

Public Act,

XXXIII. And be it further enacted, that this Act shall be taken and allowed in all Courts, as a Public Act, and all Judges and Justices are hereby required to take notice thereof, as such, without the same being specially pleaded.

Continuance of
this Act.

XXXIV. And be it further enacted, that the powers hereby granted, shall take place, from and after this Act shall receive the Royal Assent, and shall continue for and during the term of Twenty One Years, and from thence to the end of the then next Session of the Provincial Parliament, and no longer. Provided always, that the Tolls and Rates hereby granted, shall not be levied until, after a Gate or Turnpike be erected, and notice thereof given, at the Doors of the Parish Churches of Montreal and of La Chine, after Divine Service, on a Sunday.

C A P. XII.

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.

(25th March, 1805)

Preamble.

WHEREAS the Regulation of Pilots and Shipping in the Port of Quebec and the Harbours of Quebec and Montreal and the improvement of the Navigation of the River Saint Lawrence, are objects of great importance to the commerce of this Province; Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's Reign, intituled, "An Act for making more effectual Provision for the Government of the Province of Quebec, in North America," And to make further provision for the Government of the said Province," And it is hereby enacted by the authority of the same, that it shall and may be lawful to and for the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, by an Instrument under the Great Seal of this Province, to constitute and appoint two fit and proper persons to be Master and Deputy Master, to reside in the city of Quebec, and not exceeding seven other persons, (of whom the present Captain of the Port of Quebec or Harbour Master of Quebec, as herein after mentioned, and the Superintendent of Pilots, and such persons as may hereafter be appointed to execute the duties of their offices respectively, shall be two,) to be Wardens of the Trinity House of Quebec, whereof four shall reside in the City of Quebec, and three in

Governor empowered to appoint the Master, Deputy Master & other persons to be Wardens of the Trinity House of Quebec.

in the City of Montreal, to remove from time to time, the said Master, Deputy Master, Wardens or any or either of them, and to appoint others to be the Successors of such as shall be so removed, or shall 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 Corporate and Politic, in name and in deed by the name of the Master, Deputy Master and Wardens of the Trinity House of Quebec, and shall have perpetual Succession, and a common Seal, with power to change, alter, break and make new the same, when and as often as they shall judge the same to be expedient, 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 immoveable Estates, for the purpose of erecting a light house, or light houses, and beacon or beacons, and moveable property, for otherwise improving the navigation and pilotage of the River Saint Lawrence.

To be a Body Corporate.

Name of the Corporation to have perpetual succession, and a common Seal.

May sue and be sued.

Authority to purchase property.

Master of the Trinity to be ex officio principal of the Corporation.

Governor empowered to appoint a Harbour Master of Montreal and the clerks &c.

To fix the place for the first meeting of the Corporation.

Master &c. to fix all subsequent meetings.

May make Rules and Bye Laws.

II. And be it further enacted by the authority aforesaid, that the said Master of the Trinity House of Quebec, so constituted and appointed, as aforesaid, shall *ex officio*, be the principal of the said Corporation hereby erected, and that it shall and may be lawful to and 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 at Arms, from time to time, to nominate and appoint a person, to be Harbour Master of Montreal, also such other Officers, Clerks and Bailiffs, as he shall judge necessary for the said Corporation, and in like manner, to fix the places at Quebec and Montreal for their meetings, and the time on which the said Corporation shall, at their first meeting, assemble for the execution of the trust to be reposed in them, by virtue of this Act: and the Master, Deputy Master and Wardens aforesaid, or any three or more of them, (of which the Master or Deputy Master shall always be one,) being assembled at such places and times, at Quebec, as shall be so fixed, shall establish the after-times of meeting, at Quebec, and at Montreal, with power at both places, to adjourn the same, from time to time, and to assemble there on extra occasions, when it shall be necessary, and being so, from time to time, assembled at Quebec, 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 the express regulations of this Act, as by them or the major part of them so assembled, shall be judged expedient and necessary, as well for the direction, conduct and government of the said Corporation, and of the property real and personal, by them held, as for the more convenient, safe and easy navigation of the River Saint Lawrence, from the first rapid, above the City of Montreal, downwards, as well by the laying down, as taking up of Buoys and Anchors, as by the erecting of Light Houses, Beacons or Land Marks, the clearing of sands or rocks or otherwise howsoever; and also, for the amendment and improvement

