

*The Provincial Statutes of Lower-Canada, Being the fourth session of the of the Special Council, begun and holden at the City of Montreal, in the said Province of Lower Canada, fourteenth day of February, 1839.* Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1839.

2 Victoria – Chapter 19 (Session 4)

**An Ordinance to suspend in part certain Acts therein mentioned, and to establish and incorporate a Trinity House in the City of Montreal.**

Whereas it is expedient to provide for the better regulation of that part of the River Saint Lawrence, between the Basin of Port Neuf [Portneuf] exclusively, in the District of Quebec, and the Province Line, and of the several Rivers falling into the River St. Lawrence within the said limits, and of the Shipping therein, and of the Pilots employed in the navigation thereof, and to establish a Trinity House in the City of Montreal, independent of, and distinct from that established by a certain Act passed in the forty-fifth year of the Reign of His late Majesty King George the Third, under the name of "The Master, Deputy Master and Wardens of the Trinity House of Quebec;"—Be it therefore Ordained and Enacted by His Excellency the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "An Act to make temporary provision for the Government of Lower Canada;"—And it is hereby Ordained and Enacted by the authority of the same, that it shall not be necessary that any of the Wardens of the said Corporation erected by the said Act passed in the forty-fifth year of the Reign of His late Majesty King George the Third, intituled, "An Act for the better regulation of Pilots and Shipping in the Port of Quebec, and in the Harbours of Quebec and Montreal, and for improving the navigation of the River St. Lawrence, and for establishing a Fund for Decayed Pilots, their widows and children" shall reside in the City of Montreal, and that so much of the said Act and of a certain Act passed in the forty-seventh year of the reign of His late Majesty King George the Third, chapter ten, intituled, "An Act to amend an Act passed in the forty-fifth year of the Reign of His present Majesty, intituled, 'An Act for the better regulation of Pilots and Shipping in the Port of Quebec, and in the Harbours of Quebec and Montreal, and for improving the navigation of the River Saint Lawrence, and for establishing a Fund for Decayed Pilots, their Widows and Children,'" and of a certain Act passed in the fifty-first year of the Reign of His late Majesty King George the Third, intituled, "An Act to amend an Act passed in the forty-fifth year of His Majesty's Reign, intituled, 'An Act for the better regulation of of Pilots and Shipping in the Port of Quebec, and in the Harbours of Quebec and Montreal, and for improving the navigation of the River St. Lawrence, and for establishing. a Fund for decayed Pilots, their Widows and Children,'" and of a certain Act passed in the fifty, second year of the Reign of His late Majesty King George the Third, intituled, "An Act to amend an Act passed in the forty-fifth year of His Majesty's Reign, intituled, 'An Act for the better regulation of Pilots and Shipping in the Port of Quebec, and in the Harbours of Quebec and Montreal, and for improving the navigation of

the River St. Lawrence, and for establishing a Fund for Decayed Pilots, their Widows and Children,” and of a certain other Act passed in the second year of His late Majesty King George the Fourth, intituled, “An Act further to amend and extend the provisions of certain Acts therein-mentioned, relating to Pilots and to the navigation of the River St. Lawrence, and for other purposes therein specified,” as relates to the limits of the Port of Quebec, to the jurisdiction, control and authority of the said Corporation, between the basin of Port Neuf aforesaid and the Province line, and on the Rivers falling into the River St. Lawrence, within the said limits, and to their control and authority over the “Montreal Decayed Pilots’ Fund,” and to their power of making or enforcing bye-laws, rules and regulations within the said limits, and to their power of holding real and immoveable estate within the said limits, and to their power of examining and licensing Pilots for and above the Harbour of Quebec, and to their control over such Pilots, and to the appointment of the Harbour Master and Officers, Clerks and Bailiffs in and for the said Harbour of Montreal, and to the power of the Master, Deputy Master and Wardens of the said Trinity House of Quebec, to hear and determine any dispute between any Master of a ship or vessel and any Pilot for and above the Harbour of Quebec, in any matter whatsoever, or any matter of complaint against any such Pilot on any charge whatsoever, and to all the consequences of such hearing and determining, and to the power of the said Master, Deputy Master, and Wardens to hear and decide finally any matter of complaint or dispute, by and between such Pilots for and above the Harbour of Quebec and their Apprentices, and to all the consequences of the said power, or to the power of the said Corporation to reinstate by a new branch any Pilot for and above the Harbour of Quebec, deprived of his branch by reason of the loss of any ship or vessel, or to the persons to whom certain duties imposed on steam-boats navigating the River St. Lawrence, shall be paid, and by whom they shall be applied; and generally all matters and things in the said Acts or either of them, in anywise contradictory to or inconsistent with the provisions of this Ordinance, shall be, and so much of the said Acts respectively is hereby suspended during the continuance of this Ordinance.

II. And be it further Ordained and Enacted by the authority aforesaid, that the said Port of Quebec shall not hereafter extend, or be deemed to extend, higher up the River St. Lawrence, than the Basin of Port Neuf inclusively, in the District of Quebec, and that the Port of Montreal shall extend from the said Basin of Port Neuf exclusively, to the Province Line, and shall include such parts of the several Rivers falling into the St. Lawrence, within the said limits as shall be within this Province: Provided always, that the limits of the Harbour of Quebec and the Harbour of Montreal shall be and remain as established by the Act hereinabove first cited.

