

Laws of Her Majesty's Province of Newfoundland, passed in the year 1844.

7 Victoria – Chapter 13

An Act to provide for the Collection and Appropriation of all Monies stopped or detained by any Person or Persons by virtue of the provisions of an Act passed in the Sixth Year of the Reign of His late Majesty, entitled “An Act for the relief of Sick and Disabled Seamen, Fishermen, and other Persons,” and not appropriated to the purposes of the said Act. (Passed 29th April, 1844.)

Whereas by an Act passed in the Sixth Year of the reign of His late Majesty, entitled “An Act for the relief of Sick and Disabled Seamen, Fishermen and other Persons,” it was, among other matters, therein Enacted, that all Masters, Mates, and Seamen, above the age of Seventeen Years, belonging to all or any Ships or Vessels registered, owned or employed, in the Coasting Trade or Fisheries of this Colony and its Dependencies, should severally pay and contribute, towards the purposes of the said Act, a sum at the rate of Six Pence per man, per Month, in each Year in which such Master, Mate or Seaman, should be employed; and that each and every Master, Shareman, Sealer, and Servant, engaged in or about the Seal Fishery, should 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 that 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, should pay and contribute, for the purposes aforesaid, the sum of Two Shillings and Six Pence for each fishing season; and that the Master of every Ship or Vessel aforesaid, and every Planter, or other person, carrying on a Fishery in this Colony, should retain and stop, from time to time, 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, and should pay the same to a Collector to be appointed as prescribed in the said Act, for the purposes thereof; and it was by the said Act further provided, that a Board of Fifteen Directors should be elected for the purposes of the said Act in each of the Electoral Districts of this Colony, which Board of Directors were thereby authorized and empowered to appropriate the rates and dues to be collected in the District for which such Board should be elected, towards the maintenance and support of an Hospital, to be founded in such District for the purposes aforesaid; and to appoint a Collector to receive all such rates and dues from the parties respectively stopping and retaining the same, as aforesaid: And whereas, in several of the said Electoral Districts where, by reason of the non-appointment of such Directors as aforesaid, or from some other causes, the aforesaid Act has not gone into operation, divers sums of money have been from time to time stopped and retained under the herein first recited provision thereof, by such Masters, Planters, and other persons carrying on the Fishery as aforesaid, which have continued and now are in the hands, possession, or control, of such Masters, Planters, and other persons, and have not been appropriated towards the purposes of the said Act; and it is expedient that such monies should be paid over by such Masters, Planters, and other persons, to be appropriated to the purposes hereinafter mentioned.

I. Be it therefore enacted, by the Governor, Council, and Assembly, in Legislative Session convened, that it shall and may be lawful for the Governor or Administrator of the Government for the time

being, from time to time to authorize and empower one or more Stipendiary Magistrates in each of the said Electoral districts in which the aforesaid Act for the relief of Sick and Disabled Seamen, Fishermen, and other persons, has not, from any cause whatsoever, been carried into effective operation, or where the same may continue inoperative as aforesaid, to demand and require of and from all and every person and persons whomsoever, who, under and by virtue of the provisions of the said Act, shall have received, detained, or stopped, of or from any other person or persons, any sum or sums of money for the purposes of the said Act, a full and true account, to be verified on oath to be taken before any such Magistrate, of all such sums of money so received, detained or stopped by them, and of the time when, and the parties from whom the same was so received, detained or stopped as aforesaid; and all such sum and sums of money, of and from all such person and persons, to demand, collect and receive; and on receipt of the same, or any part thereof, to account for and pay over the same to the Colonial Treasurer for the purposes hereinafter mentioned.

II. And be it further enacted, that it shall and may be lawful for any Stipendiary Magistrate, to be appointed as aforesaid, to file a petition, on oath, in any of Her Majesty's Superior Courts, against any person or persons in the District for which such Magistrate shall have been appointed Collector as aforesaid, who having received, detained, or stopped, as aforesaid, any such monies, shall refuse, or, after demand, shall neglect to account for and pay over the same; and that thereon it shall be lawful for the Court in which such petition shall have been filed, to order the party or parties complained against to appear before such Court, on a day certain, to be examined on oath touching the matters contained in the said petition: and that if, after the hearing and examination of such person and persons, and of evidence, if any, to be adduced on either side, it shall appear to the said Court that the party or parties so examined have refused, or, after demand, neglected, to account as aforesaid, or having so accounted, shall have refused, or, after demand as aforesaid, shall have neglected to pay over as aforesaid all such monies so received, detained, or stopped by him or them, it shall be lawful for the said Court to order such party or parties forthwith to account for or pay over such monies as aforesaid, or both, as the case may be, and also to pay such costs as may be reasonable, and to enforce such order by process of Contempt.

III. And be it further enacted, that it shall be lawful for the Governor or Administrator of the Government for the time being to appropriate all such monies as may be collected and paid into the Treasury, under this Act, towards the relief of Indigent Widows and Orphans, or other poor persons in the districts wherein the same shall have been respectively collected.