C. 12. Anno quadregesimo quinto Georgii III. A. D. 1805.

provement of the Harbour of Quebec, and regulating the *Cul-de-fac*, and Harbour of Montreal, and preventing injury thereto, for the anchoring, riding and fastening of all ships, and other vessels, resorting to the said Harbours of Quebec, and Montreal; and for the better regulating and ordering the same, while lying in the stream or at any Wharf or Wharves in the said Harbour of Quebec, or careening on the beach of the said Harbours, and also in respect to fire places on board ships or vessels, and lighting and extinguishing fires therein: as also, respecting lighted Candles, when such ships or vessels lay at any Wharf or Quay, or in the *Cul-de-fac* at Quebec, or Harbour of Montreal: also, in respect to the boiling or melting of pitch, tar, turpentine or rosin in the Harbours, or on the Beaches of Quebec and Montreal, or *Cul-de-fac* of Quebec: and also, for the government and regulations of the Pilots of the Port of Quebec, of the conduct of such Pilots, towards their Apprentices, and of such Apprentices towards their Masters, and for the better qualification, instruction, service and examination of such Apprentices, and the same to revoke, alter and amend, as in their opinion will, most effectually promote the good purposes for which this Act is intended: and for enforcing the execution of 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 and by such Bye Laws, Rules and Orders, to impose and lay any Fine and Penalty not exceeding Ten Pounds currency, upon all and every persons who shall be guilty of infringing such Bye Laws, Rules or Orders, or to suspend for a time, or to dismiss from office, such person or persons, if a Pilot, who shall be guilty of the breach of any such Bye Laws, Rules and Orders, as by them or the majority of them, as aforesaid, shall be judged fit and reasonable. Provided always, that no such Bye Law, Rule or Order 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 in the Quebec Gazette.

No Bye Law to have effect until sanctioned by the Governor.

Penalty on persons wilfully removing &c. any Buoy.

III. And be it further enacted by the authority aforesaid, that any person or persons wilfully removing or destroying, or maliciously procuring to be removed or destroyed, any Buoy, Beacon or Land-mark, placed for the purpose of navigation in the river or on the shores of the river Saint Lawrence, between the Island of Saint Barnaby and the City of Montreal, Lake Saint Peter's inclusive; every such person, for every such offence, shall forfeit and pay a Penalty of Ten Pounds currency, and be committed to the common Gaol of the District, for three Months.

A decked vessel or sail boat may be provided if thought necessary

IV. And be it further 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

by the corporation with the approbation of the Governor.

or conducive to the purposes of this Act, and that the Funds applicable thereto, shall admit of the expence, to provide a decked vessel or sail-boat, not exceeding sixty Tons burthen, to be employed as need be, in examining the Channels and navigation of the river, in laying down or taking up of Buoys: and for the Superintendent of Pilots to visit Bic, when the Corporation or the major part thereof shall direct, to enquire into the conduct of the Pilots or for other necessary purposes, under this Act.

Master &c. to take an Oath.

The Oath.

V. And be it further enacted by the authority aforesaid, that before the said Master, Deputy Master or Wardens shall enter upon the execution of the Duties, for them prescribed by this Act, or any of them, they shall severally take and subscribe an Oath, before one of the Justices of either of the Courts of King's Bench, for the time being, in the words following, that is to say,—“ I, A B, do swear, “ that I will well and truly and impartially, according to the best of my skill and “ understanding, execute the powers vested in me, by virtue of a Law of this Province, 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,*” which oath so taken and subscribed, shall be filed of Record, and remain deposited in the office of the Prothonotary of the Court of King's Bench for the District, where the said oath shall be administered.

Governor to appoint Branch Pilots.

VI. And be it further enacted by the authority aforesaid, that it shall and may be lawful, to and for the Governor, Lieutenant Governor, or person administering the Government of this Province, for the time being, when and as often as he shall see fit, to appoint and commission by warrant, or Branch under his hand and seal at Arms, fit and proper persons to be, Branch Pilots, for and below the Harbour of Quebec, and other fit and proper persons to be, Branch Pilots, for and above the said Harbour: and the Port of Quebec for the purposes of this Act, shall be held and deemed to comprehend all that part of the river Saint Lawrence, between the Island of Bic, and anchorage thereof inclusive, up to the point of Saint Anne's, above the City of Montreal: and the Harbour of Quebec, shall, for the like purposes, comprehend that part of the river, from Saint Patrick's Hole, to the river of Cape Rouge both inclusive: and the Harbour of Montreal, for the said purposes, shall comprehend that part of the said river from the bay below the current of Saint Mary's, inclusive, up to the said point of Saint Anne's. Provided always, that no person shall be so appointed, until he shall have been examined (before such Branch Pilots, as shall see fit to attend the examination, and who may propose questions,) by and obtained a Certificate, from the said Master, Deputy Master and Wardens of the said Trinity House of Quebec, or any three of them, whereof the Master, Deputy Master and the Harbour Master of Quebec, or Superintendent of Pilots, shall be two, under their hands and the 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,

