



ANNO DUODECIMO
VICTORIÆ REGINÆ.

CAP. CXIV.

An Act to consolidate the Laws relative to the Powers and Duties of the Trinity House of Quebec, and for other purposes.

[30th May, 1849.]

WHEREAS the provisions of the Acts and Ordinances now in force, relative to the powers and duties of the Trinity House of Quebec, to Pilots and Pilotage in and below the Harbour of Quebec, to the fund for decayed Pilots, their widows and children, and to other matters therein mentioned, have become obscure by repeated amendments; And whereas experience hath shewn that they are insufficient for the purposes for which they were framed, and it is therefore expedient to repeal them, and to amend and consolidate the provisions therein contained, and to enact other provisions: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, as follows:

Preamble.

Firstly. That the Act of the Parliament of the Province of Lower Canada, passed in the forty-fifth year of the Reign of King George the Third, intituled, *An Act for the better regulation of Pilots and Shipping in the Port of Quebec, and in the Harbours of Quebec and Montreal, and for improving the Navigation of the River St. Lawrence, and for establishing a Fund for decayed Pilots, their Widows and Children*, is repealed;

Certain Acts
of Lower Ca-
nada repealed:
45 G. 3, c. 12.

Secondly. The Act of the said Parliament, passed in the forty-seventh year of the Reign of King George the Third, intituled, *An Act to amend an Act passed in the forty-fifth year of the Reign of His present Majesty, intituled, 'An Act for the better regulation of Pilots and Shipping in the Port of Quebec, and in the Harbours of Quebec and Montreal, and for improving the Navigation of the River St. Lawrence, and for establishing a Fund for decayed Pilots, their Widows and Children,'* is repealed;

47 G. 3, c. 10.

Thirdly. The Act of the said Parliament, passed in the fifty-first year of the Reign of King George the Third, intituled, *An Act to amend an Act passed in the forty-fifth year of His Majesty's Reign, intituled, 'An Act for the better regulation of Pilots and Shipping in the Port of Quebec, and in the Harbours of Quebec and Montreal, and for improving*

51 G. 3, c. 12.

improving the Navigation of the River St. Lawrence, and for establishing a Fund for decayed Pilots, their Widows and Children, is repealed;

52 G. 3, c. 12; *Fourthly.* The Act of the said Parliament, passed in the fifty-second year of the Reign of King George the Third, intituled, *An Act to amend an Act passed in the forty-fifth year of His Majesty's Reign, intituled, 'An Act for the better regulation of Pilots and Shipping in the Port of Quebec, and in the Harbours of Quebec and Montreal, and for improving the Navigation of the River St. Lawrence, and for establishing a Fund for decayed Pilots, their Widows and Children,'* is repealed;

Sect. 3 of 59 *Fifthly.* The third section of the Act of the said Parliament, passed in the fifty-ninth year of the Reign of King George the Third, intituled, *An Act to prevent accidents in the landing of Gunpowder from Ships or other vessels in the Harbour of Quebec, and to guard against the careless transporting of the same into the Powder Magazine,* is repealed;

G. 2, c. 9. *Sixthly.* The Act of the said Parliament, passed in the second year of the Reign of King George the Fourth, intituled, *An Act further to amend and extend the provisions of certain Acts therein mentioned, relating to Pilots and to the Navigation of the River St. Lawrence, and for other purposes therein specified,* is repealed;

2 G. 4 c. 7. *Seventhly.* The Act of the said Parliament passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to make provision for indemnifying Pilots while detained in Quarantine,* is repealed;

4 V. c. 5; *Eighthly.* The Ordinance of the Governor and Special Council of the Province of Lower Canada, passed in the fourth year of Her Majesty's Reign, intituled, *An Ordinance to authorize the Corporation of the Trinity House of Quebec to borrow a certain sum of money, and for other purposes relative to the said Corporation,* is repealed;

4 V. c. 6. *Ninthly.* The Ordinance of the Governor and Special Council of the Province of Lower Canada, passed in the fourth year of the Reign of Her Majesty, intituled, *An Ordinance to empower the Corporation of the Trinity House of Quebec to sell and convey a certain portion of the Harbour of the Cul-de-Sac in the City of Quebec, to the Corporation of the said City,* is repealed;

4 & 5 V. c. 15. *Tenthly.* The Act of the Parliament of this Province, passed in the Session held in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to repeal and amend in part certain Acts and a certain Ordinance therein mentioned, and to extend the powers and increase the funds of the Corporation of the Trinity House of Quebec,* is repealed;

Part of 8 V. c. 60. *Eleventhly.* So much of the Act of the said Parliament, passed in the eighth year of Her Majesty's Reign, intituled, *An Act to amend the Ordinances incorporating the City of Quebec,* as shall be inconsistent with this Act, is repealed;

Acts, &c.
repealed by
the said Acts
&c. not
revived.

Twelfthly. No Act or Ordinance or part of an Act or Ordinance repealed by any Act or Ordinance hereby repealed, shall be revived by virtue of this Act.

II. And be it enacted—*First.* That notwithstanding the repeal of the Acts and Ordinances, or parts of Acts or Ordinances before mentioned, all things done and all rights acquired in virtue of the said Acts or Ordinances shall be valid, all penalties incurred shall be recoverable, and all proceedings or matters commenced may be continued as if the Acts and Ordinances so repealed were still in force ;

Things done and rights acquired under the repealed Act to remain valid.

Secondly. The Corporation of the Trinity House of Quebec shall not be dissolved by the passing of this Act, but shall continue, and the present Master, Deputy Master, and Wardens of the said Corporation, and their successors, in the same offices, appointed in the manner prescribed by this Act, shall, without any new appointment, remain and continue to form and constitute a Body Politic, incorporated for the purposes of the present Act, under the name of *The Trinity House of Quebec*, which shall be one and the same Corporation with that heretofore existing under the name of the Master, Deputy Master and Wardens of the *Trinity House of Quebec* ; they shall continue to have perpetual succession, and a Common Seal, with power to change and renew it at pleasure ; they, and their successors, may plead and be impleaded in any Court of Record or Judicial Tribunal in this Province, in like manner as any other body corporate or party ; and may purchase and hold immoveable property as sites for light houses, and for other the purposes of this Act ; and may purchase and hold any moveable property whatsoever for like purposes, or for the other purposes of this Act ;

Corporation heretofore existing to continue.

