

C A P. VII.

AN ACT further to amend and to extend the Provisions of certain Acts therein-mentioned, relating to Pilots, and to the Navigation of the River Saint Lawrence, and for other purposes therein specified.

(18th February, 1822.)

Preamble.

WHEREAS it is expedient further to amend and extend the provisions of an Act passed in the forty-fifth year of the Reign of His late Majesty George the Third, intituled, "An Act for the better regulation of the 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."—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, from and after the passing of this Act, be lawful for the Governor, Lieutenant-Governor, or person administering the Government of this Province for the time being, to appoint, in addition to the five Wardens of the Trinity House of Quebec, actually by Law appointed, one more Warden for the Port of Quebec, and two more Wardens for the Port of Montreal, making the said Trinity House of Quebec hereafter to consist of a Master, Deputy-Master, and eight Wardens, exclusive of the Superintendent of Pilots and the Harbour Master of Quebec, who are *ex officio* Wardens of the said Trinity House.

Governor empowered to appoint additional Wardens.

Persons having served an apprenticeship to any Branch Pilot, may make application to be received a Branch Pilot.

II. And be it further enacted by the authority aforesaid, that when any person or persons having served an Apprenticeship to any Branch Pilot for the River Saint Lawrence, may make application to be received as a Branch Pilot for and below the Harbour of Quebec, it shall be lawful for the Trinity House aforesaid, to compel any Master or Commander, being in the Port of Quebec, of any ship or vessel, not being then cleared out at the Custom House, in which such applicant may have made a voyage to, or returned from Europe, to attend and give evidence on oath, under a penalty of Five Pounds, Currency, and in default to pay the said penalty, under pain of

of imprisonment not exceeding eight days in case of neglect or refusal, before such Trinity House, with respect to the voyage or voyages performed or pretended to have been performed by such applicant to Europe as aforesaid, and it shall also be competent and lawful for the said Trinity House to examine upon oath such applicant, or the Pilot or Pilots with whom he may have served his Apprenticeship, touching and concerning the Apprenticeship of such applicant, and to compel the attendance of such Pilot or Pilots if need be, under the penalty aforesaid, all which oaths the Trinity House aforesaid is hereby authorized to administer, when the same may be requisite, and every such person or persons as aforesaid, to whom any of the oaths authorized by this Act shall be duly administered, who shall falsely swear, shall, on being thereof lawfully convicted, incur and suffer the pains and penalties of wilful and corrupt perjury.

How Trinity House to proceed.

How Pilots deprived of their Branch may be reinstated.

Proviso.

III. And be it further enacted by the authority aforesaid, that any Pilot who hereafter shall or already may have forfeited and been deprived of his Branch by reason of the loss of any ship or vessel, shall and may at any time hereafter, on application of such Pilot, be by the said Trinity House, if such Trinity House shall deem it expedient so to do, reinstated under a new Branch, with the approbation of the Governor, Lieutenant-Governor, or person administering the Government of the Province for the time being, such Pilot being, previous to his rehabilitation, examined by the said Trinity House, and by the same approved as to his fitness and capacity.

Assistant Harbour Master of Quebec to supply the place of the Harbour Master, when absent or unable to fulfil his duty from sickness.

IV. And be it further enacted by the authority aforesaid, that in case of the unavoidable absence of the Harbour Master from the Port of Quebec, or in case of his being unable to fulfil the duties of his Office by reason of sickness, the Assistant Harbour Master of Quebec shall be vested with, and may exercise all and every the powers and authorities which by Law heretofore have been and are actually vested in the Harbour Master aforesaid.

Harbour Master not compelled to furnish to Masters of Vessels making more than one voyage, an additional copy of the Provincial Statutes or Bye-Laws of the Trinity House.

Exception.

V. And be it declared and further enacted by the authority aforesaid, that when any ship or vessel shall, in the same summer, perform more than one voyage to the Port of Quebec, it shall not be incumbent on the Harbour Master to furnish or deliver to the Master or Commander of such ship or vessel, arriving at Quebec, in the performance of a second or subsequent voyage in the same season as aforesaid, a printed Extract of the Provincial Statutes or of the Bye-Laws, Rules and Regulations of the Trinity House, concerning Pilots and the Navigation of the River Saint Lawrence, nor shall he be entitled to exact, have or recover any fee, recompense or remuneration therefor, any Law or Statute heretofore in force to the contrary notwithstanding, unless some new Bye-Laws, Rules or Regulations shall; in the mean time,