To be examined before he be appointed

Not to affect a Pilot who at present holds a Branch.

Penalty for neglect.

Pilot, for and below the Harbour of Quebec, or for and above the said Harbour, as the case may be. Provided also, that every Pilot, who at present holds a Branch, shall continue to hold the same, unless he shall by some offence committed after the passing of this Act, and after conviction thereof, have forfeited such Branch. And Provided further, that any Branch Pilot neglecting to pursue the occupation of Pilot, for a whole season, unless prevented by sickness or unavoidable absence, shall forfeit his Branch.

Pilots hereafter to be appointed to serve a regular Apprenticeship.

VII. And be it further enacted by the authority aforesaid, that no person shall hereafter be appointed a Branch Pilot for and below the Harbour of Québec, who has not *bona fide* served a regular apprenticeship for at least five years, and which apprenticeship shall be under Indenture made and executed before a Public Notary, and who shall not have made two or more voyages to Europe or the West Indies, in some square rigged vessel or vessels, to be proved by the Certificates of the Masters or Commanders of the vessels in which the said person shall have returned, and of the service of which apprenticeship, he shall produce satisfactory proof on his examination to be received a Branch Pilot: and no person whose apprenticeship to a Pilot shall commence after the passing of this Act, shall, at the expiration of his apprenticeship, be appointed a Branch Pilot as above said, unless, in addition to the said qualifications, it shall appear upon examination, that he speaks English sufficiently to give orders in that language, respecting the working of any ship or vessel, that he may be employed to pilot; and any Branch Pilot may hereafter take one apprentice, if he sees fit, but shall have no more than one at a time. Provided always, that there shall be no obligation to discharge in consequence of this limitation, any apprentice, whose Indenture shall have been executed before the passing of this Act.

Must speak English

Branch Pilots to take but one Apprentice.

Exception.

From and after the passing of this Act every Branch Pilot authorised to demand certain rates for Pilotage.

The Rates.

VIII. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, it shall be lawful, for every Branch Pilot to ask, demand and receive of and from all and every person or persons who shall employ him to Pilot any ship or vessel, in the river Saint Lawrence, the rates of Pilotage following, that is to say; for a ship or vessel, from or above the Island of Bic, up to the Bason or Harbour of Quebec, sixteen shillings, currency, for every foot of water, that such ship or vessel draws. For a ship or vessel from the Bason or Harbour of Quebec to the Island of Bic, or where the Pilot shall be discharged, in the river below Quebec, fourteen shillings currency, for every foot of water that such ship or vessel draws: For a ship or vessel from the Bason or Harbour of Quebec to the Town of Three Rivers, and including from the Town of Three Rivers, down to the Bason or Harbour of Quebec, if the said ship or vessel shall not exceed two hundred tons measurement, by the register thereof, seven Pounds, ten Shillings currency in all; if above two hundred tons, and not exceeding two hundred and fifty tons, ten Pounds, currency, in all; and if above two hundred and fifty tons, twelve Pounds, ten Shillings, in all: For a ship or vessel from the Bason or Harbour of Quebec to the

the Harbour of Montreal, or to any place beyond Three Rivers, and including, from thence down to the Basin or Harbour of Quebec, double the rates above respectively mentioned, for a ship or vessel from the Basin or Harbour of Quebec, to the Town of Three Rivers, and from thence down: all which rates are hereby meant and intended to include fourteen days for the Pilot to remain on board, after the arrival of the ship or vessel, at the extent of her destination upwards, if he shall, by the Master or Commander thereof, be required to remain so long; and if a Pilot shall, at the request of the Master and Commander, remain longer than fourteen days, then he shall be entitled to an allowance of five Shillings per day for the extra time, and in both cases or in either case, be found in provisions as customary.