Thirdly. The present Officers of the Trinity House of Quebec and the other Functionaries of the said Corporation shall retain their respective offices, as if this Act had not been passed ; except, that after the passing hereof, the offices of Clerk and Treasurer shall be held by separate persons ;

Present Officers continued. Exception.

Fourthly. The Trinity House of Quebec shall consist of a Master, Deputy Master and seven Wardens, who, with the Master and Deputy Master, shall have, in the manner herein prescribed, the right of giving their opinion, and voting upon all the affairs of the Corporation ; but the Office of Deputy Master shall cease from and after the resignation, removal or decease of the present Deputy Master, and the Trinity House of Quebec shall then consist of a Master and eight Wardens ;

Members of the Corporation.

Office of Deputy Master made temporary.

Fifthly. That no Member of the Trinity House of Quebec shall directly or indirectly contract with the said Corporation, nor be in any manner interested in or capable of deriving any interest under any contract made with the said Corporation by any other person, and any Member who shall have any contract with the Corporation at the time of the passing of this Act shall cease to be a Member thereof ;

Members not to be interested in contracts, &c.

Sixthly. There shall be two Superintendents of Pilots, who shall be Branch Pilots, having practised as such for at least ten years, the senior in office shall be one of the Wardens of the Trinity House of Quebec ; in his absence the other Superintendent of Pilots shall act as Warden, with the same power and functions ;

Superintendents of Pilots. One to be a Warden.

Seventhly. The Master of the Trinity House of Quebec shall be *ex officio* the Principal of the Corporation ;

Qualification of the Master.

Eighthly. There shall be, as heretofore, a Harbour Master, and an Assistant Harbour Master of the Harbour of Quebec ; except, that the office of Assistant Harbour Master shall cease on the resignation, removal or decease of the present incumbent ;

Harbour Master and Assistant.

The latter office to be temporary.

Ninthly.

Officers, &c.
how appointed.

Ninthly. The Governor may appoint by an Instrument under the Great Seal of the Province, all the Officers and other Functionaries required by the present Act, and may remove at his pleasure, collectively or separately, the Master, the Deputy Master, the Wardens, the Harbour Master, the Assistant Harbour Master, the Superintendents of Pilots, the Treasurer, the Clerk, the Bailiff, and the other Officers and Functionaries of the Corporation, and appoint others, except to the offices of Deputy Master of the Trinity House of Quebec, and of the Assistant Harbour Master, which offices shall be abolished on the removal of the incumbent.

Officers to
have fixed
salaries, &c.
Application of
moneys.

The salaries.

III. And be it enacted—*First.* That all the Officers of the Trinity House of Quebec shall receive fixed salaries out of the funds of the said Corporation; and except moneys which under this Act go to the Pilot Fund, all fees and moneys received for any cause whatsoever under this Act or any By-law made under it, shall go towards defraying the expenses of the Corporation; *Secondly.* The salary of the Master shall not exceed two hundred and fifty pounds a year; that of the present Harbour Master shall not exceed five hundred pounds a year; nor that of any of his successors four hundred pounds a year; that of the Assistant Harbour Master shall not exceed one hundred and eleven pounds, two shillings and two pence a year; that of each Superintendent of Pilots shall be one hundred and seventy five pounds a year; that of the Treasurer shall be three hundred and fifty pounds a year; that of the present Clerk shall be three hundred pounds currency a year; but that of any of his successors shall not exceed two hundred and fifty pounds a year; the salary of the Bailiff shall not exceed one hundred pounds a year; the salaries which are not hereby fixed shall be fixed by the Governor within the limits hereby prescribed.

As to salaries
not hereby
fixed.

Former By-
laws conti-
nued.

Exception.

IV. And be it enacted, That all By-laws legally made by the Trinity House of Quebec before the passing of this Act shall, in so far as they contain nothing inconsistent with this Act, remain in force until repealed or amended, or until others shall be enacted in lieu thereof by the said Corporation, but so much thereof as may be inconsistent with this Act is hereby repealed.

Meetings of
the Corpora-
tion.

Proviso.

Quorum.

President.

V. And be it enacted, That the Master, Deputy Master, and Wardens of the Trinity House of Quebec, or any three of them, may meet on such days and at such place as they may think proper, and may adjourn indefinitely or to a fixed day, at pleasure; but they shall meet at least twice a week during the season of navigation: their Acts shall be valid, provided three of them meet at their then usual place of sitting; at their meetings, the Master, or in his absence the Deputy Master, or if neither be present, the Senior Warden shall preside.

T. H. Q. may
make By-laws
for certain pur-
poses.

Proviso.

VI. And be it enacted, That at any such meeting the Master, Deputy Master and Wardens of the Trinity House of Quebec, or any three of them, may in the manner provided in the last preceding section of this Act, make such By-laws and Orders as they may deem fitting and useful, provided the same be not contrary to the Maritime Laws of Great Britain, to the Laws of this Province or to this Act; the objects for which such By-laws and Orders shall be made being the following:

Purposes for
which By-laws
may be made.

First. The internal management and Government of the Corporation of the Trinity House of Quebec and of its property moveable and immoveable;

Secondly.

Secondly. The security and the facility of the Navigation of the River St. Lawrence, from the Basin of Portneuf, in the County of Portneuf, to the Eastern limit of this Province, and of the navigable portions of the several rivers which flow into this river, or into the Gulf of St. Lawrence, within the limits prescribed by this Act ;

Thirdly. The placing and removal of buoys and beacons ;

Fourthly. The erection of light houses, floating lights, lanterns and other signals ;

Fifthly. The dredging and clearing away of sands, rocks or other obstructions ;

Sixthly. The improvement and management of the Harbour of Quebec, and of the *Cul-de-Sac* ;

Seventhly. The anchoring, mooring, riding and fastening of vessels, and craft of all kinds in the Harbour of Quebec, and the control of such vessels and craft, whether in the stream, at a wharf or landing place, or hove down or hauled up for repair, in the Harbour of Quebec ;

Eighthly. The regulation and control of the use of lights and fire on board such vessels and craft in the *Cul-de-Sac*, and at the wharves in the said Harbour ;

Ninthly. The manner of boiling or melting pitch, tar, turpentine, resin, or any other inflammable substance, on the beaches in the said Harbour of Quebec, or in the *Cul-de-Sac* ;

Tenthly. The appointment of the place or places in the said Harbour for the landing of gunpowder from Merchant vessels, and the route by which it may be carried to the Magazine ;

Eleventhly. The construction of wharves and of buildings thereon for the use of the Trinity House of Quebec ;

Twelfthly. The imposing, levying and receiving of wharfage or other dues to be paid by vessels and craft of all kinds entering the *Cul-de-Sac*, or undergoing repairs or wintering therein ;

Thirteenthly. The regulation and government of Pilots licensed as such for the Port of Quebec ;

Fourteenthly. The conduct of Pilots towards their Apprentices, and of Pilots' Apprentices towards their Masters ;

Fifteenthly. The qualification, instruction, service, supervision, control and examination of the Pilots' Apprentices.

