



ANNO SECUNDO

## VICTORIÆ REGINÆ.

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### CAP. VI.

#### *An Act for the regulation of Pilots and the Pilotage of Vessels at the Port of Saint John's.*

[Passed 25th October, 1838.]

**W**HEREAS an Act was passed in the General Assembly of this Island, in the Third year of the Reign of King William the Fourth, entitled "An Act for the regulation of Pilots and the Pilotage of Vessels at the Port of Saint John's"—which Act has been allowed to expire: And whereas an Act was made in the First year of Her present Majesty Victoria, to Amend the before-mentioned Act: And whereas it is desirable that an Act should be made for the regulation of Pilots that would embody in one the approved parts of the two before-mentioned Acts:

Preamble.

*Be it therefore enacted*, by the Governor, Council and Assembly of Newfoundland, that from and after the passing of this Act, that the Act made in the First year of Her Majesty, Victoria, entitled "An Act to amend an Act passed in the Third year of the Reign of King William the Fourth, intituled 'An Act for the regulation of Pilots and the Pilotage of Vessels at the Port of Saint John's,'" shall be, and the same is, hereby repealed.

1st Victoria, Cap. 6.

3rd Wm. 4, Cap. 7.

II.—*And be it further enacted*, that it shall and may be lawful for the Governor or Person administering the Government, for the time being, by and with the advice of Her Majesty's Council, to appoint and commission, during pleasure, Five Persons (Three of whom to be a Quorum) to examine and select Pilots for the Port of Saint John's; and that vacancies in such Commissions shall be filled up by the same authority of the Governor or Person administering the Government for the time being, and Council, that may from time to time occur by the death, resignation, or removal of any such Commissioner or Commissioners as aforesaid; and that before such Commissioner shall act

Governor, with advice of Council, to appoint Commissioners to select Pilots.

Commissioners to  
take oaths,

under such appointment, he shall take the oath contained in the Schedule annexed to this Act, marked A, before one of the Judges of the Supreme Court, or a Magistrate—such Commissioners to act gratuitously.

to license Pilots,

and grant Certifi-  
cates.

III.—*And be it further enacted*, that the said Commissioners shall from time to time license as many fit persons, by them examined, as they shall think necessary, to act as Pilots for the Port of Saint John's, and grant to each Licensed Pilot a Certificate, annually, in the form contained in the Schedule hereto annexed, marked B; for which Certificate the Person receiving it shall pay the sum of Twenty Shillings; and in case of loss or defacing of the same, a sum not above Ten Shillings for a new Certificate; and the Certificates so granted shall be numbered and registered in a Book to be kept for that purpose.

Rates of Pilotage.

5 per cent. to be paid  
to the Pilots' Fund.

IV.—*And be it further enacted*, that the rates of Pilotage into and from the Harbor of Saint John's, to which such Licensed Pilot shall be entitled, shall be according to the Table of Rates contained in the Schedule annexed to this Act, marked C, when boarded by a Licensed Pilot to the Southward or Eastward of Cape Spear, or to the Northward of Sugar Loaf; and two-thirds of the said Rates when boarded inside of Cape Spear and to the Southward of Sugar Loaf: and in all cases a sum at and after the rate of Five Pounds per Centum of and upon the Pilotage received, shall be paid by the Pilot or Pilots receiving the same to the Secretary of the Commissioners appointed under this Act, for the benefit of the Pilots' Fund, agreeably to the Thirteenth Section of this Act.

Unlicensed Pilots to  
give up charge of  
Vessels to licensed  
Pilots.

V.—*And be it further enacted*, that any Person taking charge of any Vessel as Pilot, not being licensed, shall be bound to give up the guidance of the said Vessel to the first Licensed Pilot who shall board such Vessel to the Eastward of Small Point, under a penalty of Forty Shillings.

No Pilot shall be ta-  
ken to sea against  
his will.

