

~~CAPITAL 52.~~

An ACT for REGULATING PILOTS.

WHEREAS the appointment of wardens and branch pilots, Preamble.
for the different ports in this province, will tend to the safety of the navigation, and proper regulation thereof; as many accidents have happened and much damage been sustained through the ignorance or neglect of pilots from other ports, and not living in this province.

II. *Be it therefore enacted, by the Governor, Council and Assembly,* That the justices of the common-pleas in each of the counties, where the same shall be found necessary, shall appoint three or more wardens of the port, which wardens shall examine and recommend such branch pilots, and as many of them as may be found necessary. Which pilots so recommended are to be approved and appointed by the said magistrates for the port or ports respectively in each county within this province, and that the pilots so appointed, and confirmed as aforesaid, shall be entitled to demand and receive from the master of each ship or vessel that shall come into any port in this province, for which port said pilot shall have a branch, his established fees of pilotage, which shall be fixed by the said magistrates and wardens of such port, according to the draft of water such ship or vessel may draw, that is to say, if said pilot shall be found by the said wardens to have done his duty by offering his service of piloting such ship or vessel in proper place and time. And if the master of such ship or vessel do not employ such pilot, yet if he can prove that he offered his service at a proper time and place, he shall be entitled to receive from the master of such ship or vessel his full rate of pilotage, unless said ship or vessel belong to said port. Justices of common-pleas to appoint wardens of ports and branch pilots, when recommended by such wardens.

III. *Provided always,* That this act shall not be construed to extend to vessels commonly called coasters, going from one port in this province to another, or from one port to another in the Bay of Fundy, unless the master of such vessel respectively shall choose to employ such pilot. *Provided also,* That this act shall not be construed to extend to vessels which do not draw six feet of water. Pilots offering, tho' not employed, to receive full pilotage unless ships acc. belong to the port.

IV. *And be it further enacted,* That the said magistrates and wardens, are hereby authorized and empowered to make such regulations, and establish such rates of pilotage, as well as to subject the said pilots in the several counties respectively, to such penalties, and forfeitures for offences, as they shall judge expedient, during the continuance of this act, all which fees, penalties and forfeitures, shall be prosecuted for, and recovered before such court, as may be competent to take cognizance of the same. This act not to extend to coasters or vessels, not drawing six feet of water.

Powers of common council of St. John not abridged.

V. *Provided always*, That nothing in this act shall extend or be construed to extend to abridge, diminish or interfere with the powers given to the common council of the city of Saint John, in and by the charter of the said city.

Pilots appointed by said common council entitled to same fees, &c.

VI. *And be it further enacted*, That the pilots which shall be appointed by the said common council shall be entitled to the same fees, perquisites and privileges, that any pilots appointed by virtue of this act are entitled to.

CARLIII

An ACT for the REGULATION of SEAMEN.

Preamble.

WHEREAS great loss and damage is frequently occasioned to trade and navigation by seamen deserting their employ, or voyages they are entered upon, or being taken off from the same by arrest for debt or pretence thereof: for remedy whereof,

No attachment or process for debt to be served upon any seaman when engaged in a voyage.

II. *Be it enacted by the Governor, Council and Assembly*, That if any innholder, victualler, feller of rum and strong liquors, shopkeeper, or any other person whatsoever, shall trust or give credit to any mariner or seaman belonging to any ship or other vessel without the knowledge and allowance of the master or commander thereof in any sum not exceeding ten pounds, no *capias*, arrest or any other process for any debt so contracted without knowledge and allowance as aforesaid, shall be granted against or served upon the person of such mariner or seaman, until he shall have performed the voyage he is then enter'd upon and be discharged of the same, and every process issued contrary to this act, shall be deemed and adjudged utterly void in law. And any one justice of the court from whence such process shall issue to whom it shall be made to appear that any mariner or seaman is committed or restrained upon process granted for any such debt or pretence of debt made whilst he was engaged, and actually entered and in pay on any voyage, shall forthwith order his release, upon filing common bail to the action.

Penalty for shipping seamen knowing them to belong to any vessel.

III. *Be it further enacted*, That if the master or commander of any ship or vessel shall ship any seaman knowing him to be first entered and ship'd on board of any other ship or vessel, or after notice thereof given him shall not forthwith dismiss him, every such master or commander so offending being thereof convicted shall forfeit and pay the sum of ten pounds, to the use of the city or county where such offence shall be committed, to be sued for in any court of record proper to try the same, and such seaman so

First Clause repeated
vid: 395 (a).