VII. And be it enacted, That no By-law made by the Trinity House of Quebec, shall take effect, unless it be published twice a week during two weeks in English, in a Quebec newspaper published in English, and twice a week during two weeks in French, in

Formalities before any By-law shall take effect.

in a Quebec newspaper published in French, nor unless it be submitted to the Governor for His Sanction at least fifteen days after such publication.

Publication of By-laws after sanction.

VIII. And be it enacted, That every By-law sanctioned by the Governor, and certified by the Clerk of the Executive Council, shall, before it shall take effect, be inserted twice a week during two weeks, in English, in a Quebec newspaper published in English, and in French, in a Quebec newspaper published in French ; and such By-laws shall be then printed in pamphlet form, and any person shall be entitled to a copy on paying its fair value, and a copy of any By-law of the Trinity House of Quebec, certified by the Clerk under the Seal of the Corporation, shall be deemed authentic, and shall avail accordingly in all Courts of Justice in this Province.

Copies to be granted and their effect.

By-laws may impose penalties.

IX. And be it enacted, That the Trinity House of Quebec may, by any By-law made under this Act, impose penalties not exceeding ten pounds, on any person contravening such By-law, or any Order which the Corporation may lawfully make under this Act, or under any such By-law.

Cul-de-Sac to remain in possession of the T. H. C.

X. And be it enacted, That the Trinity House of Quebec shall continue to possess the property of Her Majesty situate in the Lower Town of Quebec, and known by the name of the *Cul-de-Sac* Harbour, whether covered or not covered by the flow or ebb of the tide, with its dependencies, and may exercise the rights thereunto belonging ; but shall not dispossess or molest the persons possessing the wharves on the north side of the *Cul-de-Sac*, nor deprive them of the advantages, revenues and profits to which they are now entitled.

Port of Quebec defined.

XI. And be it enacted, That for the purposes of this Act, the Port of Quebec shall comprise all that part of the River St. Lawrence between the Basin of Portneuf, inclusively, and the Gulf of St. Lawrence, that part of the Gulf of St. Lawrence which is comprised within the limits of this Province, or which borders upon its coasts, and that part of all rivers, waters, creeks, bays and coves within the said limits, where the tide ebbs and flows.

Harbour of Quebec defined.

XII. And be it enacted, That the Harbour of Quebec shall comprise that part of the River Saint Lawrence, between Saint Patrick's Hole, inclusively, to the *Cap-Rouge* River, inclusively, and that part of the Rivers Montmorency, Saint Charles, Etchemin, Chaudière, Cap-Rouge and others, where the tide ebbs and flows.

Limits of the River.

XIII. And be it enacted, That for the purposes of this Act, the River Saint Lawrence shall be held to enter the Gulf of Saint Lawrence at an imaginary line drawn from the eastern anchorage ground off *Isle Barnabé* to the eastern anchorage ground under Cape Columbia, on the north shore ; and vessels of every kind bound inwards shall be considered to be in the River Saint Lawrence when they shall be above this imaginary line.

Members and Officers of T. H. C. to take an oath of office.

XIV. And be it enacted, That every Member of the Trinity House of Quebec, and every Officer thereof, shall, before entering upon the duties assigned to him by this Act, make oath before a Judge of the Court of Queen's Bench or one of the Prothonotaries thereof, that he will faithfully perform the duties of his office.

XV. And be it enacted, That the Trinity House of Quebec may and shall grant a Branch as Pilot to every Apprentice who shall have previously complied with all requirements of the law, and undergone a satisfactory examination, conformably to the provisions of this Act.

Conditions on which a branch may be obtained.

XVI. And be it enacted, That every Pilot having a Branch before the passing of this Act, shall keep the same until he shall forfeit it for any of the causes herein mentioned.

Pilots branched before this Act.

XVII. And be it enacted, That every Branch Pilot who shall be two full and consecutive years without acting as Pilot, (unless in case of sickness, unavoidable absence, or special permission from the Trinity House of Quebec), shall be liable to a penalty of fifty pounds, which shall go to the Pilot's Fund; and in case of repetition of the offence, he shall forfeit his Branch.

Penalty on Pilots not practising during two years.

XVIII. And be it enacted, That every Branch Pilot who shall be two years without acting as Pilot, but shall give notice to the Clerk of the Trinity House of Quebec, in the course of such two years, that he wishes to cease to act as Pilot, shall lose his Branch, but shall not incur the penalty of fifty pounds.

A Pilot may resign his branch.

XIX. And be it enacted, That each Pilot's Branch shall be registered by the Trinity House of Quebec, in a book which shall be open during the navigation season to every person wishing to inspect it.

Branches to be registered.

XX. And be it enacted, That the Trinity House of Quebec may, by By-law, fix the fees to be received in suits brought before it, or for delivering and registering Pilot's Branches, or for any other cause whatsoever.

T. H. Q. may fix fees for branches, &c.

XXI. And be it enacted, That no person shall obtain a Branch as Pilot, unless he proves that he has *bonâ fide* served a regular Apprenticeship during seven consecutive years under a Branch Pilot authorized by License to have an Apprentice as hereinafter mentioned, and made four voyages to Europe; nor unless he has been examined and found sufficiently conversant with arithmetic, able to speak, read and write the English language, and to calculate a ship's way on the chart, and to work a ship, and is perfectly well acquainted both with the North Channel of the River Saint Lawrence between Quebec and *Isle du Bic*, and with the South Channel of the said River between the same limits, and has conducted himself soberly, and been of good moral conduct during his Apprenticeship.

