

Acts of the General Assembly of His Majesty's Province of New-Brunswick passed in the year 1821. Fredericton, NB: George K. Lugin, Printer to the King's Most Excellent Majesty, 1821.

2 George IV – Chapter 6

An Act to make more effectual regulations relating to Pilots within this Province. Passed the 20th of March 1821.

Whereas on account of the increased trade of the Province, the Laws now in force for regulating Pilots have been found inadequate to the purposes intended: For the remedy thereof,

I. Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, That an Act made and passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, intituled "An Act for regulating Pilots" also an Act made and passed in the fiftieth year of the Reign of His late Majesty King George the Third, intituled "An Act to continue and amend an Act, intituled 'An Act for regulating Pilots'" and an Act made and passed in the fifty-seventh year of the Reign of His late Majesty King George the Third, intituled "An Act in addition to and amendment of an Act, intituled 'An Act for regulating Pilots'" be, and the same are hereby repealed.

II. And be it further enacted, That the Justices of the Inferior Courts of Common Pleas in each of the Counties in this Province wherein the same shall be found necessary, shall appoint three or more fit persons to be Wardens of the Port in such Counties respectively, which Wardens shall examine such persons as shall make application to be appointed Branch Pilots, and shall recommend as many of them as shall be found necessary, to the said Justices, which persons so recommended shall be appointed by the said Justices, Branch Pilots for the port or ports in such Counties respectively; and the said Justices, with two or more of the said Wardens, are hereby authorized and empowered from time to time, to establish such rates of Pilotage of ships and vessels, according to their draught of water, as they shall judge just and equitable, and also to make such regulations for the better government of the said Pilots, and under such reasonable penalties and forfeitures for the breach there-of, as they shall judge requisite and expedient: Provided always, that such penalty or forfeiture, shall not in any case exceed the sum of ten pounds.

III. And be it further enacted, That the said Branch Pilots so recommended and appointed as aforesaid, and each of them respectively, shall be entitled to demand, sue for, and recover from the Master of each ship or vessel that shall be piloted and brought by any such Pilot, agreeably to the regulations so to be made as aforesaid, into any port for which such Pilot shall have a Branch, such rates and fees of pilotage as shall so be established as aforesaid.

IV. And be it further enacted, That if any such Branch Pilot shall in any case make it appear that he has discharged his duty by offering his service to pilot any ship or vessel that shall come into any port for which he shall have a Branch, in proper time and place, agreeably to the regulations so to be made as aforesaid, and the Master of such ship or vessel not having any other Pilot on board authorized to act as such, under and by virtue of this Act, shall not employ such Pilot so offering his

service as aforesaid, then and in such case, such Pilot, upon due proof, by the oath of one or more credible witness or witnesses, that he did so offer his service, shall be intitled to demand, sue for, and recover from the Master of such ship or vessel, one moiety of such rates and fees as shall be so established as aforesaid, for the pilotage of such ship or vessel.

V. And be it further enacted, That such persons as are so recommended to be appointed Branch Pilots, shall previous to their receiving such Branch, in such County, enter into recognizance to His Majesty, before one or more of the said Justices, in the sum of one hundred pounds, with two sufficient sureties in the sum of fifty pounds each, well and faithfully to discharge the duties of his office as Branch Pilot, in such County, and to obey all such regulations as shall be made as aforesaid, under and by virtue of this Act; which recognizance shall be returned to, and filed in the office of the Clerk of the Inferior Court of Common Pleas in such Counties respectively, by the said Justice or Justices taking such recognizance.

VI. And, for the encouragement of Pilots, Be it further enacted, That such Pilot or Pilots, having boats of the burthen of not less than eight tons, shall for each boat be allowed to employ three Apprentices, for whom he or they shall be intitled to demand and receive the full pilotage of any inward bound ship or vessel, which any such Apprentice shall have piloted into any port or place to which he shall belong, and no other Branch Pilot shall be permitted to take from such Apprentice, the charge of any inward bound ship or vessel of which such Apprentice shall have charge. Provided always, that every such Apprentice shall have been articted to serve his Master, in his occupation as a Branch Pilot, the full and complete term of live years, and that he shall have served three years of his said apprenticeship, and is not under eighteen years of age. Provided also, that every such apprentice shall have been examined and recommended by the Port Wardens respectively as aforesaid, and a recognizance shall have been entered into, by the Master of every such Apprentice, to His Majesty, in the sum of one hundred pounds, with two sufficient sureties in the sum of fifty pounds each, in manner aforesaid, that such Apprentice shall behave himself well in the execution of the duties to be performed by him, under and by virtue of this Act, and shall faithfully comply with and obey all such regulations as shall be made as aforesaid in that behalf, under and by virtue of this Act, which recognizance shall be returned and filed as aforesaid, agreeably to the direction in that behalf made in the preceding fifth section of this Act.

VII. And be it further enacted, That it shall and may be lawful for the said Justices of the Inferior Court of Common Pleas, in term time, or for any two Justices of such Court, in vacation, in such Counties respectively, there such Pilots shall be appointed, in manner herein before directed, on complaint and proof made before them, on the oath of one or more credible witness or witnesses, that any such Pilot has neglected or refused to comply with any of the regulations made or to be made as aforesaid, for the government of Pilots within the same, to displace such Pilot so convicted of refusal, neglect, or other improper conduct, and to declare him, from that period, not intitled to recover pilotage for any ship or vessel he may presume to pilot after such conviction.

VIII. And be it further enacted, That no person who resides without the limits of this Province, shall be permitted to act as a Branch Pilot for any port or place within the same.

IX. And be it further enacted, That this Act shall not be construed to extend to any vessel that does not draw six feet of water, nor to vessels commonly called coasters, going from one port in this Province to another, or from any one port to another in the Bay of Fundy.

X. And be it further enacted, That the several and respective penalties and forfeitures which shall be incurred for or by reason of any breach of any of the regulations so to be established as aforesaid, under and by virtue of this Act, shall and may be sued for and recovered before any two of His Majesty's Justices of the Peace in such Counties respectively as aforesaid, upon complaint and proof by the oath of one or more credible witness or witnesses, and shall, upon conviction, be levied by warrant of distress and sale of the offender's goods and chattels, and shall be paid into the hands of the County Treasurer in which such conviction shall take place, to be appropriated towards the payment of the contingent expenses of such County or Counties, rendering the overplus, if any, to such offender.

XI. Provided always, that nothing herein contained shall interfere with the regulations of Pilots in the City of Saint John.