III. And be it further Ordained and Enacted by the authority aforesaid, that it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government, by an instrument under the Great Seal of the Province, from time to time, to constitute and appoint two fit and proper persons, residing in. the City of Montreal, to be Master and Deputy Master, and not exceeding five other persons, also residing in the said City, to be Wardens of the Trinity House of Montreal, and from time to time to remove the said Master, Deputy Master and Wardens, or any or either of them, to appoint others to be successors of

such as shall be so removed, or die, or resign their trust; and the said Master, Deputy Master and Wardens, and their successors so constituted and appointed, shall be and they are hereby declared to be a body politic and corporate in name and in deed, by the name of "The Master, Deputy Master and Wardens of the Trinity House of Montreal," and shall have perpetual succession, and a common seal, with power to change, alter, break and make anew the same, when and as often as they shall judge the same to be necessary, and they and their successors by the same name, shall sue and be sued, implead and be impleaded, answer and be answered, in all or any court or courts of record, or place of judicature within this Province, and shall be able and capable in law to purchase, have, hold, receive, enjoy, possess, and retain, moveable property and immoveable estates for the purpose of erecting a light-house or light-houses, beacon or beacons, or otherwise improving the navigation and pilotage of the River St. Lawrence, and other Rivers within the limits of the Port of Montreal.

IV. And be it further Ordained and Enacted by the authority aforesaid, that the Master of the Trinity House of Montreal, so constituted and appointed as aforesaid, shall ex officio be the principal of the said Corporation hereby erected, and that it shall be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province, for the time being, by an instrument or instruments under his hand and seal, from time to time to nominate and appoint, remove, replace or reappoint a person to be Harbour Master of Montreal, and also a person to be Registrar and Treasurer of the said Corporation, and such other Officers, Clerks and Bailiffs as he shall judge necessary for the said Corporation; and the said Corporation shall hold their meetings on every Saturday, (provided it be not a holiday.) of every month, and on any other days, which they may find it necessary to appoint for the execution of the trust imposed upon them by virtue of this Ordinance, in some suitable room or place, in the City of Montreal, which shall be selected by a majority of the Wardens at a meeting regularly held, of which the Master or Deputy Master must be one, and that it shall be the duty of the Registrar of the said Corporation after his appointment, and that of the other officers of the said Corporation, to give public notice in the French and English languages, in at least two newspapers, one of which to be the Montreal Gazette, published in the City of Montreal, and be continued once a week in said papers for at least one month, and like notice shall be given as aforesaid, every time the Corporation shall think fit to remove the place of their meeting, within the said City of Montreal; Provided always, that the Harbour Master of Montreal and his successors in office, shall not in any case be Master, Deputy Master, or one of the Wardens of the said Trinity House of Montreal.

V. And be it further Ordained and Enacted by the authority aforesaid, that before the said Master, Deputy Master and Wardens shall enter upon the execution of the duties for them prescribed by this Ordinance or any of them, they shall severally take and subscribe an oath, before one of the Justices of the Court of King's Bench for the District of Montreal in the words following, that is to say: "I, A. B., do swear that I will truly and impartially, according to the best of my skill and understanding, execute the powers vested in me by a certain Ordinance, intituled, 'An Ordinance to suspend in part certain Acts therein-mentioned, and to establish and incorporate a Trinity House in the City of Montreal'—So help me God,"

which oath so taken and subscribed shall be fyled of record and remain deposited in the office of the Prothonotary of the said Court.

VI. And be it further Ordained and Enacted by the authority aforesaid, that the said Master, or Deputy Master and Wardens, or any three or more of them (of whom the Master or Deputy Master shall always be one,) being assembled at the time and place so appointed, at Montreal, shall establish the aftertimes of meeting with power to adjourn the same from time to time, and to assemble in the said City on extraordinary occasions when it shall be necessary; and being so from time to time assembled in the said City, shall have full power and authority to make, ordain and constitute such and so many bye-laws, rules and orders, not repugnant to the maritime laws of Great Britain, or to the laws of this Province, or to the express regulations of this Ordinance, as by them shall be judged expedient and necessary, as well for the direction, conduct and government of the said Corporation, and of their property real and personal, by them held, as for the more safe, convenient and easy navigation of the River St. Lawrence, and of the several rivers within the limits of the Port of Montreal, as well by the laying down and taking up of buoys and anchors, as by the erecting of light-houses, light ships or floating lights, beacons and landmarks, the clearing, of sands or rocks, or other objects whatsoever, and also for the amendment and improvement of the several harbours, within the limits of the said Port, and preventing injury thereto, for the anchoring, mooring, riding, and fastening of all ships, vessels, steam-boats and other craft, resorting to the said harbours; and for the better ordering and regulating the same, while lying in the said harbours; and also in respect to fire-places on board of ships or vessels, and lightng and extinguishing fires therein; as also respecting lighted candles when such ships or vessels lie at any quay or wharf, in the said harbours; also to the boiling and melting of pitch, tar, turpentine or rosin, in the said harbours or on the beaches thereof and also for the government and regulation of the Pilots for and above the harbour of Quebec, of the conduct of such Pilots towards their apprentices, and of such apprentices towards their masters, and for the better qualification, instrsction, service and examination of such apprentices; and the same to revoke, alter and amend in such manner as will in their opinion most effectually promote the purposes for which this Ordinance is intended; and for enforcing the said bye-laws, rules and orders, the said Master, Deputy Master and Wardens, or any three of them, assembled as aforesaid, are hereby further empowered in or by such bye-laws, rules and orders to impose and lay any fine or penalty not exceeding ten pounds currency, upon all and every person or persons who shall be guilty of infringing the same, or to suspend for a time, or to dismiss from office such person or persons, if a Pilot, or Pilots, who shall be guilty of any breach of such bye-laws, rules or orders, as by them or the majority of them shall be judged fit and' reasonable; Provided always, that no such bye-laws, rules or orders, shall have any force or effect until the same shall have been sanctioned and confirmed by the Governor, Lieutenant Governor, or person administering the Government of this Province, for the time being, under his hand and seal at arms, and shall thereafter have been published both in French and English, in at least two newspapers, published in the City of Montreal, one in the English and the other in the French language, if any such there be; and if not, then in two such newspapers so published in the English language, one of which, in either case, to be the Montreal Gazette.