Additional Pilotage in certain cases.

IX. Provided always and it is further enacted, that the Master, Deputy Master and Wardens of the said Corporation, or any three or more of them, shall and they are hereby authorized to fix an additional allowance, to the above rates of Pilotage to be made to Pilots, who, after the tenth day of November or before the first day of May in any year, shall go on board ships or vessels bound to or from the Harbour of Quebec, and such additional allowance, to alter, from time to time, as may be found proper and expedient, and they are hereby further authorized to fix, if need be, from time to time, the rates to be allowed to Pilots for removing ships or vessels from one part of the harbour of Quebec to any other part thereof, after the Pilot shall have been discharged from any such ship or vessel, or after being moored in the Harbour or fastened to a wharf on arrival from sea. Provided also, that when a Pilot or Pilots shall have piloted any ship or other vessel to Three Rivers or to any part above Three Rivers, or to the Harbour of Montreal, only then and in such case, he or they shall be entitled to two third parts of the rates herein respectively, provided, for pilotage, up and down and no more; and for piloting any ship or other vessel, from any of the places abovementioned, down to the Harbour of Quebec, there shall be allowed and paid one third of the aforesaid rates, and no more, as the case may be.

Pilotage to be allowed for Vessels up to Harbour of Montreal and from thence down to Quebec.

At the expiration of five years twelve and a half per cent allowed branch Pilots. After such an addition one shilling in the pound to be paid by each Pilot to the Fund.

X. And be it further enacted by the authority aforesaid, that at the expiration of five years after the passing of this Act, there shall be allowed and paid to Branch Pilots, for and below the Harbour of Quebec, twelve and a half *per centum* in addition to the rates of pilotage allowed as before mentioned, and from the period when such addition shall take place, there shall be paid by every Pilot whether for, above or below Quebec, to the Fund herein after mentioned, one Shilling in the Pound, instead of eight pence, as herein after prescribed.

A Fund established for the Relief of Pilots their widows and children.

XI. And whereas it is extremely desirable that a Fund should be provided and established, for the relief of Pilots, Widows and Children of Pilots, who may fall into decay, misery, poverty and need; Be it therefore further enacted by the authority aforesaid, that a Fund shall be and is hereby established, to be known by the name

Name of the Fund.

Pilots to contribute to the Fund and to pay the same to the Clerk of the Corporation.

Mode for the levying the contributions and the management thereof regulated.

name of the decayed Pilot Fund, and every person, who at present is a licenced or Branch Pilot, and also, every person who shall hereafter become a Branch Pilot, either above or below the Harbour of Quebec, shall contribute to the said Fund, by paying to the Clerk of the said Corporation of the Trinity House of Quebec, eight pence in the Pound, out of every sum and sums of money which, after the first day of June next, he shall receive for pilotage, and the said Master, Deputy Master or some of the Wardens are hereby authorised and required, when any doubt shall arise as to the amount of pilotage received by a Pilot, to administer to him an oath, to ascertain such amount; and the said contributions to the said Fund, shall be paid on or before the first day of July, and on or before the first day of October, in every year, and the said Fund is hereby vested in the said Corporation for that purpose, and shall be under the management of the said Corporation, who are hereby authorised and required to grant such relief out of the same, to distressed and decayed Pilots, and 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 Fund shall, annually, be laid before the Governor, Lieutenant Governor or person administering the Government, and the said Corporation may be brought to account for the monies of the said Fund in the Court of King's Bench for the District of Quebec, at the suit of his Majesty's Attorney General for this Province; and if any Pilot liable to contribute to such Fund, shall, after being thereunto required by the said Corporation, refuse or neglect to pay to the Clerk of the Corporation, the above said poundage for the space of three Months following, the periods when such requisition shall be so made respectively, every such Pilot so neglecting or refusing upon conviction thereof, before any three Wardens, shall forfeit and pay for the use of the said Fund, a sum not exceeding two Pounds currency, and upon a second conviction for a like offence, shall be suspended during three Months, and if a third time convicted of a like offence, shall forfeit his Branch, as a Pilot, and be rendered incapable of afterwards receiving, or his Widow or Children, any benefit or assistance from the said Fund.

Penalty.

Pilots entitled to an additional encouragement, in certain cases.

