

*Laws of Her Majesty's Province of Newfoundland, passed in the year 1863.*

26 Victoria – Chapter 2

**An Act to Provide for the Collection of the Revenue and for the better Administration of Justice at the Labrador. (Passed 25th March, 1863.)**

Whereas it is expedient, to Provide for the Collection of the Revenue and for the better Administration of Justice at the Labrador:

Be it therefore Enacted by the Governor, Legislative Council and Assembly, in Legislative Session convened as follows:

- I. It shall be lawful for the Governor, by Letters Patent under the Great Seal of the Island of Newfoundland, to institute a Court of Civil and Criminal Jurisdiction at the Labrador; and such Court shall be a Court of Record, and shall be presided over by one Judge, to be appointed by the Governor in Council; and shall, over all such parts of the Labrador as lie within the Government of Newfoundland, have jurisdiction, power and authority, to hear and finally determine all Criminal Prosecutions for Assaults and Batteries, and for Larcenies without force to the person, committed within the limits aforesaid; and all Actions and Suits of a Civil nature, wherein the debt, damage or thing demanded, shall not exceed in amount or value One Hundred Pounds.
- II. The proceedings of the said Court shall be summary; a Record of such proceedings shall be kept and signed by the Judge thereof; and the forms of Process and other proceedings in Civil cases shall be as set out in the Schedule to this Act annexed, and in Criminal matters shall be those used in summary proceedings of a like character by, Justices of the Peace in this Island.
- III. The Salary of the Judge of such Court shall not exceed Two Hundred and Fifty Pounds; and there shall be such Officers of the said Court as the Governor in Council shall appoint; and the Salaries of such Officers shall be fixed by the Legislature.
- IV. It shall be lawful for any Party against whom any Judgment or Order of the said Court may be given in any matter over Fifty Pounds, or where the matter in dispute shall relate to the Title to any Lands or Fishery, or where the right in future may be bound, within two days after such Judgment or Order to Appeal therefrom to the Supreme Court, giving one day's notice to the opposite party of such intended Appeal; and upon such Appellant, within seven days, giving security, to the satisfaction of the Judge, for the speedy prosecution of such Appeal, for the performance of the Judgment or Order of the Superior Court, or for the performance of the Judgment of the Court of Labrador, should the same be affirmed or the Appeal dismissed, and in such last mentioned cases also for the payment of the Costs of such Appeal, Execution shall be stayed upon the Judgment of the Court below: Provided that it shall be competent to such Judge, upon reasonable grounds, to extend the time for such Appeal, and that it shall be lawful for him, when he shall think it necessary, to reserve any question of Law arising in any case before him for the consideration of the Supreme Court, suspending his Judgment in the meanwhile until such question shall have been determined.

V. When an Appeal shall be allowed in manner aforesaid, a copy of all proceedings in the Court below, authenticated under the Hand and Seal of the Judge thereof and of any other Officer, if any such, who may be appointed for that purpose, shall be transmitted by such Judge to the Registrar of the Supreme Court, and after Adjudication it shall be competent to the Supreme Court to carry such Adjudication into effect by its own process, or to direct that the same be carried into effect by the Court below, as may be considered most expedient.

VI. The Judge of the said Court shall be, *ex-officio*, a Justice of the Peace and Coroner for all places within the limits aforesaid, with the like Power and Authority in all respects as are or may be exercised by any Justice of the Peace or Coroner lawfully appointed in Newfoundland.

VII. Criminal Offenders sentenced by the said Court to imprisonment, and Debtors arrested under final process, may be confined in any place of security within the limits aforesaid the said Judge may direct, or may be conveyed to any Gaol in Newfoundland, there to remain until removed or discharged in due course of Law.

VIII. The provisions of an Act passed in the Sixth Year of the Reign of Her present Majesty, entitled "An Act to repeal an Act passed in the Fifth Year of the Reign of His late Majesty, entitled 'An Act to Amend the Law of Attachment, and to Facilitate the Recovery of Debts from absent or absconding Debtors, and to make other provision for the Amendment of the Law of Attachment, and of an Act passed in the twelfth Year of the Reign of Her present Majesty, entitled 'An Act to Amend the Law of Attachment in this Colony, and to Regulate the Fees in certain cases payable therein,'" so far as the same relate to the Sale of Perishable Property attached, the recovery of Debts and Effects attached in the hands of third parties, the Examinations of such third parties, the Attaching for Costs and the Levying of Monies under a Writ of Execution, shall be applicable to the proceedings of the Court hereby established. Provided that an Attachment may issue for any amount exceeding Forty Shillings.