Qualifications for obtaining a branch.

XXII. And be it enacted, That the Trinity House of Quebec, in order to provide the Pilots' Apprentices with the means of becoming acquainted with the North Channel, shall send their vessel at least twice a year to explore the same, and shall admit on board, under the inspection of one of the Superintendents of Pilots, all Pilots' Apprentices.

Apprentices to have the means of learning the north Channel.

XXIII. And be it enacted, That the Trinity House of Quebec may fine, or according to the gravity of the offence, suspend or deprive of his Branch, any Pilot who shall be the cause of the loss of a vessel under his charge, or shall be the means of its sustaining damage, or being delayed for a considerable time; and shall do so after complaint of the master or owner of such vessel made to the Harbour Master, in whose name the prosecution

T. H. Q. may punish a Pilot losing or damaging a vessel under his charge.

prosecution shall be brought; the fine shall not in any case exceed ten pounds, and the Pilot shall not be suspended for more than two years: The Trinity House of Quebec may in its discretion abridge the period for which a Pilot may have been suspended, and shall not deprive the Pilot of his Branch unless he shall have caused the accident through drunkenness or gross misconduct.

In what case the Pilot shall lose his Pilotage or part thereof.

XXIV. And be it enacted, That a Pilot deprived of his Branch or suspended or condemned to pay a penalty, for having caused damage to a vessel by his drunkenness or gross misconduct, shall not be entitled to any pilotage, where the amount of such damage shall be equal to or exceed that of such pilotage.

Pilot dis-branch'd for drunkenness may be reinstated.

XXV. And be it enacted, That a Pilot deprived of his Branch for drunkenness, may recover it by proving by good and valid certificates that he has conducted himself with sobriety and steadiness during two consecutive years, after the date of his interdiction.

Branch to be restored in certain cases.

XXVI. And be it enacted, That the Trinity House of Quebec may at any time and shall at the expiration of three years from the time when any Pilot shall have been condemned to lose his Branch, for gross misconduct, restore the same to him on his proving by undergoing an examination conformable to the By-Laws in force when he was first apprenticed, that he is qualified to act as a Pilot.

Pilots suspended, not to be deemed Branch Pilots.

XXVII. And be it enacted, That a Pilot suspended from the exercise of his functions or deprived of his Branch, shall not be deemed to be a Branch Pilot so long as this suspension shall last, or his Branch shall not be restored to him.

Penalty for refusing to take charge of a Vessel.

XXVIII. And be it enacted, That the Trinity House of Quebec may fine in a sum not exceeding Ten Pounds, and not less than Five Pounds any Branch Pilot who not being really employed as a Pilot, shall refuse, avoid or voluntarily neglect to board or take charge of any vessel within the limits specified in his Branch, when he shall be required either by a signal from such vessel or by the Captain, Master or any Officer belonging to the vessel, by the Trinity House of Quebec, the Harbour Master or the Superintendents of Pilots, unless it would be dangerous to the Pilot to obey such signal, or to comply with the demand or order of the said persons or authorities, or unless he be prevented from so doing by sickness or other sufficient cause.

Exception.

Penalty on a Pilot abandoning his Vessel.

XXIX. And be it enacted, That any Branch Pilot who shall, without reasonable excuse, abandon a vessel or refuse to Pilot her after he has been engaged for that purpose, or after having boarded her, without having performed the services for which he shall have been so engaged, and without the permission of the Master of such vessel, shall be liable to a penalty not exceeding ten pounds, or may according to the gravity of the offence be suspended or deprived of his Branch.

Master promising a Vessel and not giving it.

XXX. And be it enacted, That any Master of a vessel promising to give or having given the charge of his vessel to a Branch Pilot, and afterwards refusing it or taking it from him, shall be obliged to pay to such Pilot the full pilotage on the vessel.

Pilot to obey the Harbour Master.

XXXI. And be it enacted, That any Branch Pilot having charge of a vessel, who shall refuse to obey the orders or directions of the Harbour Master relative to the making fast, casting off, shifting or removal of such vessel, shall incur a penalty not exceeding ten pounds.

XXXII.

XXXII. And be it enacted, That no Pilot shall have an Apprentice unless he has previously obtained a license to that effect from the Trinity House of Quebec, after being examined as to his ability to instruct such Apprentice in the duties of a Pilot, and no Pilot shall have more than one apprentice at one time.

What Pilots may have Apprentices. Not to have more than one.

XXXIII. And be it enacted, That any person wishing to become a Pilot's Apprentice must know how to read and write, and must previously obtain permission from the Trinity House of Quebec: The agreement between the Apprentice and the Master shall be by a Notarial Indenture, whereof the latter shall, under a penalty not exceeding ten pounds, deposit an authentic copy in the hands of the Clerk of the Trinity House of Quebec within three months after the date of the Indenture.

Apprentices must obtain permission and enter into notarial agreement.

XXXIV. And be it enacted, That Apprentices under Indenture at the passing of this Act, shall, as regards their qualification and examination, be subject only to the By-laws and Regulations in force at the date of their Indentures.

Apprentices now under indenture.

XXXV. And be it enacted, That any person other than a Branch Pilot who shall take charge of a vessel to pilot it in any part of the Harbour or Port of Quebec, shall, unless the Master of such vessel has previously endeavoured, by making the signal required by this Act, to procure a Branch Pilot, incur a penalty of ten pounds.

Penalty for employing other than Branch Pilots.

XXXVI. And be it enacted, That the Master or person in charge of any boat or other small craft, who shall, at the instance of the Master of any vessel, run before the same to direct its course, shall be entitled to full pilotage for the distance thus gone over, except that if there be in such boat or craft a Branch Pilot who shall not from any cause have been able to board the vessel, it shall be such Pilot who shall be entitled to receive the Pilotage.

Boat, &c. running before a vessel to direct its course.

XXXVII. And be it enacted, That the rates of pilotage to which Branch Pilots shall be entitled, shall be those in Tables One and Two of the Schedule A, annexed to this Act; any Pilot who shall knowingly receive more or less than the legal value of his services, and the Master of any vessel who shall offer less than the rates enumerated in the said Schedule shall respectively incur a penalty not exceeding ten pounds.

Rates of Pilotage to be those in the Schedule.