XII. And for the encouragement of Pilots, who shall distinguish themselves by their activity and readiness, to aid and assist any ship or vessel in distress, and in want of a Pilot in the river St. Lawrence, be it further enacted by the authority aforesaid, that the master or owner of any ship or vessel in distress, and in want of a Pilot in the river St. Lawrence, shall pay unto any Pilot who shall have exerted himself, for the relief or preservation of such ship or vessel, such sum, for extra services, as the said Master or Owner and Pilot may agree upon, and in case no such agreement shall be made by the parties aforesaid, the Master, Deputy Master and Wardens of the Trinity House of Quebec, or any two or more of them, (whereof

(whereof the said Master, or Deputy Master shall be one,) are hereby empowered, upon the Petition of such Master, Owner or Pilot or either of them, to ascertain and declare by an award or order, under the hands and seals of them or any two of them, as aforesaid, the sum which shall be paid by such Master or Owner, to such Pilot for such extra service, as aforesaid, and such sum so as aforesaid ascertained and declared, shall be levied in manner herein after directed.

Masters of vessels refusing to receive a Branch Pilot to pay half pilotage.

Not to extend to the Master of any coasting vessel &c.

XIII. And be it further enacted by the authority aforesaid, that if the Master of any ship or vessel, coming to the harbour of Quebec, not having on board a Branch Pilot, shall refuse to receive on board and employ any Branch Pilot, who shall offer to go on board and serve as such, in the river St. Lawrence, the Master of such vessel shall pay to such Branch Pilot, who shall have so offered himself, half pilotage to the Harbour of Quebec, from the place at which such Pilot shall have so offered. Provided always, that no Master of any coasting vessel or river craft, when employed within any part of the Gulph or river of Saint Lawrence, or when bound to or from the Labrador fisheries, shall be obliged to take or receive on board, a Pilot, any thing herein contained to the contrary notwithstanding.

Pilots carried off to sea how provided for.

XIV. And be it further enacted by the authority aforesaid, that if any ship or other vessel bound outwards from the Port of Quebec, shall carry off to sea through stress of weather, any Pilot, the master or owner of such ship or other vessel, shall provide such Pilot, over and above the sum, which shall be due to such Pilot, for the pilotage of such ship or other vessel, with a passage back to the Port of Quebec, or shall pay to him the value of such passage, if such Pilot shall agree to receive the same, from the Port to which such vessel shall be bound, and further the sum of Four Pounds Ten Shillings sterling per month, shall be allowed to such Pilot, to the day in which the said passage shall be so provided or so paid for, he having performed whilst on board, the duties whereof he may be capable.

Penalty on persons other than branch Pilots, conducting or piloting vessels.

XV. And be it further enacted by the authority aforesaid, that if any person not being a Branch Pilot, as aforesaid, shall conduct or pilot any ship or other vessel, for hire or otherwise, going into or out of the Port of Quebec, or to or from any part within the limits thereof, such person, for every such offence, shall forfeit and pay the sum of Ten Pounds, currency, to be recovered with costs by any person who shall sue for the same, before the said Master, Deputy Master and Wardens or any three of them, one moiety of which forfeiture and forfeitures, shall go to the Master, Deputy Master, or Wardens of the said Trinity House of Quebec, and be applied in manner herein after directed; and the other moiety to the person who shall sue for the same, and if any Branch Pilot; during his being suspended or deprived of his Branch, under or by virtue of this Act, shall conduct or pilot any ship or other vessel, for hire or otherwise, going into or out of the Port of Quebec, or to or from any part thereof, such Pilot shall, for every such offence, forfeit and pay the like sum of Ten Pounds currency, to be recovered with costs, by

by any person who shall sue for the same, in manner as aforesaid, one moiety of which said forfeiture and forfeitures, shall go to the Master, Deputy Master and Wardens of the said Trinity House of Quebec, and be applied in manner herein after directed, and the other moiety to the person who shall so sue for the same.

Penalty on
branch Pilots for
neglect of duty.

XVI. And be it further enacted by the authority aforesaid, that in case of the loss of any ship or other vessel, through the fault of the Branch Pilot, having charge of the same, it shall and may be lawful to and for the said Master, Deputy Master and Wardens of the said Trinity House of Quebec, or any three or more of them, upon complaint or information of the master or owner of such ship or vessel, or other person whatsoever, to declare by and with the approbation of the Governor, Lieutenant Governor or person administering the Government of this Province for the time being, such approbation 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.