VII. And be it further Ordained and Enacted by the authority aforesaid, that it shall be lawful for the Master, Deputy Master and Wardens of the said Trinity House of Montreal, or any three or more of them to hear and determine all matters and things relating to any beach of the River St. Lawrence, or of any other rivers within the jurisdiction of the Corporation; disputes between any Pilot and any master of a ship or vessel, respecting any sums of money claimed for pilotage or extra or other services; and also all matters of complaint against pilots for neglect or misbehaviour in any part of the duty required of them by this Ordinance, or by the bye-laws, rules, regulations, or orders of them, the said Master, Deputy Master, and Wardens, enacted and made by virtue of this Ordinance, as well as to hear and to determine all offences committed against this Ordinance, or against any such bye-laws, rules, regulations, or orders, by any person or persons whatsoever, for which especial provision is not herein made for trial by other jurisdictions, and that the said Master, Deputy Master and Wardens, or any three of them, are hereby required and empowered, upon information, to summon the party accused, or from whom money shall be claimed, and the witnesses to be heard as well in his favour as against him, by any of the bailiffs of the said Corporation, and upon the appearance, (or default of the party accused or complained against, in not appearing upon proof of service of such summons,) to proceed to the examination of the witness or witnesses upon oath, and to give judgment accordingly, with such costs thereupon as they shall think reasonable, and when the party accused or complained against, shall be convicted of such offence, or if judgment be given on such claim by proof or confession, to issue a warrant or warrants under the hand of the Registrar and under the seal of the said Corporation, empowering and requiring any of the Bailiffs of the Corporation, of the goods and chattels belonging to the party convicted, to levy the amount of such judgment, or of any pecuniary fine imposed by such conviction with the costs of suit, and cause sale thereof to be made, which warrant shall authorize the Bailiff to go on board of any ship or vessel lying on any part of the River St. Lawrence, or any other river within the limits of the jurisdiction of the said Trinity House of Montreal, and there to execute by saisie and sale of the goods and chattels which shall then and there be found appertaining to the person or persons against whom such warrant shall thus be issued, and also so to go on board, on return of nulla bond, to execute the warrants as hereinafter mentioned; and when the goods of such person or persons so convicted, or against whom a judgment shall be given shall not be found, the said Master, Deputy Master and Wardens, or any three of them, on a return of nulla bond to them made by such Bailiff, shall and may by warrant under the hands of any two of them, and of the Registrar, and the seal of the said Corporation, addressed to any of the Bailiffs of the said Corporation, may and shall cause to be apprehended and committed, the person or persons against whom such judgment shall have been given, or the person or persons so convicted, to the Common Gaol of the District in which such person or persons shall be found, there to remain until the penalty imposed by such conviction, or the amount of the Judgment given, with the costs in either case, shall have been paid and satisfied; Provided always, that no person so committed shall be so detained in prison for a period exceeding three calendar months, and provided also, that all disputes between pilots and masters of vessels, occurring on the River St. Lawrence, and while the vessel is on her way from Quebec to Montreal, or from Montreal to Quebec, may

be heard and determined either by the Master, Deputy Master and Wardens of the Trinity House of Quebec, or by the Master, Deputy Master and Wardens of the Trinity House at Montreal.

VIII. Provided always, and be it further Ordained and Enacted by the authority aforesaid, that the master of any ship or vessel, or any person or persons against whom a judgment shall be given as aforesaid, for a sum exceeding twenty pounds, currency, upon giving security to the person or persons in whose favour such judgment shall be so rendered, to the satisfaction of the Master or Deputy Master and Wardens, who rendered such judgment, for the amount thereof, with costs, shall be entitled to an appeal to the Court of King's Bench for the District of Montreal, and the said Court of King's Bench, upon the hearing of such appeal, shall give such judgment as in its consideration shall be just and right, with costs, and the judgment of such Court of King's Bench, shall be final, except in cases exceeding the sum of five hundred pounds, sterling, in which case an appeal shall be in the ordinary course of law, to the Provincial Court of Appeals, and from thence to the Court of Her Majesty in her Privy Council: Provided also, that nothing in this Ordinance contained, shall extend or be construed to extend to authorize the going on board of Her Majesty's ships or vessels by her duly commissioned, to serve any summons, or to execute any warrant of service of the said Corporation: Provided also, that the proceedings and evidence had before the said Master, Deputy Master and Wardens, where their judgment shall exceed the sum of twenty pounds, currency, shall be recorded and preserved of record, and also in all cases where the same shall extend to deprive a pilot of his branch or licence.

