

C A P. XII.

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 Saint Lawrence, and for establishing a Fund for decayed Pilots, their Widows and Children."

(21st March, 1811.)

Preamble.
Act 45. Geo.
III. cap. 12.

WHEREAS experience has shewn that the provisions of the 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 Saint Lawrence, and for establishing a Fund for decayed Pilots, their Widows and Children," are inadequate to the objects for which the said Act was passed, and that it is necessary to amend the same. 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 from and after the passing of this Act, when any Branch Pilot or other person not being a Branch Pilot and having by necessity conducted any Vessel arriving at or departing from the Port of Quebec shall have been condemned by Judgment given by the Trinity House to any of the fines and penalties imposed by virtue of the Act of the forty fifth year of His Majesty's, Chapter twelfth, or by virtue, and under the authority of this Act, it shall and may be lawful for the Corporation of the Trinity House to arrest or attach in the hands of and the same to recover from the Master of any Ship or Vessel, or in the hands of any other person or persons to whom the said Ship or Vessel may be consigned, the Sum of Money which may be due and payable by them to any Branch Pilot or person having conducted any Vessel as aforesaid, or the sum which shall have been agreed upon to be paid to either of them, or such part of the sum as shall be necessary to satisfy the said Judgment with Costs, and the said Captain or Master or the Consignee shall be held to pay the Amount of such arrest or attachment to the Treasurer of the said Corporation, and shall be discharged of as much towards such Pilot or Person having conducted such Vessel; Provided always, that such Pilot or person having so conducted a Vessel and being interested in the arrest or attachment allowed by this Act, shall be served with a Summons to appear before the said Corporation of the Trinity House, there to hear the same determined and ordered as by Law directed; and that the surplus which may remain in the hands of the said Treasurer of the Corporation of the Trinity House after deducting the amount of the Judgment and Costs above mentioned, shall be immediately returned

After the passing of this Act, branch Pilots &c. condemned by judgment for Fines & Penalties, Trinity House empowered to recover the same from the Monies due to the said Pilots by Masters of Ships or Vessels.

To be summoned before the Corporation,

returned and paid to such Pilot or person having conducted such Vessel as aforesaid.

Masters of Ships
&c. refusing to
pay the same mo-
nies upon the or-
der of the Trinity
House, liable to
pay the amount
of the said fines &
penalties.

II. Provided always and be it further enacted by the authority aforesaid, that an Order under the hand and Seal of the said Corporation of the Trinity House, attested by the Registrar or Clerk thereof, a certified Copy of which shall be left with the Master or Captain of any Ship or Vessel or to the Consignee thereof, requiring him or them to retain the Pilotage due or such part of the Sum of Money promised or agreed upon to be paid as aforesaid to such Pilot or person having so conducted a Vessel as aforesaid, shall be sufficient to arrest and attach in his or their hands as by this Act directed, and to authorise and oblige him or them to retain the same until further Order from the said Corporation. Provided also that if the said Captain or Master of any Ship or Vessel or Consignee thereof, shall after having received such Order as aforesaid, pay the Sum of Money so in his hands as aforesaid to such Pilot or Person having so conducted any Ship or Vessel, such Captain or Master or Consignee shall be liable to pay to the Treasurer of the said Corporation, the amount of such Fines or Penalties to which such Pilots or Persons having so conducted any Ship or Vessel, shall have been condemned to pay.

Proviso.

Governor em-
powered to ap-
point certain
Persons Pilots.

III. And whereas from the rapid increase of the Commerce of this Province, those who are qualifying themselves under the Law to obtain a Licence, to act as Pilots, are not sufficiently numerous, Be it therefore 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 so often as he shall think fit to appoint and commission, during the term of five years, from and after the passing of this Act, by a Warrant or Licence under his Hand and Seal at Arms, any person who has been Master of a Ship or Vessel, a Mariner or Seafaring man, who has served on Board Ships or Vessels trading to Quebec from Sea, or from any part or parts of the River Saint Lawrence, below and from the Island of Bic to the Harbour of Quebec, to be and act as Pilots for and below the said Harbour, not exceeding fifteen persons, and from time to time, during the said five years, to fill up the Vacancies which, by death or otherwise, may take place in the said number; Provided nevertheless that such person or persons shall previously undergo a public examination before the Corporation of the Trinity House, as to his and their qualifications to act as a Pilot or Pilots, and, if found qualified and upon Certificate thereof they obtain a Licence or Branch, shall be subject in all cases to the Rules, Regulations and Penalties, and be entitled to the advantages, profits and Emoluments which are or may be established by Law for and in behalf of Pilots already licenced; Provided also, that no person or persons shall be admitted to undergo such examination to obtain a Licence, unless due notice shall have been given, at the expence of the Applicant, to all the Pilots already licenced, or who may hereafter be licenced, to attend such examination, if he or they think proper by an advertisement inserted in the Quebec Gazette for two Weeks previous to such examination, and in which advertisement shall be mentioned the place where such examination is to take place.