XXXVIII. And be it enacted, That the Pilot arriving with any vessel in the Harbour of Quebec, shall remain in charge thereof, if the Master require it, during the forty-eight hours next after his arrival; but he shall in any case be free from the moment the vessel shall be fast to a wharf, or shall have commenced discharging her ballast or unloading; when the Pilot shall, at the instance of the Master, remain more than forty-eight hours on board the vessel, he shall have one pound for each day subsequent, and his board as customary.

Pilot to remain with the vessel 48 hours after her arrival. Exception.

XXXIX. And be it enacted, That every vessel arriving in the Harbour of Quebec, and not having performed Quarantine at Grosse-Isle, may proceed without stoppage to the ballast ground, or to any other place in the said Harbour.

Certain vessels may proceed at once to the ballast ground, &c.

XL. And be it enacted, That every difference brought before the Trinity House of Quebec between a Pilot and the Master of a vessel, respecting the draft of water of such vessel, shall be decided on the report of the Harbour Master.

Draft of water, how ascertained.

Draft and tonnage to be given to the Harbour Master.

XLI. And be it enacted, That the Master of any vessel coming into the Harbour of Quebec, shall, on the demand of the Harbour Master, give him the draft of water and tonnage of such vessel, under a penalty of ten pounds, and any Master who shall not give the Harbour Master the true draught of water and exact tonnage of his vessel, shall incur a penalty not exceeding twenty-five pounds.

Compensation to Pilot for services, &c. to a vessel in distress.

XLII. And be it enacted, That any Pilot saving or endeavouring to save a vessel in distress shall be entitled to a remuneration to be fixed by the Trinity House of Quebec if such Pilot shall not have agreed with the Master or owner of the vessel as to the compensation for such service, provided he be not the Pilot on Board and in charge of such vessel.

Pilot bringing back a vessel after an accident.

XLIII. And be it enacted, That any Branch Pilot who shall bring back to the Harbour of Quebec a vessel having sustained damage or lost any anchor or cable, shall be entitled to the pilotage downwards for the whole distance he may have gone, in accordance with the Rates in the Schedule A, annexed to this Act, and further, to half pilotage for bringing the said vessel up.

Pilots detained in Quarantine.

XLIV. And be it enacted, That any Branch Pilot in charge of a vessel, who shall be detained in Quarantine at Grosse-Isle, or at any other Quarantine Station legally established in the Port of Quebec, shall, in addition to the pilotage, be entitled to fifteen shillings for each day of detention, recoverable in the same manner as pilotage.

Pilot carried out to sea.

XLV. And be it enacted, That any Branch Pilot carried out to sea, or beyond the limits of the Port of Quebec, without his consent, shall be entitled, at the expense of the Master or Owner of such vessel, to a cabin passage back to the Port of Quebec, and, in addition to his pilotage, to the sum of six pounds sterling per month, reckoning from the day when he shall have passed the limits of the Port of Quebec to the day of his repassing them; but he shall not be entitled to more than such a passage as above mentioned, and to forty days' allowance, at the rate of six pounds sterling per month, reckoning from the day of his landing in a frequented port to that of his repassing the limits of the Port of Quebec.

Distinguishing flag and number to be borne by Pilot Boats, &c.

XLVI. And be it enacted, That every boat or other small craft, having on board one or more Branch Pilots in search of vessels, shall carry at the mast head, a flag half red and half white, the colours being horizontally placed, with the white uppermost, and proportionate to the size of the boat or craft, under a penalty of ten pounds currency, recoverable from the Master or Owner of such boat or craft; every boat or other small craft used by a Branch Pilot, shall, under penalty of ten pounds, recoverable from the Master or Owner of such boat or craft, carry on each of its sails and on its bow and quarter, the number of its owner or of one of its owners; such numbers shall be in figures of eighteen inches in length; for the purposes of this Act, the Pilot whose number shall so appear on the sails and on the sides of such boat or craft, shall be deemed the owner thereof.

Penalty for concealing number.

XLVII. And be it enacted, That any Branch Pilot, who shall conceal or wilfully allow to be concealed the number on the sails or on the sides of his boat or craft, shall incur a penalty of ten pounds.

XLVIII.

- XLVIII.** And be it enacted, That the Master or Owner of every boat or small craft, not having on board a Branch Pilot, which shall carry the distinctive Pilot-flag herein described, shall for each offence incur a penalty not exceeding ten pounds. Penalty on other Boats for carrying the Pilot flag.
- XLIX.** And be it enacted, That a description of the person of each Pilot shall be endorsed upon his Branch. Description of the Pilot on his Branch.
- L.** And be it enacted, That every Branch Pilot taking charge of a vessel, shall, under a penalty not exceeding ten pounds, carry with him his Branch, and shall exhibit it to the Master of such vessel, who is required to demand its production, under a penalty not exceeding ten pounds. Pilot must carry his Branch with him, &c.
- LI.** And be it enacted, That any Pilot suspended or dismissed shall, under a penalty not exceeding ten pounds, deliver up his Branch to the Clerk of the Trinity House of Quebec, within three months from such suspension or dismissal, and shall leave it there so long as such suspension or dismissal shall continue. Pilot suspended to give up his Branch.
- LII.** And be it enacted; That on the death of a Pilot, his testamentary executor, or other person into whose hands his Branch may come, shall deliver it up to the Clerk of the Trinity House of Quebec, under a penalty not exceeding ten pounds. Representatives to give up his Branch.
- LIII.** And be it enacted, That the Master of each vessel leaving the Port of Quebec for a port out of this Province, shall take on board a Branch Pilot to conduct such vessel, under a penalty equal in amount to the pilotage of the vessel; which penalty shall go to the Decayed Pilots' Fund. What vessels must take Pilots outwards.
- LIV.** And be it enacted, That the Master of every vessel coming from a port out of this Province, and not having a Branch Pilot on board, shall, on entering the Port of Quebec, under a penalty of ten pounds, hoist the Union Jack at the fore-top-mast head, and leave it so hoisted every day from day-light to dark, until boarded by a Branch Pilot. Vessels coming into the River to hoist signal for a Pilot.
- LV.** And be it enacted, That the Master of any vessel arriving within the Port of Quebec, and not having a Branch Pilot on board, who shall perceive at a reasonable distance, the boat or other small craft of a Branch Pilot, carrying at the mast head the distinctive Pilot flag, shall, by lying to, if the weather permit, or by shortening sail or other practicable means, facilitate the coming on board of such Pilot, and shall give him charge of his vessel, under a penalty not exceeding ten pounds, over and above the full pilotage, which shall be payable to such Pilot as shall have shewn by sign or otherwise, his intention to board the vessel and take charge thereof. Vessels coming in sight of a Pilot boat, &c., to lie-to &c.
- LVI.** And be it enacted, That the fund for the support and maintenance of decayed Pilots, their widows and children, shall continue as before the passing of this Act; and the said fund and all moneys forming part thereof, either before or after the passing hereof, shall continue to be vested in the Trinity House of Quebec, which shall administer the same conformably to this Act. Pilot Fund to continue, &c.
- LVII.** And be it enacted, That every Branch Pilot shall contribute to the Pilots' Fund one shilling in the pound on all moneys to which he shall be entitled under this Act for pilotage or other services. Contribution to the said Fund.