time, have been made and provided according to Law, or unless the Master or Commander of such ship or vessel, performing such second or subsequent voyage, may have been removed and changed and another Master or Commander substituted in his stead, previous to her arrival at Quebec, in the performance of such second or subsequent voyage, in both of which cases it shall be the duty of such Harbour Master to furnish and deliver to the Master or Commander, such new Bye-Laws, Rules and Regulations as may have been made since his last voyage, or to such new Master or Commander, (as the case may be) a copy of all such Bye-Laws, Rules and Regulations as aforesaid, new and old, and for which he shall be entitled to receive seven shillings and sixpence currency, and no more.

Naval Officer allowed a certain per centage on monies received.

VI. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, the Naval Officer of the Port of Quebec, shall be entitled to have, recover and receive two and a half *per centum*, from and out of, and on all monies that shall hereafter by him be collected or received under and in virtue of the said Act, passed in the forty-fifth year of the Reign of His late Majesty 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," and in virtue of a certain other Act passed in the forty-seventh year of the Reign of His late Majesty aforesaid, 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 St. Lawrence, and for establishing a Fund for decayed Pilots, their Widows and Children,*" and no more; any thing in either of the said Acts contained to the contrary hereof in any wise notwithstanding.

Naval Officer to give security to His Majesty in such form as Governor shall think fit.

VII. Provided always, and be it further enacted by the authority aforesaid, that the said Naval Officer shall, from and after the passing of this Act, be bound to enter into and give security to His Majesty, with two good and sufficient securities to be approved by the Governor, Lieutenaut-Governor, or person administering the Government of the Province for the time being, in such sum as the Governor, Lieutenant-Governor or person administering the Government shall see fit, for the faithful performance of the duties imposed upon him by this and by the above recited Acts, and that he will well and truly account for and pay all and every the sum and sums of money which he may receive in virtue of the said Acts, as in and by the said Act it is ordained and provided, which security shall be taken by the Secretary of the Province or his Deputy, and shall remain among the records or remembrance of his office, and

and in case of the neglect, refusal or inability of the said Naval Officer to find or give security as aforesaid, it shall be lawful for the Governor, Lieutenant-Governor or person administering the Government of the Province for the time being, to appoint some other person to do and perform the duties of the Naval Officer, under and in virtue of this and of the above-recited Acts, and such person giving security as herein required, shall be entitled to the benefits and emoluments by this Act granted to the Naval Officer aforesaid, and not otherwise.

Hired Ships and
Transports sub-
ject to the same
regulations as
Merchant Ships.

VIII. And be it declared and further enacted by the authority aforesaid, that all Hired Ships and Transports employed in His Majesty's service, arriving at the Harbour of Quebec, or proceeding further up the River St. Lawrence, shall be liable to all and every the duties for which Merchant Ships are liable under and in virtue of the aforesaid Act, passed by the Legislature of this Province, in the forty-fifth year of the Reign of His Majesty George the Third, Chapter the Twelfth; and under and in virtue of the said Act passed in the forty-seventh year of the Reign of His Majesty aforesaid, Chapter Tenth, and also under and in virtue of an Act passed in the fifty-second year of his Majesty aforesaid, Chapter Twelfth, and the said duties shall be received, sued for and recovered as in and by the said Act, it is provided and ordained.

Trinity House
to publish annu-
ally a statement
of their funds.

IX. And be it further enacted by the authority aforesaid, that the Trinity-House of Quebec shall annually publish or cause to be published in the Quebec Gazette, in the month of September, a full and complete statement of the Funds belonging to or in any wise appertaining to the Pilots, 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 Gazette, containing such statement shall, by the said Trinity House, be furnished at the expence of the Funds aforesaid, to every Pilot or person residing in this Province, directly contributing to the said Funds and therein immediately interested.

Persons finding
Anchors, Boats,
&c. to deliver up
the same to the
Harbour Master.

Penalty for ne-
glect or refusal.