To undergo an
examination.

Notice to be first
given to Pilots to
attend the exami-
nation.

Pilots tho' they may have obtained a Branch not having served five years apprenticeship, nor to take apprentices.

Such Indenture to be void.

Pilots who have received Licences under present Act to contribute to the Pilot Fund but not entitled to any aid from the Funds, until after the five years from the day of the date of their Licence or Branch.

Pilots may take two Apprentices except those Pilots before mentioned.

Governor empowered to grant a Branch to Apprentices under certain conditions

Apprentices to undergo an examination.

Such Apprentices not allowed to take Apprentices, until after one year from the date of his Branch

No apprentice allowed to be examined without first obtaining the consent of his father.

IV. Provided always and be it further enacted, that all and every Pilot who shall receive a Licence or Branch by Virtue and under the authority of the present Act, without having previously served a Regular Apprenticeship of five years as is provided by the seventh Clause of the Act of the forty fifth year of his Majesty George the third, Chapter twelfth, shall not take nor engage any apprentice; and that every Indenture that shall be made by any such Pilot as aforesaid with any person to serve them as an Apprentice, shall be null and have no effect in law to intitle such an Apprentice to obtain a Licence or Branch.

V. Provided always and be it further enacted by the authority aforesaid, that all and every person who shall receive a Licence to Act as a Pilot by Virtue of and under the authority of the present Act, without having served a Regular apprenticeship in the manner provided by the seventh Clause of the said Act of the forty fifth year of his Majesty George, the third Chapter twelfth, shall contribute to the decayed Pilot fund established by the said Act, but they themselves, their Widows nor Children, shall not receive any aid from the said Fund till the expiration of five years to be computed from the day of the date of their Licence or Branch.

VI. And be it further enacted by the authority aforesaid, that each and every Pilot. (those herein before mentioned excepted,) shall be at liberty here after to take two Apprentices and no more, and they shall be held to enregister at the Trinity House of Quebec the name of each and every Apprentice which 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 the same shall have been made within three Months from the passing of this Act for every Indenture already made and in three Months from the date of every such Indenture hereafter to be made.

VII. And be it further enacted by the authority aforesaid; that during five years from the day of the passing of this Act, over and above the number of fifteen Pilots to be so licenced without having served a Regular Apprenticeship of five years, it shall be lawful for the Governor, Lieutenant Governor, or person Administering the Government of this Province for the time being, to grant to any Apprentice who having regularly served during four years out of the five to which they were and are obliged by Law to serve, a Licence or Branch: Provided such Apprentice undergoes an examination in the same manner and under the same Conditions as are prescribed by the third Clause of this Act for those who shall receive such Licence without having served a regular Apprenticeship: Provided also, that such Apprentices who shall so receive a Licence shall, not take either one or two Apprentices as allowed by this Act, until the expiration of one year from the time of his obtaining such Licence or Branch. Provided further, that no Apprentice shall be admitted to undergo an examination for the purpose of obtaining a Licence or Branch without having first obtained the consent in writing of his Master, which shall be produced before the said Trinity House at the time of his examination.

VIII.

Pilots boarding vessels at the brandy pots, &c. and conducting such vessels to Quebec allowed certain rates.

The Rates.

VIII. And whereas it has been the practice of several Pilots to cruise for and board Ships arriving from Sea above the rendez-vous appointed by Law, and in some instances within a few Miles of the Harbour of Quebec, for which service they consider themselves entitled by Law to receive and in some instances have claimed full Pilotage, Be it further enacted by the authority aforesaid that any Branch Pilot who may board a Ship or Vessel from Sea at or above the anchorage of the Brandy pots at Hare Island, and shall conduct such Ship or Vessel to Quebec, such Pilot shall be intitled to and receive two thirds of the rate of Pilotage allowed by Law from the Island of Bic to Quebec, and if above the Point of Saint Roc to one third of the said rate of Pilotage, and if at or above the point aux pins on the Isle aux Grues and below Patrick's hole, to one fourth of the said rate of Pilotage, and at and above Patrick's hole to the rates already established by Law for shifting a Vessel from one place to another in the Harbour of Quebec.

No Persons to be admitted Pilots above the Harbour of Quebec without having been constantly employed for five years in the River Navigation between Quebec and Montreal.

IX. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, no person shall present himself and be admitted 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 in the River Navigation during five years between Quebec and Montreal, and that he proves the same at such examination in a satisfactory manner by Certificates from two or more persons, which said Certificates shall be duly testified by the Oath of the persons giving the same, if required by the Corporation of the Trinity House or by any of the Pilots present at such examination.