IX. That it shall be lawful for the Governor in Council to appoint the said Judge or some other competent Person to be Superintendent of the Fisheries on the Coast of Newfoundland and the Labrador, and to appoint the same or some other competent Person to be a Collector of Revenue on the Labrador.

X. It shall be lawful for such Collector, subject to the control of the Governor in Council, to appoint Sub-Collectors under him at the principal Ports and Places on the Labrador, and such Collector and his Deputies shall have the like Power and Authority in and for the Collection of the Revenue on the Coast of Labrador, and shall give the like Security for the right discharge of the Duties of their respective Offices, as are by Law provided with respect to Customs and Revenue Officers in this Island.

XI. The Revenue collected under this Act shall be applied in the first place towards defraying the Cost of the Protection of the Fisheries, and of carrying the provisions herein contained into effect, and the surplus, if any, shall be paid to the Receiver General for the uses of the Colony.

SCHEDULE.

“SUMMONS.”

To \_\_\_\_\_ Bailiff.

Summon C. D. to appear before me on \_\_\_\_\_ at \_\_\_\_\_ to answer A. B., who complains that the said C. D. owes him \_\_\_\_\_ as by particulars hereto annexed, and to be further dealt with according to Law.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A. D.

G.H.,  
Judge of the Court of Labrador.

“ATTACHMENT.”

To \_\_\_\_\_ Bailiff.

Attach C. D., by his Lands, Chattels, Goods, Debts and Effects, to appear before me on \_\_\_\_\_ at \_\_\_\_\_ to answer A. B., who complains that the said C. D. owes to him \_\_\_\_\_, as by particulars hereto annexed, and to be further dealt with according, to Law.

Given udder my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A.D.

G.H.,  
Judge of the Court of Labrador.

Oath for £ \_\_\_\_\_ Stg.

“EXECUTION AGAINST GOODS.”

To \_\_\_\_\_ Bailiff.

Levy on the Property of C. D. the sum of \_\_\_\_\_ which, by Judgment of this Court, was declared to be due and to be paid by him to A. B. for Debt, (or Damages for Assault, &c., as the case may be,) and pay the said sum to the said A. B. in discharge of such Judgment.

Given under my Hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A. D.

G. H.,  
Judge of the Court of Labrador.

“EXECUTION AGAINST THE PERSON.”

To \_\_\_\_\_ Bailiff.

Arrest C. D. and detain him in custody until he shall pay A. B. the sum of \_\_\_\_\_, amount of a Judgment obtained against him by the said A. B. for Debt, (or damage for an Assault, as the case may be,) or until he be delivered by due course of Law.

Given under my Hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A. D.

G. H.,  
Judge of the Court of Labrador.

“WARRANT OF ATTACHMENT.”

To \_\_\_\_\_ (Name of Garnishee.)

You are commanded to pay or deliver into this Court all Moneys, Property and Effects of C. D, to the value of \_\_\_\_\_, now in your possession, or under your control, to answer a claim of A. B. for Debt, (or damages for an Assault, as the case may be).

Given under my Hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A. D.

G. H.,  
Judge of the Court of Labrador.

“SUMMONS IN CASES OF TRESPASS, TROVER, EJECTMENT, OR CASE.”

To \_\_\_\_\_ Bailiff.

Summon C. D. to appear before me on \_\_\_\_\_ at \_\_\_\_\_ to answer A. B., who complains that the said C. D., on Assaulted the said A. B., or took and detained from him his Property, or wrongfully holds possession of certain Lands situate \_\_\_\_\_ the property of the said A. B., or on (removed the Nets of the said A. B., as the case may be,) and to be further dealt with according to Law.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A. D

G. H.,  
Judge of the Court of Labrador.

FORM OF WRIT OF POSSESSION.

To \_\_\_\_\_ Bailiff

Put A. B. in possession of that Parcel of Land (describing it,) which by a Judgment of this Court made on \_\_\_\_\_ the said A. B. recovered from C. D., who now wrongfully holds possession of the same.  
Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A. D.

G. H.,  
Judge of the Labrador Court.

FEEES TO BE TAKEN BY THE BAILIFF OF THE COURT.

Serving every Summons, Two Shillings and Six Pence, and Six Pence per mile going and returning.

Serving every copy of Attachment, Two Shillings and Six Pence, and Six Pence per mile going and returning.

Serving every Warrant of Attachment, Two Shillings and Six Pence, and Six Pence per mile going and returning.

Every Arrest, Ten Shillings and Six Pence, and Mileage at the rate aforesaid.

Poundage on Writs of Execution and on actual Seizures under Attachment, Six Pence in the Pound.