X. And be it further enacted by the authority aforesaid, that it shall be the duty of all and every person and persons finding, or grappeling up, or having found or grappeled up in any part of the River Saint Lawrence, from and below the Port of Montreal, the said Port included, any Anchors, Cables, Boats, or other effects of any description whatsoever, to declare and deliver the same under the penalty not exceeding five pounds, currency, for every default or neglect so to do, to the Harbour Master of Quebec or of Montreal, as the case may be, within fifteen days after

after finding or grappling any such Anchor or Anchors, Cable or Cables, Boat or Boats, or other effects as aforesaid, which Anchor or Anchors, Cable or Cables, Boat or Boats, or other effects, shall immediately after delivery to such Harbour Master as aforesaid, be by him notified and published in the Quebec Gazette, or in some public Newspaper, printed and published in Quebec, or in the Montreal Gazette or other Newspaper printed in Montreal, as the case may be, during at least three weeks, to the end that the owner or owners thereof may have and recover the same, paying therefor such reasonable salvage and expences, as may be awarded by the Trinity House aforesaid: and if at the expiration of six months next after the first notification and publication as aforesaid, such anchor or anchors, cable or cables, boat or boats or other effects as aforesaid, shall not be claimed by the owner or owners; the same after public notice, by at least one publication in some public Newspaper, printed and published in the city of Quebec or Montreal as the case may be, shall be sold at public auction, and the proceeds, all lawful costs and charges being previously deducted, shall be applied the half to the improvement of the navigation of the River Saint Lawrence, and the other half shall belong to the person, who shall have found such anchor, cable, boat or other effects.

Steam Boats
subject to a Ton-
nage duty.

Pilots, if bran-
ched, piloting
Steam Boats, to
contribute to the
Pilot Fund.

XI. And be it further enacted by the authority aforesaid, that all Vessels or Boats, impelled or navigated on the River Saint Lawrence, by means of steam, commonly called Steam-Boats, shall hereafter be subject, while lying in the Port of Quebec, to the Bye-Laws, Rules and Regulations of the Trinity House of Quebec; and for each and every voyage which any and every such Steam-Boat 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 Champlain, there shall be paid by the owner or owners thereof, a tonnage duty of one half penny, currency, for every ton which such Steam-Boat may bear by register measurement; which duty shall be applied to the improvement of the navigation of the River Saint Lawrence between Quebec and Montreal, as directed by the Acts herein-mentioned; and the Pilots or persons, if branched, having charge of, or piloting such Steam-Boats, either to places above or below Quebec, shall also respectively be liable for and contribute towards the *Quebec or Montreal Decayed Pilot Fund*, as the case may be, the sum of five per cent upon the wages or hire they may respectively be entitled to have and receive, for their service in such Steam-Boat or Boats, all which duties hereby imposed, shall be raised, levied and collected from the several Owners, Masters, Agents, or Consignees of the said Steam-Boats, by the Naval Officer at Quebec, in the manner and to be by him accounted and paid for as provided by the said Acts, passed in the forty-fifth and forty-seventh years of the Reign of His late Majesty George the Third; and for his services in collecting, receiving

receiving and paying over the monies arising from the duties hereby imposed, the said Naval Officer shall be entitled to have and recover from and out of the said monies, two and a half per cent, and no more.

Steam Boats
to carry a light
during the night
at the Bow and
another on the
Stern of each
Steam Boat.

Penalty for ne-
glect.

XII. And be it further enacted by the authority aforesaid, that all Steam-Boats navigating the River Saint Lawrence, shall hereafter, when in the performance of any voyage on the said river, whether at anchor or otherwise, carry at all times in the night between dusk and day-light, a clear and distinct light on the bow and another on the stern, under the penalty not exceeding one hundred pounds, currency, to be recovered from the Master or Owner or Owners, for every neglect, default, or omission so to do.

Members and
Officers of the
Trinity House
exempt from serv-
ing as constables.

XIII. And be it further enacted by the authority aforesaid, that the Members and Officers of the said Trinity House, shall, hereafter, be exempt from serving, as Constables.

Application of
the monies to be
accounted for to
His Majesty.

XIV. And be it further enacted by the authority aforesaid, that the due application of the monies which shall be raised, levied and collected under and in virtue of this Act, shall be accounted for to His Majesty, His Heirs and Successors through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall be pleased to direct.

Saving of the
King's Rights.

XV. 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 and Successors.

C A P. VIII.

AN ACT for better regulating the Common of the Seigneurie of La Prairie de la Magdeleine.

(18th February, 1822.)

Preamble.

WHEREAS certain of the Inhabitants of the Village and Seigneurie of La Prairie de la Magdeleine, in the County of Huntingdon, are in possession of a Common, containing about three thousand and sixty arpents of Land, situate and being in the said Seigneurie of La Prairie de la Magdeleine, in virtue of a title granted