

Laws of His Majesty's Province of Newfoundland, passed in the year 1833.

3 William IV – Chapter 7 (Session 1)

An Act for the Regulation of Pilots and the Pilotage of Vessels at the Port of Saint John's. (17th April, 1833.)

Be it enacted, by the Governor, Council, and Assembly, that it shall and may be lawful for the Governor or Commander-in-Chief for the time being, by and with the advice of His 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 Commission shall be filled up by the same authority of the Governor or Commander-in-Chief 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 any such Commissioner shall act 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.

II. 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 St. 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 Certificate so granted shall be numbered and registered in a book to be kept for that purpose.

III. And be it further enacted, that the rates of Pilotage into and from the Harbour of St. 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 agreeable to the Tenth Section of this Act: Provided always that it shall be imperative upon all Vessels, except His Majesty's Ships of War Vessels employed in the Coasting Trade and Fisheries, to take Pilots when they shall offer their services.

IV. 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.

V. 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 Master 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.

VI. 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 dismissal, 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.

VII. 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 offence 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.

VIII. 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 be approved of by, the Governor or Commander-in-Chief for the time being, such approval being certified under his hand.

IX. 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.

X. 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 His 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 Informer, and the remainder, together with the Fees received for Certificates, shall form a fund in the hands of the Commissioners to defray the 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 may think himself aggrieved, may Appeal from the decision of such Justices to any of His Majesty's Courts of Record in this Island when the Penalty shall exceed the sum of Three Pounds.

XI. 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.

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 St. John's. }

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 Register of Pilots' Licenses, this _____ day of _____ 18 _____
_____ G.H., Secretary.

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

Description of E.F., Pilot, No.

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

C.

Table of Rates of Pilotage of Vessels into and out of the Harbour of St. John's.

On Vessels under One Hundred Tons.....£	2	0	0
On Vessels from One Hundred Tons to One Hundred and Fifty Tons.....	2	10	0
On Vessels from One Hundred and Fifty to Two Hundred Tons.....	3	0	0
On Vessels from Two Hundred to Two Hundred and Fifty Tons.....	3	5	0
On Vessels from Two Hundred and Fifty to Three Hundred Tons.....	3	10	0
On Vessels of Three Hundred Tons and upwards.....	4	0	0
On His Majesty's Ships under Sixth Rates	2	0	0
On His Majesty's Ships of Fourth, Fifth, and Sixth Rates	2	10	0
On His Majesty's Ships of the Line.....	4	0	0