VI.—*And be it further enacted*, that no Licensed Pilot shall be taken off to Sea against his will by any Master or Commander of any Vessel, under a penalty of Fifty Pounds, except when through stress of weather the taking a Pilot off to Sea shall be inevitable; and in all cases, where any person acting as Pilot shall be taken to Sea, he shall be entitled to receive from the Masters or Owners of such Vessel a compensation for loss of time, at the rate of Three Pounds Ten Shillings, Sterling Money of Great Britain, per Month, and the usual allowance of Meat and Drink, and be provided with a Passage home at their expense.

Licensed Pilots to  
carry a Flag, &c.

Others carrying such  
Flag liable to a pe-  
nalty of £3.

VII.—*And be it further enacted*, that every Pilot so licensed shall be bound to carry such Flag, and to have his Boat so marked and rigged, as shall be directed by the said Commissioners, under a penalty of Three Pounds; and that any Unlicensed Person carrying such Flag, and having his Boat so marked and rigged, shall be liable to a penalty of Three Pounds; and that a Pilot taking charge of any Vessel shall in all cases behave himself civilly, and be strictly orderly and sober while in discharge of his duty, and use his utmost care and diligence for the safety of the Vessel, and to prevent her doing damage to others, under a penalty of a Sum not exceeding Three Pounds for the first offence, and also to Suspension for a certain time, or Dismission, if the Commissioners think proper; and on a second conviction for a similar offence, the said Pilot shall lose his License, and be no more capable of being licensed.

VIII.—*And be it further enacted*, that no Licensed Pilot shall lend or transfer his Certificate under the penalty of Five Pounds for the first offence, and for a second shall lose his Certificate, and be no more capable of being Licensed; and that any Pilot exacting a larger sum for his services, or taking a lesser sum than is allowed by Law, shall forfeit for such offence the sum of Forty Shillings; and when he has exacted more, shall refund the excess by him received.

Certificate not to be lent or transferred.

No larger or less sum than is allowed by this Act, to be taken.

IX.—*And be it further enacted*, that it shall be lawful for the said Commissioners, from time to time, to establish Bye-laws for the further Regulation of Pilots, and for extra remuneration in cases of an extraordinary kind, and for the adjustment and decision of questions arising between Masters of Vessels and Pilots and others, respecting Pilotage, and also respecting the Salvage of Anchors and Cables, and to enforce such Bye-laws by reasonable penalties, to be thereto annexed; *Provided always*, that all such Bye-laws shall first be submitted to, and approved of by, the Governor and Council.

Commissioners may establish bye-laws.

Salvage.

X.—*And be it further enacted*, that nothing herein contained shall extend or be construed to extend to deprive any other Person who may act as Pilot, in the absence of Licensed Pilots, from receiving payment for his services according to the said Table of Rates, or to relieve any Licensed or other Pilot from his responsibility to answer for the amount of any loss sustained, through his improper conduct, in a civil action at the suit of the party injured.

In the absence of licensed Pilots other persons may receive payment for their services.

XI.—*And be it further enacted*, that all Ships and Vessels, except Her Majesty's Ships and Coasting Vessels, shall be obliged to take or pay a Pilot; and that no Vessel shall be deemed to be a Coasting Vessel, and exempt from the liability of taking a Pilot, if such Vessel shall be owned or registered out of this Colony, or if such Vessel shall have on board any part of a Cargo imported in such Vessel from any Port or Place out of this Colony, or if such Vessel shall be going or proceeding to any Out-port to load a Cargo for any Foreign Market.

All Vessels except Her Majesty's Ships and Coasters obliged to take Pilots. What are to be deemed Coasters.

XII.—*And be it further enacted*, that all Fees and Sums due for Pilotage under this Act, shall and may be sued for and recovered in a summary way from the Master or Owner, before any two or more Justices of the Peace, and the amount of such judgment or order, together with all Costs incident thereto, shall be levied by Warrant of Distress upon the Goods and Chattels of the respective *Defendant* or *Defendants*; or in case no such Goods and Chattels shall be found, then the amount of such judgment or order, and Costs, shall be levied on the respective Vessels for or on account of which such Pilotage shall have been performed (except in case of Her Majesty's Vessels), or upon so much of the Materials thereof as shall be sufficient to satisfy such judgement or order, and Costs.