Pilots allowed certain rates between Quebec and Montreal.

The Rates.

X. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, the Pilots may demand for the Pilotage of any Vessel between Quebec and Montreal the rates following, that is to say, from the Harbour of Quebec to Portneuf on the North side of the River Saint Lawrence and the opposite side of the said River, or to any other place above the Harbour of Quebec and below Portneuf, for a Ship or Vessel not exceeding two hundred Tons measurement by the Register thereof, upwards, four pounds Current Money of this Province, and downwards, two pounds ten Shillings like money if above two hundred Tons and not exceeding two hundred and fifty Tons, upwards, five pounds like Money and downwards three pounds ten Shillings like Money, and if above two hundred and fifty Tons upwards, six pounds like Money, and downwards, four pounds like Money, from the Harbour of Quebec to the Town of Three Rivers, and the opposite side of the said River Saint Lawrence or any other place above Portneuf: and below the said Town of Three Rivers for a Ship or Vessel not exceeding two hundred Tons measurement by Register thereof, upwards, six pounds like Money, and downwards, four pounds like Money, and if above two hundred Tons and not exceeding two hundred and fifty Tons, upwards, seven pounds like Money, and downwards, four pounds ten Shillings like Money and if above two hundred and fifty Tons, upwards, eight pounds like Money and downwards, five pounds ten Shillings like Money, from the harbour of Quebec to the Port of Montreal, and to the opposite side of the River Saint Lawrence

Lawrence or any other place above the Town of Three Rivers, and below the Port of Montreal for a Ship or Vessel not exceeding Two hundred Tons measurement by the Register thereof, upwards, eleven pounds like Money, and downwards, seven pounds ten Shillings like Money, if above Two hundred Tons and not exceeding Two hundred and fifty Tons, upwards, thirteen pounds like Money, and downwards eight pounds fifteen Shillings like money, and if above Two hundred and fifty Tons, upwards sixteen pounds like Money, and downwards, ten pounds fifteen Shillings like Money. Provided always, that every Pilot shall be at liberty to leave the Ship or Vessel which he shall have so piloted forty eight hours after the arrival of such Ship or Vessel, at the place of her destination.

Proviso.

Cul de Sac vested in the Trinity House.

Corporation empowered to make Bye-Laws.

Wharfage and dock dues not to exceed a certain sum.

Trinity House not empowered to divest Individuals possessed of any wharf along the north side of the Cul de-Sac.

XI. And whereas doubts have arisen of the power invested by Law in the Corporation of the Trinity House to regulate the Harbour of the Cul de Sac in the Lower Town of Quebec, in such way and manner as appears to them necessary to enlarge the utility thereof to the Shipping, from Sea and Vessels trading in the River Saint Lawrence, and to other objects connected with the Commerce and Navigation of the Province. Be it further enacted by the authority aforesaid, that the property of His Majesty in the Lower Town of Quebec, known by the name of the Harbour of Cul de Sac covered, or uncovered by water at Flood Tide, and all rights and appendages belonging and appertaining to the same, shall be and they are hereby vested in the Corporation of the Trinity House of Quebec, and it shall be lawful for the said Corporation, who are hereby authorized and required from time to time to make or-
 dain and constitute all such Bye Laws, Rules and Regulations as they shall see necessary, for improving the said Harbour of the Cul de Sac, by removing and preventing encroachments and incumbrances, for fixing, levying and raising Wharfage, dock-dues rent or other revenue to be paid by any person or persons entering the same with Ships or Vessels or otherwise, for the purposes of loading, unloading, repairs, wintering, or any other purpose, and for erecting Wharves and Buildings and renting or leasing the same, and in all cases to exercise the right of property over the said Harbour of the Cul-de-Sac, first obtaining the sanction and consent of the Governor, Lieutenant Governor or Person administering the Government of this Province, and duly publishing in the English and French Languages in the Quebec Gazette, such Bye-Laws, Rules and Regulations, as required of the said Corporation by Law in other cases. Provided always, that the Wharfage and Docks-dues on such Vessels, as are employed in the fisheries in the Gulf and River Saint Lawrence and in the Trade of the said River, only, including such Rivers as run into the same, from Cape Chat upwards to the Harbour of Montreal, inclusive, shall not exceed, four pence, current money of this Province per Ton Register measurement of the Vessel per Annum, for loading, unloading and wintering in the said Harbour. Provided also, that such Regulation, which shall hereafter be made and the Powers by this Clause given to the Trinity House, shall not extend or be understood to extend to give any power to the said Trinity House, to dispossess or in anywise molest any Individual actually in possession of any Wharf or Wharves upon and along the North side of the said Cul-de-Sac and of the use thereof, and that it shall not be lawful for the said Corporation of the Trinity House, to erect or cause to be erected

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erected any Wharf or other work or building in such manner as to deprive either in whole or in part, any person or persons so in possession as aforesaid of the advantages, revenues and profits which they may derive from their said Wharves or Buildings.