LVIII.

Master to retain and pay over the contribution.

LVIII. And be it enacted, That the Master of every vessel, not belonging to Her Majesty, shall retain in his hands one shilling out of every pound due for the pilotage of such vessel whether upwards or downwards, and of every other sum payable by him to any Pilot for services of like nature, and shall pay over the sum so retained by him to the Treasurer of the Trinity House of Quebec, or to any other person the Governor may appoint to receive the same.

As to Pilotage of Her Majesty's ships.

Oath of Pilot.

LIX. And be it enacted, That any Pilot who shall pilot a Queen's ship in any part of the Port of Quebec shall, under a penalty not exceeding ten pounds, pay over within three months thereafter to the Treasurer of the Trinity House of Quebec, one shilling in the pound on the amount of the pilotage of such vessel; and the Treasurer of the Trinity House of Quebec may administer to such Pilot an oath as to the amount received by him for such pilotage.

Superintendent to contribute to, and share in the Fund.

LX. And be it enacted, That the Superintendents of Pilots shall pay annually to the Treasurer of the Trinity House of Quebec, for the Pilots' Fund, one shilling in the pound on the amount of their salary; and in the event of their resignation or removal as Superintendents of Pilots, they shall be Branch Pilots for all the purposes of this Act, and shall participate in the Pilot Fund in the same manner as if they had never ceased to act as Pilots; at their death, their widows and children shall have the same claim on the Pilot Fund as the widows and children of other Pilots.

T. H. Q. to grant aids and pension out of the said Fund.

LXI. And be it enacted, That the Trinity House of Quebec shall, out of the Pilot Fund, grant to every distressed or decayed Pilot, his widow and children, such assistance or pension as it may deem proper to grant them, conformably to this Act.

Pilots over 60 years of age may be pensioned.

LXII. And be it enacted, That every Pilot who shall have attained the age of sixty years may, on delivering up his Branch to the Clerk of the Trinity House of Quebec, receive a pension out of the Pilot Fund.

How moneys of the Fund not employed shall be invested.

LXIII. And be it enacted, That every sum of money belonging to the Pilot Fund which shall not have been employed in the relief and support of decayed Pilots, or of the widows and children of Pilots, shall be placed at interest in the Provincial or other Public Funds, or loaned on hypothec or real property: When any sum shall be loaned on hypothec out of the Pilot Fund, the Trinity House of Quebec shall require from the borrower two good and valid sureties, and shall satisfy itself that the property hypothecated as well as that of the sureties is not so encumbered as to endanger the sum so loaned.

T. H. Q. to decide differences between Pilots and their Apprentices.

LXIV. And be it enacted, That the Trinity House of Quebec, shall hear and finally determine every complaint and difference between Pilots and their Apprentices, and shall for this purpose have all the powers vested in Her Majesty's Justices of the Peace and the Courts of Quarter Sessions in the several Districts of this Province, with regard to Masters and their Apprentices generally, and may from time to time summon before it and examine any Pilot's Apprentice as to his progress in the business of a Pilot, and may impose a penalty not exceeding ten pounds on any Pilot who may have neglected the instruction of his Apprentice.

LXV. And be it enacted, That when at the expiration of his apprenticeship a Pilot's Apprentice shall be found incompetent to practise as a Pilot, the Trinity House of Quebec may oblige him to serve for a time not exceeding twelve months over and above the period of apprenticeship hereby required, and may at each examination which such Pilot's Apprentice may undergo, oblige him to serve for a further period not exceeding twelve months, if it shall upon such examination deem him incompetent to practise as a Pilot.

Apprentices found incompetent, to serve for a further period.

LXVI. And be it enacted, That the Trinity House of Quebec may hear and determine :

Other judicial powers of T. H. Q.

First. Any matter in dispute between a Branch Pilot and the Master or Owner of a vessel, relative to any sum of money claimed for pilotage or other service of like nature;

Secondly. Any complaint against a Branch Pilot for negligence or misconduct in the performance of his duty, or for any contravention of this Act, or of any By-law or Order of the Trinity House of Quebec, legally made and valid under this Act ;

Thirdly. Any complaint for contravention of this Act, or of any By-law, or Order of the Trinity House of Quebec, touching which there is no express provision, in any law regulating the powers and jurisdiction of the other judicial tribunals of this Province.

LXVII. And be it enacted, That every suit brought before the Trinity House of Quebec, shall be by Summons upon complaint and information ; and upon proof of service of the Summons on the party complained against, by the Bailiff of the Trinity House of Quebec, or Marshal of the Admiralty, or any other Officer specially appointed to make such service, the Trinity House of Quebec, shall hear and determine such suit, whether the Defendant be present or absent ; the Summons shall issue under the Seal of the Trinity House of Quebec, and shall be signed by the Clerk of the said Corporation ; a copy thereof may be served by any person legally authorized to make such service on shore, or on board of any vessel, not being one of Her Majesty's ships, to which the Defendant may belong, either personally on the Defendant, at his residence, or, as the case may be, on one of the company of any vessel under his charge ; there shall be at least forty-eight hours between the service of the Summons and the hearing the complaint.

Mode of bringing suits before the T. H. Q.

LXVIII. And be it enacted, That the limits of the jurisdiction of the Trinity House of Quebec, so far as regards the service, or execution of any Summons or Writ, in the manner prescribed by this Act, shall be those of the District of Quebec.