List of Pilots
to be delivered
annually by the
Master &c. of the
Trinity House,
to the Collector
of the customs of
Quebec to be
put up in his
office.

XVII. And be it further enacted by the authority aforesaid, that a list of all Branch Pilots of the Port of Quebec, specifying their names, and whether they have Branches to serve as Pilots above or below the Basin and Harbour of Quebec, with their ages, and places of residence, shall, annually, be delivered in the month of March, in every year, signed by the Master, or Deputy Master and by one or more of the Wardens of the said Trinity House of Quebec, to the Collector of the Customs of the said Port of Quebec, which list by the said Collector shall be put up in some Public place of the Custom House of the said Port of Quebec.

Masters &c. of
the Trinity house
empowered to
hear and deter-
mine all Matters
of dispute res-
pecting Pilots
&c.

XVIII. And be it further enacted by the authority aforesaid, that it shall be lawful for the Master, Deputy Master and Wardens of the Trinity House of Quebec, or any three or more of them, to hear and determine all matters of dispute 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 of or misbehavior in any part of the duty required of them by this Act, 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 Act, as well as to hear and determine all offences committed against this Act, or against any such Bye Law, Rule, Regulation or Order, by any person or persons whatsoever, for which especial provision is not herein made for trial in other jurisdictions; and they, 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 of whom money shall be claimed, and the witnesses to be heard as well in his favor as against him, by the Bailiff of the said Corporation, or the Marshal of the Court of Vice Admiralty, or other Officer, who shall or may be especially appointed for such service, in manner herein before directed, and upon the

the appearance or contempt 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: and when the party accused or complained against, shall be convicted of such offence, or if judgment be given upon such claim, on proof or by confession, to issue a warrant or warrants, under the Hands and Seals of them, the said Master, Deputy Master and Wardens, or any of them, empowering and requiring the said Bailiff, or the said Marshal or the said Officer of the Goods and Chattels, belonging to the party convicted, to levy the amount of any such judgment, or any such pecuniary fine imposed by such conviction, with the costs of suit, and to cause sale thereof to be made, which warrant shall authorise such Bailiff or such Marshal or such Officer, as aforesaid, to go on board of any ship or vessel, being in the stream or elsewhere in any part of the Port of Quebec, and there to execute by *Saisie* and sale of all goods and chattels, which shall 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 the return of *nulla bona*, to execute the warrants as herein after mentioned. And when the goods of such person 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 bona* to them made by such Bailiff, Marshal or other Officer as aforesaid, shall and may, by warrant under the Hands and Seals of them or any three of them, addressed to the Bailiff, Marshal or Officer so as aforesaid, may and shall cause to be apprehended and commit the person against whom the judgment shall have been so given, or the person so convicted, to the common Gaol of the District in which such person 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 be paid or satisfied; Provided always, that no person so committed shall be detained in prison for a longer period than one calender Month.

Persons committed not to be detained longer than one month.

Harbour master of Quebec and the Superintendent of Pilots not to sit judicially upon the trial of offenders.

Masters of ships intitled to an appeal, in certain cases.

XIX. Provided also, and it is hereby enacted, that although the Harbour Master of Quebec and Superintendent of Pilots and their successors in office, are constituted two of the Wardens of the said Trinity House, yet being herein after constituted prosecutors of offenders, against this Act and against the Bye Laws, Rules, Orders and Regulations to be made under the authority thereof, neither of them shall sit judicially upon the trial of any such offenders. Provided further, 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 whole favour such judgment shall be so rendered to the satisfaction of the 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 of the District, in which such judgment shall have been so given, as aforesaid, 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,

No summons to be served on board of any King's ship.

Proceedings &c. to be recorded in certain cases.

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 cases, an appeal shall lie in the ordinary course of Law, to the Provincial Court of Appeals, and from thence to the Court of his Majesty in his Privy Council. Provided also, that nothing in this Act contained, shall extend or be construed to extend to authorize the going on board of any of his Majesty's ships or vessels by him duly commissioned, to serve any summons or to execute any warrant or *Saisie* from 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, shall be recorded and preserved of Record: and also, in all cases where the same shall extend to the dismissal of a Pilot.

Master &c. of the Trinity House may administer an oath.

Penalty for false swearing.