IX. And be it further Ordained and Enacted by the authority aforesaid, that in all cases where it shall be necessary to serve a writ of summons upon any person or persons, for any offence committed against this Ordinance, or against any such bye-laws, rules, regulations or orders made and constituted by this Corporation, the service of such writ, if the party offending is not to be found, or refuse to give his name, shall be deemed a legal service, if a copy of such writ is left by the Bailiff of the Corporation, on board of the ship, vessel, steamboat, raft or river craft, belonging to, or in charge of the party so offending, between the hours of seven in the morning, and six in the afternoon, in the hands of some reasonable person on board, to whom the Bailiff shall explain the purpose of such summons.

X. And be it further Ordained and Enacted by the authority aforesaid, that the said Master, Deputy Master and Wardens, when sitting judicially upon any complaint, cognizable by them or any number of them, under this Ordinance, are, and each of them is hereby authorized and empowered to administer an oath unto the witness or witnesses who shall be produced on either side, as well as unto the plaintiff or plaintiffs, defendant or defendants, or any other person whom in such case it shall be necessary to examine on oath, upon the trial of any such complaints, and any person who shall wilfully swear falsely under such oath, shall be guilty of wilful and corrupt perjury, and being thereof duly convicted, shall be liable to all the pains and penalties provided by law against that offence.

XI. And be it further Ordained and Enacted by the authority aforesaid, that when any person or persons against whom judgment shall be given by the Master, Deputy Master and Wardens of the Trinity House of Montreal, or any three of them, shall not have sufficient goods and chattels within the jurisdiction of the said Trinity House wherein such judgment shall have been obtained, but shall have goods and chattels within the jurisdiction of the Trinity House of Quebec, it shall be lawful for the Master, or Deputy Master and Wardens, under the band of the Registrar of the said Trinity House and seal of the Corporation, to award execution, addressed to the Water Bailiff or any Bailiffs of the Trinity House of Quebec, who, after getting the warrant endorsed by the Master or Deputy Master of the said Trinity House of Quebec, in the jurisdiction of which the goods and chattels are situated, shall execute the same, and make return thereof to the Trinity House of Montreal, from which it issued; and such warrant and return shall be by him sent to the Registrar of the Trinity House of Montreal, whence the warrant was originally awarded, to be delivered to the Master, Deputy Master and Wardens of the said Trinity House of Montreal, and the said Master, Deputy Master and Wardens of the said Trinity House of Montreal, may in like manner award a warrant against the body of a person or persons residing in the jurisdiction of the said Trinity House of Quebec, in cases where such warrant is by this Ordinance allowed, and such warrant being indorsed by the Master or Deputy Master of the Trinity House at Quebec, may be executed within that jurisdiction, and the Water Bailiff or Bailiff executing the warrant to him in such case directed, shall convey the body of such person or persons into the Common Gaol of the District and jurisdiction wherein such person or persons shall be arrested.

XII. And be it further Ordained and Enacted by the authority aforesaid, that the said Master, Deputy Master and Wardens, or any three of them, sitting in their judicial capacity, shall have such and the like power and authority, to preserve order in their Court during the holding thereof, and by the like ways and means as now by Law are or may be exercised and used in the like case, and for the like purpose, by any Courts of Justice in this Province, or by the Judges thereof respectively, during the sitting thereof.

XIII. And be it further Ordained and Enacted by the authority aforesaid, that no person shall hereafter be appointed and commissioned as a Pilot for and above the harbour of Quebec, until he shall have been examined in the presence of such Branch Pilots as may have been summoned for that purpose by the Master, Deputy Master and Wardens, or any three of them, (and who shall propose questions,) and shall have obtained a certificate from the said Master, Deputy Master and Wardens of the said Trinity House of Montreal, or any three of them, of whom the Master or Deputy Master shall be one, under their hands and the hand of the Registrar and seal of the said Corporation, of his having been so examined, and being found in all things duly qualified to serve as a Branch Pilot for and above the Harbour of Quebec; Provided always, that every Pilot who now holds a branch shall continue to hold the same, unless he shall by some offence committed after the passing of this Ordinance, and after conviction thereof, have forfeited such Branch.

XIV. And be it further Ordained and Enacted by the authority aforesaid, that from and after the passing of this Ordinance, no person shall be permitted to undergo an examination to obtain a licence, and to act as Pilot for and above the Harbour of Quebec, unless he shall have been constantly employed during three years, in the river navigation between Quebec and Montreal, and shall prove the same in a satisfactory manner by certificate from two or more persons, which certificate shall be duly attested by the oath of the persons giving the same, if required by the Corporation of the Trinity House of Montreal, or by any of the persons present at such examination.

XV. And be it further Ordained and Enacted by the authority aforesaid, that each and every Branch Pilot, for and above the Harbour of Quebec, who shall have served a regular and continued apprenticeship of three years, (and no other) shall have one or more apprentices, and shall be held to enregister at the said Trinity House of Montreal, the name of each and every apprentice whom they now have or may hereafter take, and shall further enregister the date of every indenture between such pilot and such apprentice, and the name of the Notary before whom it shall have been made, within three months from the passing of this Ordinance, for every indenture already made, and in three months from the date of every such indenture hereafter to be made.