Cul-de-Sac not to be reduced in its extent or to prevent ships or other vessels.

XII. And be it further enacted by the authority aforesaid; that nothing in this Act contained, shall in any manner go to empower the the said Corporation of the Trinity House by any Bye Laws, Rules or Regulations buildings or erections to reduce the present extent of the said Cul de Sac, or to restrain the liberty of entering the same with Ships or Vessels of every description or preventing wheel or other Carriages from having a free passage to such Ships or Vessels for the purpose of loading or unloading them, nor cause to be erected any Wharves which shall extend beyond those already built in front of the said Cul de Sac, nor to erect or construct upon the said Wharves any other Buildings but those which shall be necessary for sweating of Plank and boiling Pitch and Tar required for repairing Vessels, and to deposit one or two fire engines.

Sums of Money raised to be paid quarterly to the Receiver General

XIII. And be it further enacted by the authority aforesaid; that the sums of money which shall be recovered by the person who may be authorized to that effect by the said Corporation, with the sanction as aforesaid, from the Wharfage and other dues to be hereafter levied in the Cul de Sac, and all and every sum recovered as aforesaid, shall be paid quarterly to His Majesty's Receiver General of this Province, and be applied by the said Corporation of the Trinity House for improving the said Harbour of the Cul de Sac and the Navigation of the River Saint Lawrence, 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.

Allowance to the Treasurer.

XIV. 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 Treasurer of the said Trinity House of Quebec, on all monies that shall or may come into his hands either by virtue of this Act, or by virtue of the before recited Act, of the forty fifth George the third Chapter twelfth, and of the Provincial Act of the forty seventh George the third Chapter tenth, Be it further enacted by the authority aforesaid, that from and after the passing of this Act, the Treasurer of the Trinity House of Quebec for the time being shall be and he is hereby authorized to charge five per cent, upon all monies received by him Annually. Provided always that if at any time the said charge of five per cent so made by the said Treasurer shall yield a greater sum than One hundred pounds Current Money of this Province, then and in such case, the same shall be reduced in such a proportion as not to exceed the said Sum of One hundred pounds Current Money of this Province, annually.

Not to exceed £100 per annum;

Certain parts of
clauses in Act 45,
Geo. 3. Cap. 12.
repealed.

XV. And be it further enacted by the authority aforesaid that such parts of the eighth and ninth Clauses of the Act of the forty fifth year of the Reign of His Majesty George the third, which fix the rates of Pilotage between Quebec and Montreal and such part of the eighth clause of the said Act, which relates to the duty of Pilots after the arrival of the Vessel which they have, so Piloted to the place of her destination between the Cities of Quebec and Montreal, and also the third and twenty fifth Sections or clauses of the said Act shall be and the same are hereby repealed.

Penalty on per-
sons removing or
destroying buoys,
Beacons, &c.

XVI. And be it further enacted by the authority aforesaid, that any person or persons wilfully removing, destroying, rendering unserviceable or otherwise maliciously procuring to be removed, injured or destroyed any Buoy, Beacon or Land mark placed for the purpose of improving the Navigation in the River or along the Shores of the River Saint Lawrence, between the Island of Saint Barnaby and the city of Montreal, Lake Saint Peter's inclusive, shall be guilty of an high misdemeanor and be subject upon conviction of such offence in a Criminal Court of King's Bench in the District where the same shall have been committed to be imprisoned for not less than one Month nor more than twelve Months for the first offence and not less than six Months nor more than two years for a second and every subsequent offence and be subject during such detention to hard labour.

Fines and Pe-
nalties how to be
paid.

XVII. And be it further enacted by the authority aforesaid, that all fines and penalties recovered under this Act and under the said Act of the forty-fifth George third, Chapter twelfth (excepting fines and penalties recovered from Branch Pilots) shall be paid one half to the Receiver General of this Province and applied in the same manner as the fines heretofore levied under the above said Act, and the other half to the person or persons prosecuting for the same and the due application of the monies received under this Act and the aforesaid Act of the forty fifth George third, Chapter twelfth 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.

Saving of his
Majesty's Rights.

XVIII. And be it further enacted by the authority aforesaid, that nothing herein 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 Corporate or Politic, those only excepted which are mentioned in the present Act.

Limitation of
Actions.

XIX. And be it further enacted by the authority aforesaid, that all prosecutions for offences against this Act, and against the said Act of the forty fifth George Third, Chapter twelfth, shall be brought within six Months after committing the same.

Public Act.

XX. 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.