XX. And be it further 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 Act, are and each of them is hereby authorized and empowered to administer an oath unto the witness or witnesses which shall be produced on either side upon the trial of any such complaints; and every person who shall knowingly and wilfully swear falsely in any case, where an oath is by this Act authorized to be administered, shall suffer the pains and penalties by Law imposed, for wilful and corrupt perjury.

Master &c. of the Trinity House to decide disputes between Pilots and their apprentices.

XXI. And be it further enacted by the authority aforesaid, that all matters of complaint and dispute, by and between Pilots and their Apprentices, shall be heard and finally decided, by the Master, Deputy Master and Wardens of the Trinity House of Quebec, or any three of them, and to this end, all power and authority relative thereto, now vested in his Majesty's Justices of the Peace and in the Courts of Quarter Sessions of the several Districts of this Province, shall be and the same, and every part thereof, relative to Pilots and their Apprentices, are and is hereby vested in the said Master, Deputy Master and Wardens of the said Trinity House. 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 any 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, (whereof the Harbour Master of Quebec or the Superintendent of Pilots shall be one,) 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 such 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

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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 Act 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.

Captain of the Port to be called Harbour Master of Quebec.

His duty.

Harbour Masters & Superintendent of Pilots to take an oath.

The Oath,

To be deposited in the Office of the Prothonotary of the Court of King's Bench.

XXII. And be it further enacted by the authority aforesaid, that the Captain of the Port of Quebec, shall, from henceforth be called the Harbour Master of Quebec; and that it shall be the duty of the said Harbour Master, to superintend and enforce the execution of this Act, or any other Act, which shall relate to the Harbour of Quebec; 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 herein before mentioned, for the amendment and improvement of the Harbour of Quebec, for the anchoring, riding and fastening of all ships and other vessels, resorting to the said Harbour of Quebec, and for the better regulating and ordering the same, while laying in the stream, or at any wharf or wharves, in the said Harbour of Quebec, or in the *Cul-de sac*, or careening on the beach of the said Harbour; and the Harbour Master of Montreal shall, in like manner, superintend and enforce whatever shall relate to the Harbour thereof, or the vessels therein; and the superintendant of Pilots, shall superintend and enforce what relates to Pilots and their Apprentices and prosecute offenders therein, and the said Harbour Masters and Superintendent of Pilots, before entering upon the duties of their offices, shall each take and subscribe an oath before one of the Judges of the Court of King's Bench in the following words, that this 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 Act for the better regulation of Pilots and shipping in the Port of Quebec, and 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;*" which oath so taken and subscribed, shall be filed of record, and remain deposited in the office of the Prothonotary of the said Court of King's Bench.

Harbour Master of Quebec to select Bye Laws respecting Pilots. And to deliver a copy to the Master &c. of vessels arriving at Quebec. For which he is entitled to 2/6.

XXIII. And be it further enacted by the authority aforesaid, that the Harbour Master of Quebec, shall select all the Laws, Bye Laws and Regulations concerning Pilots and the navigation of the River Saint Lawrence below Montreal, or expressive of the Duties of Masters of vessels in the Harbours of Quebec and Montreal; and shall deliver a copy of the same, printed or written, signed by him, to every Master or Commander of a ship or vessel on his arrival in the Harbour of Quebec, for which copy, the said Harbour Master shall receive from every such Master or Commander, the sum of seven Shillings and six Pence currency, and no more.

XXIV.

Naval Officer's
Allowance.

XXIV. And be it further enacted by the authority aforesaid, that it shall be lawful for the Naval Officer of the Port of Quebec, and he is hereby authorized and required, before clearing any ship or vessel from his office, outwards, to ask, demand and receive of and from the master or commander of every such ship or vessel, the additional sum of two Shillings and six Pence currency, per foot, for every foot for which the said master or commander is bound by Law to pay to the person or persons piloting the same, between the Island of Bic up to the Bason or Harbour of Quebec, and also an additional sum of two Shillings and six Pence, currency, per foot, for every foot for which the said master or commander is bound by Law, to pay to the person or persons piloting the same, from the Bason or Harbour of Quebec to the Island of Bic, and also, to ask, demand and receive from the Master or Commander of every such ship or vessel, as shall pass the Bason of Quebec for the Town of Three Rivers, or upwards, the further sum of two Pounds, currency, if the said ship or vessel shall be, by the register thereof, one hundred tons measurement, and not exceed, one hundred and fifty tons; of three Pounds, currency, if the said vessel shall be above one hundred and fifty tons, and not exceed two hundred tons; of four Pounds, currency, if the said vessel shall be above two hundred tons, and not exceed two hundred and fifty tons; and of five Pounds, currency, if the said vessel shall exceed the measurement of two hundred and fifty tons; and all sums so received, shall be paid, quarterly, by the said Naval Officer to his Majesty's Receiver General of this Province, and shall be applied, as well as the monies already in his hands collected from the masters and commanders of ships and vessels, for similar purposes by the said Corporation of the Trinity House of Quebec, for improving the navigation of the river Saint Lawrence, from the first rapid above the City of Montreal, downwards, and for the other purposes authorized by this Act, under the warrants to be from time to time issued, by the Governor, Lieutenant Governor or person administering the Government of this Province, directed to the said Receiver General.

