

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Thursday the Eleventh day of February, 1819, in the Fifty-Ninth year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith &c. &c. being the First Session of the Eleventh General Assembly, convened in the said Province.

59 George III – Chapter 14

An Act to preserve and regulate the Navigation of the Harbour of Pictou.

Whereas, it is found necessary to regulate the pilots employed in conducting vessels into, and out of, the harbour of Pictou: to regulate the anchorage of ships and vessels in that port; and to provide against the injuries done to the navigation by ships discharging ballast in improper situations in that harbour.

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, that it shall and may be lawful for the justices in their sessions of the peace for the district of Pictou, from time to time as occasion may require, to licence so many fit and proper persons, as may be deemed necessary to act as pilots for the harbour of Pictou, and to regulate the rate of pilotage to be demanded and taken by such pilots for their services; and, from time to time, to make and publish such orders and regulations for the government and good conduct of such pilots, and to prevent unqualified persons from acting in that capacity, and to enable such pilots to receive such pay for their services as may be fixed and established by order of sessions as aforesaid; and it shall be lawful for the said justices to annex penalties for the breach of any of the orders and regulations so to be by them made; which penalties shall not exceed, for any one offence, the sum of forty shillings, and may be sued for, and recovered, before any two of His Majesty's justices of the peace for the county of Halifax.

II. And be it further enacted, that it shall and may be lawful for the said justices, in their sessions, from time to time, to appoint and license a fit and proper person to act and serve as harbour master for the said harbour of Pictou, and to describe the several duties which he shall be bound to perform, and also to place the pilots of said harbour under the superintendance and direction of the said harbour master, and to fix the rate of pay which such harbour-master shall be entitled to receive from each vessel; and also, from time to time, to make rules and regulations for the anchorage of ships and vessels in said harbour, and to authorise the said harbour-master to carry such rules, orders and regulations, into effect; and the said justices shall also have power to annex penalties for the breach of any such orders and regulations; such penalties not to exceed, in any one case, the sum of forty shillings, and may be sued for and recovered as aforesaid.

III. And be it further enacted, that it shall and may be lawful for the said justices, in their sessions, to regulate and establish the rate at which the said harbour-master shall be paid for performing the several services which the said justices shall, from time to time, require;

and also to make rules and regulations to enable the said harbour-master to recover the pay which he may be entitled to have and receive agreeably to such rules and regulations.

IV. And be it further enacted, that it shall and may be lawful for the said justices, in their sessions, to establish and fix such places, in the said harbour of Pictou, as shall be most convenient and proper for ships and vessels to discharge their ballast; and to make such agreement as may be needful and necessary with persons for erecting and building wharves, and other conveniences, for such ships and vessels to discharge their ballast upon; and from time to time to make orders and regulations to compel ships and vessels to discharge their ballast on such wharves, and at such places, as the said justices shall appoint; and shall establish penalties to be paid by persons transgressing such orders and regulations; the same to be recovered as aforesaid; and shall and may establish and fix the rates of wharfage to be paid by vessels and ships using of such wharves for the discharge of their ballast; and such rate or rates of wharfage may be sued for and recovered before any one of His Majesty's Justices of the peace for the said county of Halifax; and the said justices shall also make such rules and regulations for the disposal of the ballast so deposited on such wharves; and may also annex penalties to be paid by persons transgressing such rules and regulations, the same to be recovered as aforesaid. Provided always, that no rule or regulation respecting such ballast shall be made, so as to prevent the masters, owner or owners, of such ships or vessels, from selling or disposing of the ballast, so by them landed on such wharves, within a reasonable time, if they shall think proper; and the said justices shall make such rules and regulations, from time to time, as may be useful and necessary, to allow the master of any vessel landing and depositing ballast at any of the places so to be appointed, a reasonable time to sell and dispose of such ballast; and the said justices may affix and establish penalties, not exceeding in any one case ten pounds, to be recovered as aforesaid, against any person or persons refusing to obey, or transgressing, any of the rules or orders made by the said justices.

V. And be it further enacted, that it shall and may be lawful for any person or persons, who shall think himself or herself aggrieved, by all or any of the rules and regulations which the said justices in their sessions shall from time to time make, under the authority of this act, to complain of the same by affidavit to the supreme court, at any of the fixed and stated terms or sittings at Pictou: and it shall be lawful for the said supreme court to receive and hear such complaint, and if it shall appear to the said court, that all or any of such rules, orders or regulations, complained of, are contrary to law, or grievous and oppressive, it shall and may be lawful for the said court to abrogate and annul any of such rules and regulations which may be adjudged by the said court to be illegal, grievous and oppressive; and it shall not be lawful for the said justices afterwards to execute or carry into effect the order or orders so annulled or abrogated by the said court, or afterwards to establish any new orders or regulations, to operate with the like or same effect, as the rules or regulations so annulled or abrogated.