XVI. And be it further Ordained and Enacted by the authority aforesaid, that a list of the Branch Pilots for and above the Harbour of Quebec, specifying their names, ages and places of residence, shall annually be delivered in the month of March, in each and every year, signed by the Master or Deputy Master, and by one or more of the said Wardens, and by the Registrar of the said Trinity House of Montreal, to the Corporation of the Trinity House of Quebec, to the Collector of the Customs at Quebec, and to the Chief Officer of the Customs at Montreal, which lists the said Collector and Chief Officer respectively, shall put up in some public place in the Custom House, in each of the said Cities.

XVII. And be it further Ordained and Enacted by the authority aforesaid, that all matters of complaint and dispute by and between pilots for and above the Harbour of Quebec, and their apprentices, shall be heard and finally decided, by the Master, Deputy Master and Wardens of the Trinity House of Montreal, or any three of them, and to this end, all power and authority relative thereto, heretofore in the Corporation of the Trinity House of Quebec, shall be and the same and every part thereof, relative to such pilots and their apprentices, are and is hereby vested in the said Master, Deputy Master and Wardens of the said Trinity House of Montreal, and it shall and may be lawful to and for the Master, Deputy Master and Wardens of the said Trinity House, from time to time to call before them, and to examine an apprentice to any pilot, as to his progress in the calling of a pilot, and if upon the examination of any apprentice before the Master, Deputy Master and Wardens of the said Trinity House, or any three of them, it shall appear to them, that the master of such apprentice shall have neglected his instruction, it shall and may be lawful to and for the said Master, Deputy Master and Wardens of the said Trinity House, or any three of them as aforesaid, to inflict and impose upon such Master, guilty of such neglect, such fine as they shall see fit, not exceeding ten pounds, currency; but if upon examination it shall appear to



the said Master, Deputy Master and Wardens that such apprentice is not duly qualified for the exercise of the calling of a pilot, from his own neglect or fault, it shall and, may be lawful to and for the said Master, Deputy Master and Wardens as aforesaid, to order the said apprentice to serve as an apprentice such further time, not exceeding two years, in addition to the period of service by this Ordinance required, as they, the said Master, Deputy Master and Wardens, or any three of them, as aforesaid, shall think necessary for the instruction and sufficient qualification of the said apprentice for the exercise of the calling of a pilot; and such apprentice shall not in any case be entitled to his Branch or Licence, until he shall have so served for such additional term.

XVIII. And be it further Ordained and Enacted by the authority aforesaid, that in case of the loss of any ship or other vessel, through the fault of the Branch pilot, for and above the Harbour of Quebec, having charge of the same, it shall be lawful for the Master, Deputy Master and Wardens of the said Trinity House of Montreal, or any three or more of them, upon the complaint or information of the master or owner of such ship or vessel, or of any person whomsoever, to declare by and with the approbation of the Governor, Lieutenant Governor, or person administering the Government for the time being, (such approbation being signified by warrant under his hand and seal addressed to the said Master, Deputy Master, and Wardens,) that such Pilot hath forfeited his branch, and such Pilot shall be deprived of his Branch accordingly.

XIX. And be it further Ordained and Enacted by the authority aforesaid, that if any person, not being a Branch Pilot as aforesaid, shall conduct or pilot any ship or vessel, not being a river craft, steamboat, steamboat barge, or lighter, engaged in the navigation between Quebec and Montreal only, for hire or otherwise, on the River Saint Lawrence, between the basin of Port-Neuf aforesaid and the Harbour of Montreal, such person shall, for every such offence, forfeit and pay the sum of twenty pounds currency, to be recovered with costs, by any person who shall sue for the same before the said Master, Deputy Master and Wardens of the said Trinity House, or any three of them, one moiety of which forfeiture or forfeitures shall go to the Master, Deputy Master and Wardens of the said Trinity House, and be applied in the manner hereinafter directed, and the other moiety to the person who shall sue for the same, and if any Branch Pilot, during such time as he shall be suspended and deprived of his Branch, under and by virtue of this Ordinance, shall conduct or pilot any ship or other vessel, for hire or otherwise, within the said limits, such pilot shall for every such offence, forfeit and pay a sum of ten pounds currency, to be recovered with costs, by any person who shall sue for the same, in manner as aforesaid, one moiety of which said forfeiture shall go to the Master, Deputy Master and Wardens of the said Trinity House of Montreal, and be applied in the manner hereinafter directed, and the other moiety to the person who shall sue for the same.

XX. And whereas it is expedient that the fund, known by the name of the "Montreal Decayed Pilots' Fund," established by and in virtue of the said Act, passed in the fifty-first year of the Reign of His late Majesty King George the Third, and of the said Act, passed in the forty-seventh year of the Reign of His said late Majesty King George the Third, should be

transferred to and put under the control of the Corporation of the Trinity House of Montreal, for the purpose of being applied to the relief of decayed Pilots for the River Saint Lawrence, above the port of Quebec, and of their widows and children: Be it therefore further Ordained and Enacted by the authority aforesaid, that from and after the passing of the present Ordinance, the said "Montreal Decayed Pilots' Fund" shall be transferred from the Corporation of the Trinity House of Quebec to the Corporation of the Trinity House of Montreal, established by the present Ordinance, and that all contributions now by Law established, and which shall be in future collected by the Naval Officer, upon pilotage of ships, vessels, and steamboats above the Port of Quebec, shall go to, and form part of, the said "Montreal Decayed Pilots' Fund," subject to the control of the said Trinity House of Montreal.

