

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1857. Toronto: Stewart Derbishire & George Desbarats, 1857.

20 Victoria – Chapter 128

**An Act to amend an Act intituled, *An Act to repeal a certain Act and Ordinance therein mentioned, relating to the Trinity House of Montreal, and to amend and, consolidate the provisions thereof, and to make further provisions concerning Pilots. Assented to 10th June, 1857.***

Whereas it is expedient to amend the Act cited in the title of this Act, and to make provision respecting Pilots: Therefore, Her Majesty, by and with the advice and consent of the. Legislative Council and Assembly of Canada, enacts as follows:

I. The Master, Deputy Master and Wardens of the Trinity House of Montreal, assembled under the said Act, shall have full power and authority to make a By-law establishing a new Tariff of rates to be paid for the Pilotage of Vessels between Quebec and Montreal, and between the several places mentioned in the twenty-third section of the said Act, distinguishing the rates upwards from the rates downwards, and the rates payable when the Vessel is towed by a Steamer or propelled by steam from the rates payable when the Vessel is not towed or propelled by Steam; and such By-law being approved by the Governor in Council, shall have' full force and effect at law, but may be repealed or altered by any By-law to be thereafter made and approved in like manner; and whenever any such By-law shall be in force the Tariff of rates of Pilotage established by the said twenty-third section shall be repealed, and the penalty imposed by the said section on persons demanding, soliciting, receiving, paying or offering higher rates of Pilotage than those mentioned in the said section, shall be incurred by any person demanding, soliciting, receiving, paying or offering greater rates than those fixed by any such By-law then in force, and may be imposed and levied in like manner as other penalties imposed by or under the said Act.

II. Whenever a Pilot shall have been engaged by the master or captain of a vessel, he shall be paid, although prevented by the said master or captain of such vessel or his representatives from accomplishing his engagement, except in cases where the captain of the vessel shall make a complaint against him, and shall establish the truth thereof against such Pilot.

III. An appeal to the Superior Court shall be allowed to Pilots, when they shall be condemned to the payment of fines exceeding Ten Pounds currency, within the fifteen days immediately following such condemnation, upon notice duly given within the said period of fifteen days, to the Trinity House of Montreal, and upon security being given for all costs incurred and to be incurred in the said proceeding, before any one of the Judges of the said Superior Court for the District of Montreal or the prothonotary of the said Court; provided that such appeal be supported by a petition setting forth the reasons, causes and motives of appeal from the original judgment; and such appeal shall be heard during the first juridical days of such Court, and the said Court after hearing the said appeal shall give such judgment therein as to them shall seem meet; and provided that all the proceedings, documents and evidence filed and adduced in the original proceedings before the Corporation of the said Trinity

House, shall be and remain of record, and as such shall be preserved, and recourse shall be had thereto on the occasion of the said appeal.

IV. Any pilot engaged and on duty who shall be detained by reason that the vessel is discharging powder, shall receive a compensation of fifteen shillings for every day he shall be so detained, over and above the rates of pilotage; provided that any such pilot may be discharged by the master or captain of such vessel, as though he had piloted the said vessel to its destination.

V. Whenever a vessel shall be towed by a steamer, the pilot having the pilotage of such vessel shall only be bound to remain on board such vessel, after having moored it firmly and in the ordinary manner, for a period of twenty-four hours, instead of forty hours as prescribed by the By-laws at present existing.

VI. All the provisions of the Act above cited which may be inconsistent with this Act, are hereby repealed.

VII. This Act shall be deemed a Public Act.