Limits of jurisdiction on shore,

LXIX. And be it enacted, That when the Trinity House of Quebec shall have rendered judgment against any party, it may execute the same by means of a Writ issued in its Name and under its Seal, signed by the Principal, and countersigned by the Clerk of the said Corporation, authorizing and requiring the Bailiff of the Trinity House of Quebec, or the Marshal of the Admiralty Court, or any other Officer named for that purpose, to levy by seizure and sale of the moveables of the party against whom the judgment is rendered, the amount of such judgment with the costs of suit and of the seizure, and if it appear by the return of the Bailiff or other Officer having the execution of the

How judgments of T. H. Q. shall be executed.

Writ,

Writ, that such moveables are insufficient to satisfy the amount of the judgment and costs, the Trinity House of Quebec, may immediately issue a Writ of Arrest (observing the same formalities as in the former Writ) authorizing the Bailiff, Marshal, or other Officer named as aforesaid, to apprehend the person against whom such judgment was rendered, and to convey him to the Common Gaol of the District of Quebec, there to remain for a period not exceeding one month, unless the amount of the judgment and costs be sooner paid.

LXX. And be it enacted, That when the party against whom a judgment has been rendered by the Trinity House of Quebec, shall not have sufficient moveables within the jurisdiction of the Corporation, but shall have moveables within the jurisdiction of the Trinity House of Montreal, the Trinity House of Quebec may issue a Writ, (observing the formalities aforesaid,) and address it to the Bailiff of the Trinity House of Montreal, who, on receiving the same, shall cause it to be endorsed by the Master of the Corporation last named, and shall then execute and return it to the Trinity House of Quebec; and if the moveables be not sufficient to pay the amount of the judgment and costs, the Trinity House of Quebec shall issue a Writ of Arrest, addressed to the Bailiff of the Trinity House of Montreal, who after having had it endorsed by the Master of that Corporation, shall apprehend the person against whom it is issued, and convey him to the Common Gaol of the District of Montreal or of Three-Rivers, as the case may be, there to remain for a period not exceeding one month, unless the amount of the judgment and costs be sooner paid.

LXXI. And be it enacted, That the Bailiff of the Trinity House of Quebec, or the Bailiff of the Trinity House of Montreal, or other Officer performing their duties, to whom a Writ of Execution or of Arrest shall be addressed, may execute it on board of any vessel, not being one of Her Majesty's Ships, within the limits of the Port of Quebec, or of the Port of Montreal, as the case may be.

LXXII. And be it enacted, That whenever under a Writ issued by the Trinity House of Quebec, the Bailiff of that Corporation, or the Bailiff of the Trinity House of Montreal, shall have seized in the Harbour of Quebec or of Montreal, as the case may be, the moveables of the party against whom the Trinity House of Quebec shall have rendered judgment as aforesaid, the sale of such moveables shall be previously advertised at Quebec or at Montreal, as the case may be, once in English, in a newspaper published in English, and once in French, in a newspaper published in French, and when the seizure shall be made in some other part of the Port of Quebec or of Montreal, than in the Harbour of Quebec or of Montreal, as the case may be, the sale shall only take place after public notice thereof, given on a Sunday or Holy-day, at least twenty-four hours previously at the door of the nearest church.

LXXIII. And be it enacted, That any Pilot condemned in any case to pay a penalty exceeding five pounds, or suspended or deprived of his Branch, may appeal to the Court of Queen's Bench in Superior Term; and any Pilot intending to appeal from a decision of the Trinity House of Quebec, shall give notice thereof in writing to the Clerk of the Corporation within fifteen days after such decision; and after having previously given sufficient security for the costs in appeal, shall proceed with the appeal at the Superior Term next following the said fifteen days; no judgment rendered against a Pilot by the Trinity House of Quebec from which he may appeal under this Act shall

be

Such judgments may be executed in the district of Montreal, &c.

Warrants of Arrest how executed.

Notice of sale under any Writ of T. H. Q.

Appeal given to Pilot in certain cases.

be executory until after the fifteen days next following the date of such judgment; and further, in case of appeal, the judgment of the Trinity House of Quebec if affirmed, shall have effect and execution only after such affirmation, and if the Pilot be suspended, the term of suspension shall date from the day the judgment is affirmed.

LXXIV. And be it enacted, That every person not being a Pilot (whose case is elsewhere provided for by this Act), against whom the Trinity House of Quebec may have rendered judgment for a sum exceeding ten pounds, shall be entitled, provided he gives notice of his intention to the Clerk of the Corporation within four days after the date of such judgment, to appeal to the Court of Queen's Bench in Superior Term, on giving good and valid security to the party in whose favor the judgment was rendered, for the amount thereof and of the costs of appeal and others; and shall proceed in the appeal at the then next Superior Term of the said Court.

Appeal given
to persons not
being Pilots.

LXXV. And be it enacted, That the service of any Summons upon a Pilot, shall, if the Bailiff or person doing his duty cannot find the Defendant, be sufficient if he serve a copy thereof on any other person either at the residence of the Defendant or on board of his boat or other craft belonging to him, or on board of any vessel then under his charge.

Service of
Summons on a
Pilot, how
made.

LXXVI. And be it enacted, That the Master of any vessel, believing that he has ground of complaint against his Pilot for bad conduct during the upward or downward passage of such vessel, shall, on pain of losing all right of complaint, inform the Harbour Master thereof within four days after his arrival in the Harbour of Quebec; and the right of complaint against a Pilot for any accident in the Harbour of Quebec or for any other cause, shall be lost to any Master of a vessel, who shall not submit his complaint to the Harbour Master within forty-eight hours after such accident or other ground of complaint.

Complaints
against Pilots
to be made
within a cer-
tain time.

LXXVII. And be it enacted, That the Trinity House of Quebec may summon before it the Master of any vessel, in which a Pilot's Apprentice has made one or more voyages across the Atlantic, and interrogate him under oath respecting such voyages; it may in like manner summon before it any Pilot under whom an Apprentice has served, and question him under oath respecting such apprenticeship; and every Master of a vessel, or Pilot who shall refuse to obey such summons or to answer the questions put to him respecting such Apprentice, shall for such refusal incur a penalty not exceeding twenty pounds, which he shall pay within forty-eight hours after judgment, on pain of imprisonment in the Common Gaol of the District of Quebec, for a period not exceeding fifteen days.