XXI. And be it further Ordained and Enacted by the authority aforesaid, that from and after the passing of the present Ordinance, all sums of money which shall be collected by the Naval Officer, by and in virtue of the Laws now in force, for the "Montreal Decayed Pilots' Fund," shall be by him paid quarterly to the Treasurer of the said Corporation of the Trinity House of Montreal, to be applied in conformity to the provisions of the present Ordinance, respecting such monies.

XXII. And be it further Ordained and Enacted by the authority aforesaid, that the said Trinity House of Montreal, shall be authorised and required to grant such relief out of the said Pilot Fund to distressed and decayed Pilots, and to the widows and children of Pilots, as the said Corporation or a majority thereof shall see just and proper; and the monies which, at the end of each year, shall not be distributed for the said purpose, shall be vested in securities, bearing interest upon immoveable property, according to the best of the judgment of the said Corporation, or a majority thereof, and an account of the state of the said funds shall annually be laid before the Governor, Lieutenant Governor, or person administering the Government, and the said Corporation may be compelled to account for the monies of the said fund, in the Court of King's Bench for the District of Montreal, in any suit brought for the purpose by Her Majesty's Attorney General for this Province, in the name of Her Majesty, her heirs and successors.

XXIII. And be it further Ordained and Enacted by the authority aforesaid, that one moiety of all fines and penalties under this Ordinance, recovered from Branch Pilots for and above the Harbour of Quebec, shall be paid to the Treasurer of the said Corporation of the said Trinity House of Montreal, and compose a part of the said Decayed Pilots' Fund, and, by the said Corporation, shall be applied to the purposes of the said fund, as by this Ordinance are authorised and directed, and no other; and the other moiety shall belong, and be paid to the prosecutor or person suing for the same.

XXIV. And be it further Ordained and Enacted by the authority aforesaid, that the Trinity House of Montreal shall annually publish, or cause to be published, in French and in English, in one or more Newspapers published in the City of Montreal, in the month of September, a full and complete statement of the funds belonging to, or in any wise appertaining to the

Pilots, for and above the Harbour of Quebec, with the names of all and every the person and persons receiving pensions or allowances of any kind, from and out of the said funds, and a copy of the newspaper containing such statement, shall, by the said Trinity House, be furnished, at the expense of the funds aforesaid, to every Pilot residing in this Province, directly contributing to the said funds, and therein immediately interested, if applied for at the Office of the said Trinity House.

XXV. And be it further Ordained and Enacted by the authority aforesaid, that all steamboats and barges, navigating the River St. Lawrence from Quebec to Montreal, or from one place to another, within the limits of the jurisdiction of the said Trinity House of Montreal, shall, while within the said limits, be subject to the bye-laws, rules and regulations of the said Trinity House, and the tonnage duties imposed by the said Act herein cited, passed in the second year of His late Majesty King George the Fourth, for each and every voyage, which any and every steamboat shall perform from Quebec to Montreal, and from Montreal to Quebec, or from either of the said places, to any intermediate port or place, or to or from any place on the River Chambly, shall be paid in the manner provided in the said Act, and into the hands of the Receiver General, to be applied in the manner by law directed, to the improvement of the River St. Lawrence, and other Rivers within the limits of the jurisdiction of the said Trinity House, under the sanction and approval of the Governor, Lieutenant Governor, or person administering the Government of the Province.

XXVI. And be it further Ordained and Enacted by the authority aforesaid, that it shall be the duty of the Harbour Master of Montreal, and his Deputy, to superintend and enforce the execution of this Ordinance, or of any other Act or Ordinance which shall relate to the Harbours within the limits aforesaid, and to prosecute offenders against the same, and against all bye-laws, rules, orders and regulations, enacted by the said Master, Deputy Master, and Wardens of the said Trinity House, and approved, as hereinbefore mentioned, for the amendment and improvement of the said Harbour, for the anchoring, riding and fastening of all ships, rafts, cribs, river craft, barges and other vessels and steamboats resorting to the said Harbour, and the said Harbour Master of Montreal shall, in like manner, superintend and enforce whatever shall relate to the said Harbour, or to the vessels therein; and, before entering upon the duties of his office, shall take and subscribe an oath before one of the Judges of the Court of King's Bench for the District of Montreal, in the following words, that is to say: "I, A. B., do swear, that I will truly and impartially, to the best of my skill and understanding, execute the powers vested in me, by a Law of this Province, intituled, 'An Ordinance to suspend in part certain Acts therein mentioned, and to establish and incorporate a Trinity House in the City of Montreal,'" which oath so taken and subscribed, shall be fyled of record, and remain in the Office of the Prothonotary of the said Court of King's Bench.

