

Laws of Her Majesty's Province of Newfoundland, passed in the year 1852.

15 Victoria – Chapter 3

**An Act to amend and consolidate the Acts now in force respecting Light Houses in this Colony.
(Passed 14th June, 1852.)**

Whereas it is expedient to amend the Acts now in force respecting the support of Light Houses within this 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, in Legislative Session convened, That the following Acts, that is to say; an Act passed in the Third Year of the Reign of Her Majesty, entitled "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 an Act passed in the Twelfth Year of the Reign of Her Majesty, entitled "An Act to continue and amend an Act passed in the Third Year of the Reign of Her present Majesty, entitled '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;'" an Act passed in the Thirteenth Year of the Reign of Her Majesty, entitled "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;" an Act passed in the Fourteenth Year of the Reign of Her Majesty, entitled, "An Act in addition to the Act for the management of Light Houses in this Colony;" be, and the same are, hereby severally repealed, save and except all acts and proceedings done and had under the authority thereof, and saving and reserving the right of recovering any Duties imposed under any of the said Acts: Provided that nothing herein contained shall have the effect of reviving any Act or Acts repealed in whole or in part by any of the said recited Acts.

II. And be it enacted, That there be raised, levied, collected, and paid to Her Majesty, Her Heirs and Successors, for the support of Light Houses already erected, or which may hereafter be erected, upon any of the Coasts of this Island, or upon any of the Islands or Rocks adjacent thereto, a Duty or Rate of Six Pence per Ton, which each and every Ship or Vessel shall admeasure agreeably to their Registers, upon every Merchant Ship or Vessel which may enter any Port or Place within this Colony, from Cape Ray extending Eastwardly to Cape Race, and thence Northward to Cape John, (other than Coasting, Sealing, or Fishing Vessels), the said Duty to be levied once in each year; and that there shall in like manner be raised, levied, collected and paid, upon every Registered Decked Vessel of Forty Tons and upwards, employed in the Sealing, Fishing, and Coasting Trade of this Colony or the Labrador, and which may enter at or clear from any of the Ports or Places aforesaid, the Duty or Rate of Three Pence per Ton; and upon every such Vessel of less than Forty Tons aforesaid, the sum of Ten Shillings per annum; and should any of the above mentioned class of Vessels paying the Duty or Rate of Three Pence per Ton herein imposed, proceed on a Foreign Voyage, such Vessel shall also be liable to a further Rate of Three Pence per Ton: Provided that there shall not be levied upon any Ship or Vessel liable to pay the Light Duties imposed by this Act, more than Six Pence per Ton in any one year.

III. And be it enacted, That Receipts given by the Collector, Sub-Collector, or other person aforesaid, for the Annual Duty upon any Vessel, which Receipts the said Collector, Sub-Collector, or other person aforesaid is hereby required to give, shall exempt such Vessel from the payment of any further Duty until the First day of January following.

IV. And be it 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, which shall be paid in Sterling Money, or in Foreign Coins at the rate at which they are now received in payment of Customs' Duties; and the last 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 Sub-Collectors or other persons appointed in the Out-Ports aforesaid, a Commission of Five per Centum upon the amount collected by them respectively.

V. And be it enacted, That on the non-payment by the Master, or any person having charge of, or any Owner or Owners of, any Ship or Vessel, of any Rate or Duty payable or incurred under this Act, such Rate or Duty shall and may be sued for and recovered by and in the name of the Collector, Sub-Collector, or other person duly authorized to receive the same, in a summary manner, before any one or more Justice or Justices of the Peace, within the District where the Collector or such Sub-Collector, or other person so authorized as aforesaid, may reside, together with all costs incurred, and shall be levied by Warrant and Distress under the Hand and Seal of such Justice or Justices, on the Goods and Chattels of the Owner or Owners, or of the Master or other person in the charge of the respective Ship or Vessel on account of which the said Rate or Duties shall respectively be payable.

VI. And be it enacted, That it shall not be lawful for the Collector of Her Majesty's Customs at the Port of St. 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 Rates or Duties aforesaid within the several Ports of the Colony as aforesaid, until the said Rates and Duties imposed by this Act shall be paid to the person duly authorized to receive 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, Sealing, or Fishing Vessel, within the description hereinbefore set forth in this Act, until the several Rates and Duties imposed as aforesaid shall be paid to the person duly authorized to receive the same.

VII. And be it enacted, That it shall and may be lawful for the Governor, or Administrator of the Government for the time being, and Council, to appoint Five Persons to be Commissioners of Light-Houses aforesaid, and their places from time to time to supply as occasion may require, any Three of whom shall be a quorum, which said Commissioners are hereby constituted a Board of Audit and Controll for the administration of all matters touching and concerning the managing, conducting, and maintenance of all Light Houses belonging to this Colony, and for guarding and maintaining the Beacon erected on Cape Race, and shall make Public Contracts for furnishing all necessary Supplies for such Light Houses, and for Erecting all Buildings that may be required in connection therewith, and for all necessary repairs that may be required to any Light house, Keeper's House, or other Building, giving at

least Two Weeks' notice for public competition, and shall in all cases accept the lowest Tenders which are accompanied with the proper Securities for the due performance of such Contract: Provided always, that before any Contract shall be entered into for the repairs of any Light-House, or for the erection or repair of any House or Building exceeding Fifty Pounds, Specifications and Estimates of such intended erections or repairs shall be submitted to the Governor and Council for their approval.

VIII. And be it enacted, That on the Thirty-first day of December in this present Year, and on the last Friday of each succeeding Year during the continuance of this Act, one of the said Commissioners, to be chosen by ballot from among themselves, shall vacate his office, and another shall in manner aforesaid be appointed to supply his place.

IX. And be it enacted, That it shall and may be lawful for the said Commissioners to appoint, and at pleasure to remove, all Light House Keepers and Assistants of the said Light Houses, and that the Salaries of and Remuneration to such Persons as are or may be appointed, and the incidental expenses of supporting, maintaining, and keeping up the said Light Houses and appurtenances, shall be subject to the controul and approval of the Legislature.

X. And be it enacted, That all Monies which shall be received under and by virtue of this Act, or which have been received under any former Acts, for the supporting of Light Houses, shall be applied to the support of the several Light-Houses in this Colony as aforesaid, and paid for such purposes by Warrant of the Governor or Administrator of the Government for the time being; and any surplus Light Money which may remain, after providing all the above purposes, shall be kept separate from the ordinary Revenues of the Colony.

XII. And be it enacted, That the Commissioners to be appointed under this Act, shall, on the First day of July in this present Year, furnish to the Governor for the time being an Estimate of the probable charges and the incidental expenses of carrying out the provisions of this Act, up to the Thirty-first day of December following, and also shall on the first Thursday of January thereafter, and on the same day in each succeeding Year, for the purpose of being laid before the Legislature, furnish an Estimate as aforesaid for the current Year, thence ensuing, and also shall annually, on or before the First Thursday of January, render to the Colonial Secretary an Account in detail of all Costs, Charges, and Disbursements, by them incurred or paid, to be by him laid before the Governor, or Administrator of the Government for the time being, for the information of the Legislature.

XII. And be it enacted, That this Act shall continue in force for Three Years, and thence until the end of the then next Session of the Legislature.