Recovery of Fees &c. due for Pilotage.

XIII.—*And be it further enacted*, that all Penalties imposed by this Act or hereafter to be imposed by any Bye-Laws made by virtue hereof, shall be sued for and recovered before any two of Her Majesty's Justices of the Peace for the Town of Saint John's, and shall be levied with Costs by Warrant of Distress under the Hands and Seals of such Justices, on the Goods of the Offender, and for want of Goods the said Justices shall order such Offender to be Imprisoned for a term not exceeding one day for every Five Shillings in the said penalty or penalties, or until the said penalty be paid; and that One-third of such penalties shall go to the use of the Person suing for the same, and the remainder, together with the Fees received for Certificates, shall form a fund in the hands of the Commissioners to defray the

Penalties, how recovered,

and applied.

Parties may appeal. salary of a Secretary and other contingent expenses attending the execution of this Act, and the surplus, if any, to be appropriated by them for the benefit of Infirm and Disabled Pilots; *Provided always*, that any Person who shall think himself aggrieved may appeal from the decision of such Justices to any of Her Majesty's Courts of Record in this Island, when the penalty shall exceed the sum of Three Pounds.

Act to be in force for 2 years. XIV.—*And be it further enacted*, that this Act shall continue and be in force for Two Years, and from thence to the end of the then next ensuing Session of the General Assembly.

**SCHEDULES.**

**A**

Commissioner's Oath.

I, A. B., do swear that I will act diligently, faithfully and impartially, in the selection and examination of Pilots for the Port of Saint John's.

So help me God.

**B**

*Island of Newfoundland,* }  
*Port of Saint John's.* }

Certificate of License.

No. I, C. D., Chairman of the Board of Commissioners, appointed by a Law of this Colony to examine and select Pilots for the Port of St. John's, do hereby certify that E. F. of St. John's, was by them adjudged a fit and proper Person to undertake the Pilotage of Vessels of every description into and out of the said Port of St. John's; and on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_ was by them Licensed to act in that capacity.

Given under my Hand and Seal at St. John's, this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18\_\_\_\_

C. D., Chairman of Commissioners of Pilotage,  
Saint John's.

Entered in the Registry of Pilots' Licensed,  
this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_

G. H., Secretary.

N. B.—This License cannot be lent or transferred.

DESCRIPTION OF C. F., PILOT, No.

Age.	Height.	Complexion.	Color of Hair and Eyes.	Remarks.

C

TABLE OF RATES OF PILOTAGE OF VESSELS IN AND OUT  
OF THE HARBOUR OF ST. JOHN'S.

	CURRENCY.			
	£	s.	d.	Rates of Pilotage.
On Vessels under 80 Tons, new Measurement, or 100 Tons old Measurement ....	2	0	0	
On Vessels from 80 Tons to 130 Tons new Measurement, or from 100 to 150 Tons old Measurement ....	2	10	0	
On Vessels from 130 Tons to 180 Tons new Measurement, or from 150 to 200 Tons old Measurement ....	3	0	0	
On Vessels from 180 Tons to 230 Tons new Measurement, or from 200 to 250 Tons old Measurement ....	3	5	0	
On Vessels from 230 Tons to 300 Tons new Measurement, or from 250 to 300 Tons old Measurement ....	3	10	0	
On Vessels from 300 Tons and upwards ....	4	0	0	
Her Majesty's Ships under 6th Rate ....	2	0	0	
Her Majesty's Ships of 4th, 5th and 6th Rates ....	2	10	0	
Her Majesty's Ships of the Line ....	4	0	0	

All Coasting Vessels which may take Pilots, to pay One half of the above Rates of Pilotage, in proportion to their Tonnage.