XXVII. And be it further Ordained and Enacted by the authority aforesaid, that the said Corporation may, if they or the majority of them with the approbation of the Governor, Lieutenant Governor, or person administering the Government, shall see it necessary, or conducive to the purpose of this Ordinance, and that the funds applicable thereto shall

admit of the expense, provide a decked vessel, or sailboat, or steamboat not exceeding one hundred tons burthen, to be employed as need be in examining the channel and navigation of the River St. Lawrence, and other navigable Rivers within the jurisdiction of the Corporation, in laying down or taking up buoys, or for other necessary purposes under this Ordinance, and the Master of such vessel may be appointed and removed, and re-appointed, or another appointed in his stead, by the Governor, Lieutenant Governor, or person administering the Government, and such salary and pay may be allowed to him and the persons employed under him respectively, as the said Corporation shall determine, with the approval and sanction of the Governor, Lieutenant Governor, or person administering the Government.

XXVIII. And whereas it may be deemed necessary and expedient for the more safe, convenient, and easy navigation of the River St. Lawrence, and other Rivers within the jurisdiction of the Trinity House of Montreal, that certain islands, lands and premises, pieces and parcels of land within the said jurisdiction, should be purchased and vested in the said Corporation of the said Trinity House, for the purpose of erecting a suitable and convenient house in the City of Montreal for the use of the said Corporation, and for erecting light-houses, beacons, and land marks: Be it therefore Ordained and Enacted by the authority aforesaid, that the said Corporation, at any time or times hereafter, may, and they are hereby authorised and empowered to contract, compound, compromise, and agree with the proprietors and occupiers of the said islands, land and premises, pieces and parcels of land, or any part of them, for the purchase of them, and it shall be lawful for all persons whomsoever, bodies politic and corporate, guardians, curators, fiduciary legatees, and trustees whatsoever, for themselves, their heirs and successors, for and in behalf of those whom they represent, or for whom they act, whether infants, lunatics, idiots, femmes couvertes, or other person or persons whomsoever, who are or shall be seized of or possessed of, or entitled to such islands, land and premises, pieces and parcels of land as aforesaid, to contract for, sell, and convey the same to the said Corporation of the said Trinity House of Montreal, for such price and prices or consideration as may be agreed upon between them and the said parties respectively.

XXIX. And be it further Ordained and Enacted by the authority aforesaid, that in all cases where the said Corporation, and the said owners and occupiers of the lands or real property aforesaid, or of any part thereof, shall not, by voluntary agreement settle and determine the price and prices to be paid for the same, or any part thereof, such price or prices shall be ascertained, fixed and determined by the award of Arbitrators in the manner following, that is to say: the said Corporation, shall and may nominate and appoint one Arbitrator, being an indifferent and disinterested person, and the said owners and occupiers respectively shall and may nominate and appoint one or other Arbitrator, being also an indifferent and disinterested person, and the said two Arbitrators, before proceeding to act as such Arbitrators, shall and may appoint a third Arbitrator, being also an indifferent and disinterested person, which said three Arbitrators, after having been previously sworn before one of the Justices of the Court of King's Bench for the District of Montreal, well, truly and honestly to execute the trust and duty of Arbitrators as aforesaid, and after notices to

the parties respectively of the time and place of their meeting, shall proceed, to ascertain, fix, and determine the price or prices to be paid by the said Corporation,, for such islands, lands and premises, pieces and parcels of land aforesaid, or any part thereof, and the award of any two of the said Arbitrators to be named and appointed as aforesaid, in and respecting the premises aforesaid, shall be final.

XXX. And be it further Ordained and Enacted by the authority aforesaid, that in case the said owner or occupier of the said islands, land and premises, pieces and parcels of land, or any of them, after due notice in this behalf from the said Corporation, shall refuse or neglect to name and appoint an Arbitrator as aforesaid, being an indifferent and disinterested person as aforesaid, or if the two Arbitrators named and appointed as aforesaid, shall refuse and neglect to name and appoint a third Arbitrator as aforesaid, it shall be lawful in such cases respectively for one of the Justices of the Court of King's Bench for the District of Montreal, on application: in this behalf to the said Corporation, to name and appoint, instead of such owner or occupier so refusing or neglecting, an Arbitrator on his behalf, or such third Arbitrator, to supply the place of the nomination, which ought to have been made by the two Arbitrators previously appointed, and the Arbitrators and third Arbitrator as aforesaid, to be appointed by such Justice as aforesaid, after having been respectively sworn by such Justice, well, truly, and honestly to execute the trust and duty of Arbitrators and third Arbitrator as aforesaid, shall have the same power and authority in the premises, and their award shall have the same force and effect as if such Arbitrators and third Arbitrator had been named in the manner in the preceding section prescribed as aforesaid.

XXXI. And be it further Ordained and Enacted by the authority aforesaid, that on payment of the price or prices to be fixed and determined as aforesaid, or in case of refusal or neglect to accept the same, on the deposit thereof in the hands of the Prothonotary of the said Court of King's Bench for the District of Montreal, for the use of the person or persons entitled to the same, the right of property, title, and interest, in and to such island or islands, land and premises, pieces or parcels of land, for which such price or prices shall be payable, shall be divested out of the owners and occupiers thereof, and the same shall become and be vested in the said Corporation, for the purposes aforesaid.

XXXII. And be it further Ordained and Enacted by the authority aforesaid, that such price and prices as aforesaid, to be agreed upon, fixed, and determined as aforesaid, may be paid from and out of the sum and sums of money appropriated for the purposes of this Ordinance, but no such price or prices shall be agreed for or paid by the said Corporation, without the sanction and approval of the Governor, Lieutenant Governor, or person administering the Government.