Fines and Penalties recovered,
how applied.

XXV. And be it further enacted by the authority aforesaid, that all the Fines and Penalties recovered under this Act, (excepting such part thereof as thereby is allowed to prosecutors, and excepting Fines or Penalties recovered from Branch Pilots,) shall be paid to the said Receiver General, and be applied as above said; and the due application of the same, and of the monies above mentioned, pursuant to the directions of this Act, shall be accounted for to his Majesty, his Heirs and Successors, through the Lords Commissioners of his Majesty's Treasury, in such manner and form as his Majesty, his Heirs and Successors shall direct.

To be accounted
for to his Majesty.

Fines recovered
from Branch Pilots to be paid to
the Clerk of the
Corporation to

XXVI: And be it further enacted by the authority aforesaid, that all Fines and Penalties, under this Act, recovered from Branch Pilots, shall be paid to the Clerk of the said Corporation, and compose a part of the decayed Pilot's Fund herein

compose a part of
the Fund for de-
cayed Pilots.

herein established, and by the said Corporation shall be applied to the purposes of the said Fund, as by this Act are authorized and directed and no other.

Saving of His Ma-
jesty's rights and
of any Person or
Body Corporate.

XXVII. And be it further enacted by the authority aforesaid, that nothing here-
in contained, shall affect or be construed to affect in any manner the rights of his
Majesty, his Heirs or Successors, or of any person or persons or of any Body Cor-
porate or Politic, those only excepted, which are mentioned in the present
Act.

Public Act.

XXVIII. And be it further enacted by the authority aforesaid, that this Act
shall be deemed and taken to be a public Act, and as such, shall be noticed by all
Judges, Justices and other persons whomsoever, without specially pleading the
same.

Act 28 Geo. III.
cap. 5. repealed.

Act 30 Geo. III.
cap. 1 repealed.

Act 37 Geo. III:
cap. 4 repealed.

Provision made
in any of the a-
bove Acts repea-
led continued.

XXIX. And be it further enacted by the authority aforesaid, that the Act pass-
ed in the twenty eighth year of his Majesty's Reign, intituled, "*An Ordinance*
"*for the regulating the pilotage in the river St. Lawrence and for preventing abuses*
"*in the Port of Quebec,*" and also, another Act passed in the thirtieth year of his
Majesty's Reign, intituled, "*An Act or Ordinance to amend the Ordinance, intituled,*
"*An Ordinance for the regulating the pilotage in the river Saint Lawrence and for*
"*preventing abuses in the Port of Quebec,*" And also, another Act passed in the thirty
seventh year of his Majesty's Reign, intituled, "*An Act for amending the Laws*
"*now in force, and for making more effectual provision for the pilotage of the river*
"*Saint Lawrence, between the bason of Quebec and the Island of Bic, and for improv-*
"*ing the navigation thereof unto the City of Montreal,*" shall be and each of the
said Acts or Ordinances, and every part and parts thereof, is and are hereby re-
pealed. Provided always, that in every case, where provision is made in the said
Acts or Ordinances, or either of them, touching any matter or thing not herein
specially provided for, and which may require provision, by some Bye Law, Rule,
Order or Regulation, to be made under this Act, the said provision, in the said
Acts or Ordinances hereby repealed, shall nevertheless remain and continue in
force, for six months, after the passing of this Act, and no longer, or until Bye
Laws, Rules, Orders and Regulations therefor shall be made by the said Corpo-
ration of the Trinity House of Quebec, and approved as herein before mentioned,
if the same shall be so made, before the expiration of the said six months.