

Laws of Her Majesty's Province of Newfoundland, passed in the year 1845.

8 Victoria – Chapter 14

An Act to amend the Laws for the Regulation of Pilots and the Pilotage of Vessels at the Port of St. John's. (Passed 23rd April, 1845.)

Whereas it is expedient to amend the Laws for the Regulation of Pilots and the Pilotage of Vessels at the Port of St. John's,

I. Be it therefore enacted by the Governor, Council, and Assembly, in Legislative Session convened, That an Act passed in the Second Year of the Reign of Her present Majesty, entitled "An Act for the Regulation of Pilots and the Pilotage of Vessels at the Port of St. John's," save, nevertheless, the first Section thereof, shall be, and the same is hereby repealed.

II. And be it further enacted, That it shall and may be lawful for the Governor, or Administrator of the Government, for the time being; by and with the ad vice of Her Majesty's Council, to appoint and commission, during pleasure, live persons (three of whom to be a quorum), to examine and select Pilots for the Port of St. John's, and that vacancies in such Commissions shall be filled 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; and that before any such Commissioner shall act under such appointment, he shall take the Oath contained in the Schedule hereunto annexed, marked A, before one of the Judges of the Supreme Court, or a Magistrate and such Commissioners shall act gratuitously.

III. And he 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 hereunto annexed, marked B, for which Certificate the person receiving it shall pay the sum of Twenty Shillings, and in case of loss, or defacing 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.

IV. And be it further enacted, that the rates of Pilotage into and from the harbour of St. John's, to be paid by Vessels entering and leaving the same, shall be according to the table of rates in the Schedule hereunto annexed, marked C, when such Vessels shall be 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 hoarded inside of Cape Spear, and to the Southward of Sugar Loaf, and before coming to anchor; and in all cases a Sum of Forty Shillings shall be annually paid by each licensed Pilot to the Secretary of the Commissioners appointed under this Act, for the benefit of die Idiots' Fund, agreeably to the fourteenth section of this Act.

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.

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 Idiot 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.

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 under pain also of suspension 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.

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 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 less sum than is allowed by law, shall forfeit for such offence the sum of Forty Shillings; and where he has exacted more shall refund the excess by him received.

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.

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.

XI. And be it further enacted, That all Ships and Vessels, except Her Majesty's Ships, Vessels belonging to the Royal Yacht Club, and casting Vessels, and except Vessels which have not been boarded until after they shall have entered the Narrows, 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 out of this colony, unless such Vessel shall have been usually employed as a bona fide coaster; 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 port or place out of this Colony, or any Outport to load a cargo for any foreign market: Provided always, that when in consequence of stormy weather, extreme danger would arise to any boat going outside the Narrows, it shall be lawful for the Commissioners to award Pilotage to any Pilot who shall in such case have offered his services within the Narrows, and been rejected.

XII. And be it further enacted, that every Vessel approaching the mouth of St. John's Harbour in the nighttime, and compellable to take, or pay a Pilot under this Act, shall, on coming within three Miles to the Fastward of a line drawn from Cape Spear to Sugar Loaf, suspend a Light on the top of the highest mast forward, and in default thereof shall be compelled to take or pay a Pilot, and be subject to the like Pilotage as if boarded outside of Cape Spear.

XIII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorised and empowered, to hear and determine all claims for pilotage, salvage of anchors and cables, and remuneration for extraordinary services, that may arise under this Act, under the like forms and manner of proceeding as are had and used in the Court of Sessions for the district of St. John's for the recovery of small debts; and the amount of the judgment of such Commissioners, together with all costs incident thereto (such costs to be taxed and allowed according, to the rate and scale chargeable and in operation in the Court of Sessions aforesaid) shall be levied on the goods and chattels of the party against whom such judgment may be had, or, (as the case may be) on the Vessel (except in case of Her Majesty's ships,) her tackle and apparel, on account of which such claim may have arisen.

XIV. And be it further enacted, That all penalties imposed by this Act or hereafter to be imposed by any bye-law made by virtue hereof, may be sued for and recovered before any two of Her Majesty's Justices of the Peace for the district of St. 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 such penalty or penalties shall be paid; and 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 salary of a Secretary and other contingent expenses attending the execution of this Act, and the surplus of such fund, if any, shall be appropriated by them for the benefit of infirm and disabled pilots.

XV. And be it further enacted, That whenever the amount of any judgment given by the said Commissioners or of any penalty imposed by the said Justices, shall exceed three pounds, it shall be lawful for any party feeling himself aggrieved, to appeal from the judgment of such Commissioners or from the conviction of such Justices, to the Supreme or Central Circuit Court, upon giving sufficient security to prosecute such appeal within a reasonable time and to abide by and perform such judgment or order as may be made thereon.

XVI. And be it further enacted, that in the event of any persons licensed as Pilots under this Act establishing a Steam Tug-boat for the Port of St. John's, it shall be lawful for the said Commissioners,

under the approval of the Governor and Council, to appropriate the amount of the Pilots' Reserved Fund aforesaid towards the purchase or support of such Tug-boat as may be deemed most expedient.

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 St. John's. So help me God.

B

Island of Newfoundland—
Port of St. John's.

No. _____ I, C.D., Chairman of a 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 K.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 _____ was by them licensed to act in that capacity.

Given under my hand and seal at St. John's, this day of _____ AD.

C. D. Chairman of Commissioners of Pilots, St. John's.

Entered in the Registry of Pilots Licensed this _____ day of A.D.

G. H. Secretary.

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

Description of E. F., Pilot, No.

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

C

Table of Rates of Pilotage of Vessels in and out of the harbor of St. John's.

	CURRENCY.
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 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 10 0
Her Majesty's Ships of 4th, 5th, and 6th rates,	3 10 0
Her Majesty's Ships of the line, 1st, 2nd, and 3rd rates,	5 0 0

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