XXXIII. And be it further Ordained and Enacted by the authority aforesaid, that any person wilfully removing or destroying, or maliciously procuring to be removed or destroyed, any buoy, floating-light, beacon or land mark placed for the purpose of navigation, in the River, or on the shores of the River St. Lawrence, or on other rivers and shores within the jurisdiction of the Trinity House of Montreal, (Lake St. Peter [Lac Saint-Pierre] inclusive,)

every such person, for every such offence, upon conviction by one competent witness before the Trinity House of Montreal, shall forfeit and pay a penalty not exceeding two hundred and fifty pounds currency, with costs of suit, and be committed to the Common Gaol of the District of Montreal, for a time not exceeding twelve calendar months, by a warrant under the hand of the Master, Deputy Master, and Wardens, or any three of them, of whom the Master, or Deputy Master, shall be one, and of the Registrar and the seal of the Corporation.

XXXIV. And be it further Ordained and Enacted by the authority aforesaid, that all monies collected by the Naval Officer of the Port of Quebec, under and by virtue of the twenty-fourth section of the said Act, passed in the forty-fifth year of the Reign of His late Majesty, King George the Third, on vessels proceeding to the Port of Montreal only, and paid by the said Naval Officer to Her Majesty's Receiver General; that is to say, the additional sum of two shillings and sixpence, currency, per foot, received by the said Naval Officer, from the master or commander of every ship or vessel arriving at Quebec from sea, and proceeding to the Port of Montreal, and the additional sum of two shillings and sixpence currency, per foot, levied upon every ship or vessel sailing from Quebec outward, but coming from the port of Montreal, and also the tonnage duty as specified in the said .twenty-fourth section of the said Act, on such vessels, shall, and every part of the said sums of money so collected, be for the use and benefit of the Trinity House of Montreal, for improving the navigation of the River St Lawrence, between the first Rapid above the City-of Montreal, and the Basin of Port Neuf aforesaid, and for other purposes authorised by this Ordinance, and may from time to time be paid to them by warrants to be issued by the Governor, Lieutenant Governor, or person administering the Government of this Province, directed to the said Receiver General, to defray the expense incurred for such of the objects aforesaid, as may have been undertaken, by and with ,the sanction and approval of the Governor, Lieutenant Governor, or person administering the Government.

XXXV. And whereas it is just and reasonable from the risk and responsibility attending the receiving and paying of public monies, that a proper allowance should be made to the Registrar and Treasurer of the said Trinity House of Montreal, on monies that shall or may come into his hands; Be it further Ordained and Enacted by the authority aforesaid, that from and after the passing of this Ordinance, the Registrar and Treasurer of the Trinity House of Montreal for the time being, shall be, and he is hereby authorised to charge two and a half per cent., upon all monies received by him.

XXXVI. And be it further Ordained and Enacted by the authority aforesaid, that it shall be lawful for the Registrar and Treasurer of the Trinity House of Montreal, and for the Harbour Master of Montreal, appointed under the authority of this Ordinance, by an instrument in writing under their hands and seals, to appoint each some fit and proper person to be, their deputy, and in case of the illness or necessary absence of the said Registrar and Treasurer, or Harbour Master, such Deputy shall be vested with, and may exercise all and every the powers and authorities which are by law vested in the Said Registrar and Treasurer, or Harbour Master.

XXXVII. And be it further Ordained and Enacted by the authority aforesaid, that the Members and Officers of the said Trinity House of Montreal, shall be exempt from serving as Constables or Jurors.

XXXVIII. And be it further Ordained and Enacted by the authority aforesaid, that all the fines and penalties recovered under this Ordinance, (excepting such parts thereof as thereby is allowed to private prosecutors, and excepting fines and penalties recovered from Branch Pilots,) shall be paid to the Receiver General, and be applied as aforesaid; and the due application of the same, and of the monies above mentioned pursuant to the directions of this Ordinance, shall be accounted for to Her Majesty, her heirs and successors, through the Lords Commissioners of Her Majesty's Treasury, for the time being, in such manner and form as Her Majesty, Her heirs and successors shall direct.

XXXIX. And be it further Ordained and Enacted by the authority aforesaid, that nothing herein contained shall extend or be construed to extend to affect the rights of Her Majesty, her heirs and successors.

XL. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be deemed and taken to be a public Ordinance, and shall as such be judicially taken notice of by all Judges, Justices of the Peace and by all persons whomsoever, without being specially pleaded.

XLI. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall continue and be in force until the first day of November, one thousand eight hundred and forty-two, and no longer.

XLII. And be it further Ordained and Enacted by the authority aforesaid, that an Ordinance of this Province, made and passed in the first-year of the Reign of Her Majesty, intituled, "An Ordinance to declare and ascertain the period when the Laws and Ordinances made and passed by the Governor or person authorised to execute the Commission of Governor, and Special Council of this Province, shall take effect," be, and the same is hereby repealed as to this Ordinance only, and that this present Ordinance shall commence and have effect within the said Province, so soon as the Governor or person authorised to execute the Commission of Governor of the said Province shall have assented to and signed this present Ordinance.

J. COLBORNE.

Ordained and Enacted by the authority aforesaid, and duly passed in Special Council, at the Government House, in the City of Montreal, the Fourteenth day of March, in the Second year of the Reign of our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord, one thousand eight hundred and thirty-nine.

By His Excellency's Command,  
W. B. LINDSAY,  
Clerk Special Council.