Newfoundland, passed in the year 1839.

3 Victoria – Chapter 5

An Act to amend several Acts now in force respecting Light Houses, and to make further provision for the said Light Houses, and to consolidate the Laws respecting the same. (Passed 12th October, 1839.)

Whereas it is necessary and expedient to amend the Acts now in force respecting the erection and support of Light Houses within the Colony, and to make further provision for the said Light Houses, and to consolidate the Laws respecting the same.

Be it therefore enacted, by the Governor, Council, and Assembly, that the following Acts, to wit;—

An Act passed in the second Session of the 4th Year of the Reign of his late Majesty King William the 4th, entitled “An Act for the Establishment of Light Houses.”

An Act passed in the second Session of the 5th Year of the Reign of his late Majesty King William the 4th, entitled “An Act for the establishment of a Light House on Harbor Grace Island.”

An Act passed in the first Year of the Reign of her present Majesty, entitled “An Act to authorize the raising by loan a further Sum of Money for the completion of the Light House on Harbor Grace Island, and to make further regulations respecting the same” —

be, and the same severally are, hereby repealed, save and except all such clauses and parts of the said Acts, or any of them, as provide for or relate to the repayment of any and all Sums of Money, that have, under the provisions of the said Acts, been loaned or borrowed from any person or persons, and which provide for the satisfaction and security of such Public Creditors.

II. And be it further enacted, that the expenses of supporting, maintaining, and keeping up the several Light Houses now erected or hereafter to be erected under the authority of the Legislature, in the Colony, and also the Salaries and remuneration to the Light House Keepers and their Assistants, (if required) shall be borne and defrayed out of the Public Treasury of the Colony, by Warrant under the hand and seal of the Governor or person administering the Government for the time being.

III. And be it further enacted, that it shall and may be lawful for the Governor or person administering the Government for the time being, by and with the advice of Her Majesty's Council, to appoint five persons to be Commissioners, of whom three shall be a quorum, for the purpose of superintending, directing, and regulating the management of the affairs of the said several Light Houses; which said Commissioners are hereby constituted a Board of Audit and Control for the administration of all matters touching and concerning the conducting and maintenance of all Light Houses belonging to this Colony; and that all purchases for and on account of the said Light Houses, shall be upon a Public Notice or Advertisement for Tenders for the same, and the lowest of such Tenders, for an article of suitable quality, shall on all occasions be preferred, and all accounts and vouchers relating to any

expense incurred on account of such Light Houses shall from time to time be furnished to the Treasurer of the Colony, before the respective Sums of Money shall be drawn from the Treasury; and in case of the death, absence, or resignation, of any such Commissioner or Commissioners, it shall and may be lawful for the Governor or person administering the Government for the time being, by and with the advice aforesaid, to nominate and appoint a Commissioner or Commissioners in his or their stead.

IV. And be it further enacted, that it shall and may be lawful for the said Commissioners, or any three of them, to appoint Light House Keepers, and Assistants, (if required) for the several Light Houses hereinbefore mentioned, or which may hereafter be erected, and that the Salaries of and remuneration to such persons so to be appointed, and the incidental expenses of supporting, maintaining and keeping up the said Light Houses, shall be subject to the control and approval of the Legislature.

V. And be it further enacted, that for the purposes of this Act, there shall be raised, levied, collected, and paid, to Her Majesty, Her Heirs and Successors, upon every Merchant Ship or Vessel, entering any Port within the Colony, from Cape Ray to Cape John, (other than Coasting, Sealing and Fishing Vessels), a duty or rate of three pence sterling per ton; for every ton register measurement of each respective Vessel as aforesaid; Provided, that such duty shall not be levied upon any such Ship or Vessel more than twice in each Year; And that there shall in like manner be raised, levied, collected and paid upon every registered decked Vessel employed in the Sealing, Fishing, or Coasting trade of the Colony, or the Labrador, and entering any of the Ports aforesaid, the rate or duty of Twenty Shillings sterling for each and every such Vessel, from Ninety tons burthen and upwards; and a like rate or duty of Fifteen Shillings sterling for each and every such Vessel exceeding Sixty tons burthen and under Ninety tons register tonnage, per annum; and a like duty or rate of Ten Shillings sterling for each and every such Vessel less than Sixty tons burthen, register tonnage, per annum.

VI. And be it further enacted, that the Collector of Her Majesty's Customs at the Port of St. John's is hereby authorized and empowered to appoint the several Sub-Collectors within the Colony, or some other fit and proper person or persons in such Ports where no such Sub-Collector shall reside, to demand, recover, and receive, the said several duties and rates imposed by this Act; and that all Monies raised and levied under the provisions hereof shall be paid over quarterly to the said Collector for the use of the Colony; and that there shall be allowed to the said Collector of Her Majesty's Customs a commission of ten per centum upon the amount so raised, levied, and collected, as a compensation for the trouble in collecting the same.

VII. And be it further enacted, that on the non-payment by the Master, 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 and in the name of the person or persons duly authorized to receive the same, in a summary way, before any one or more Justice or Justices of the Peace, within the District where such person or persons so authorized as aforesaid may reside, together with all costs incurred, and shall be levied on the Goods and Chattels of the Owner or Owners, or of the Master of the respective Ship or Vessel on account of which the said Light duty, or dues, shall severally and respectively be payable.

VIII. And be it further enacted, that it shall not be lawful for the Collector of Her Majesty's Customs at the Port of Saint John's, or for any Sub-Collector or other Officer of Customs, within the Colony, to admit to entry any Ship or Vessel, subject and liable to the payment of any such duties or dues aforesaid, within the several ports of the Colony as aforesaid until the said duties and dues imposed by this Act shall be paid to the person duly authorized to recover the same; and likewise that it shall not be lawful for the said Collector, or any Sub-Collector, or other Officer of Customs, as aforesaid, to grant a clearance to any Coasting or Fishing Vessel within the description herein before set forth in this Act, until the several dues and duties imposed as aforesaid shall be paid to the person duly authorized to receive the same.

IX. And be it further enacted, that a detailed account of all rates and dues received on account of the said Light Houses, and a particular statement of all costs, charges and disbursements incurred or paid, shall be furnished annually, by the said Board of Control, to the Governor, or person administering the Government for the time being, to be laid before the Legislature at the commencement of each Session.

X. And be it further enacted, that any Money raised under the provisions of this Act, and remaining in the Treasury of the Colony after the disbursements of the Annual expenses of the said several Light Houses, shall be held by the Treasurer as a separate fund, for the purposes of Light Houses, and shall not be placed by the said Treasurer in his general accounts of Duties and Monies received for the service of the Colony.

XI. And be it further enacted, that this Act shall continue and be in force for the period of Three Years, and from thence to the end of the next Session of the General Assembly.