T. H. Q. may
examine Mas-
ters of vessels,
Pilots, &c., as
to the progress
of an appren-
tice.

LXXVIII. And be it enacted, That the Trinity House of Quebec may examine under oath any Pilot's Apprentice, respecting his Apprenticeship.

Or the appren-
tice himself.

LXXIX. And be it enacted, That the Trinity House of Quebec may summon before it, as a witness, any person whose evidence may be required in any suit whatsoever, and may issue a Warrant of Arrest against any person refusing or neglecting without just cause, to appear at the time appointed in such Summons; it may also impose a fine, not exceeding ten pounds, on any witness so refusing or neglecting to appear.

T. H. Q. may
summon
witnesses, &c.

May commit witnesses in certain cases.

LXXX. And be it enacted, That the Trinity House of Quebec may issue a Warrant of Arrest against any person appearing before it as witness, who, without reasonable cause, shall refuse to answer, and may commit him to the Common Gaol of the District of Quebec for a period not exceeding fifteen days.

T. H. Q. may swear witnesses.

LXXXI. And be it enacted, That the Trinity House of Quebec, when sitting as a judicial tribunal, shall administer an oath to every person giving evidence before it.

May allow compensation to witnesses.

LXXXII. And be it enacted, That the Trinity House of Quebec may allow a fair compensation for travelling expenses and loss of time, to every person appearing before it as witness, and the sum so allowed shall form part of the costs in the suit.

May award costs, &c.

LXXXIII. And be it enacted, That the Trinity House of Quebec may in its discretion award costs of suit against the plaintiff or defendant, or set them off against the sum awarded, as it may think equitable.

Power to preserve order.

LXXXIV. And be it enacted, That the Trinity House of Quebec, when sitting as a judicial tribunal, shall have like powers for the preservation of order during its sittings with any other Court of Justice in this Province.

Parties may appear by counsel.

LXXXV. And be it enacted, That every plaintiff or defendant may appear and be heard before the Trinity House of Quebec by Counsel.

Tonnage Duty on sea-going vessels.

LXXXVI. And be it enacted, That the Master or Commander of any Vessel (including Transports employed in Her Majesty's Service) who shall leave the Port of Quebec, and who shall not have proceeded to the Port of Montreal, for a Port situate beyond the eastern limits of the Province, shall, over and above all other sums payable under this Act, pay to the Treasurer of the Trinity House of Quebec or to any other person who may be appointed for that purpose by the Governor, the sum of five pence for every ton measurement of such Vessel; and the Master or Commander of any Vessel (including Transports employed in Her Majesty's Service) who shall leave the Port of Montreal or the Port of Quebec after having proceeded to the Port of Montreal, for a port situate beyond the eastern limits of the Province, shall pay to the Treasurer of the Trinity House of Quebec or to any other person who may be appointed for that purpose by the Governor, the sum of two pence for every ton measurement of such Vessel.

Clearance outwards not to be granted until dues are paid.

LXXXVII. And be it enacted, That the Collector or other Officer of Her Majesty's Customs at the Port of Quebec, or the Collector or other Officer of Her Majesty's Customs at the Port of Montreal, as the case may be, shall not grant a Clearance outwards from either port to any vessel for any port out of the Province, unless the Master of such vessel shews him a Certificate from the Treasurer of the Trinity House of Quebec, or from any other person duly appointed to that effect by the Governor, proving that he has paid the Tonnage Dues imposed by the eighty-sixth Section of this Act, and the Per Centage on the Pilotage required by the fifty-eighth and fifty-ninth Sections.

Per Centago to be paid over monthly.

LXXXVIII. And be it enacted, That the person appointed under this Act by the Governor, to collect the Per Centage or Pilots' Contribution and the Tonnage Duty, shall on the first of each month pay over the amount by him received, to the Treasurer of the

the Trinity House of Quebec, delivering to him, at the same time, a detailed account of the moneys so collected.

LXXXIX. And be it enacted, That the Master of any vessel not requiring a clearance (as a Transport, or other vessel in Her Majesty's Service) who shall leave the Port of Quebec for a port out of the Province, without having paid to the Treasurer of the Trinity House of Quebec or to the person appointed by the Governor to receive the same, the Tonnage Dues and Per Centage or Contribution of the Pilot to the Pilot Fund, shall incur a penalty not exceeding twenty-five pounds.

As to vessels not requiring clearance.

XC. And be it enacted, That the Master or Owner of any Vessel employed in coasting within the limits of this Province, and passing any light-house, light, buoy or other beacons under the control of the Trinity House of Quebec, shall, under a penalty not exceeding ten pounds, take annually from the Treasurer of the Trinity House of Quebec a license gratis in the form of the Schedule B, and shall pay to the said Treasurer the sum of four pence for each ton measurement of such vessel; no such license shall be valid for more than one season of navigation; and the Collector or other Officer of Her Majesty's Customs at the Port of Quebec shall not grant a clearance to any such vessel from the said port, unless the Master of the vessel shall produce such license to him.

Every coasting vessel to take a license.

Duty.

No clearance without license.

XCI. And be it enacted, That whenever the Trinity House of Quebec shall desire to acquire any land for the erection of light-houses or for other purposes connected with the improvement of the River St. Lawrence; or whenever it shall be in possession of lands not belonging to it, but required for its use, and whenever in either case, an amicable arrangement with the proprietor shall not take place, the price to be paid for such land shall be determined as follows: The Trinity House of Quebec and the proprietor shall each appoint a disinterested arbitrator, and the two arbitrators shall name a third, also disinterested; the three arbitrators, after being sworn before one of the Judges of the Court of Queen's Bench of the District of Quebec, to fulfil their duty honestly and impartially, and having reciprocally given notice of the time and place of their meeting, shall determine the price to be paid by the Trinity House of Quebec for such land, and their decision shall be final.

Proceedings when the T. H. Q. shall require to take lands.

Arbitration.

Award to be final.

XCII. And be it enacted, That if the proprietor of the land shall, after having been notified by the Trinity House of Quebec, refuse or neglect to appoint an arbitrator to fix the price thereof, or if the two arbitrators appointed by the two parties interested, shall not agree upon a third, one of the Judges of the Court of Queen's Bench shall name an arbitrator for the proprietor, or, as the case may be, the third arbitrator: in case of the death of an arbitrator, or his refusal to act, the party who shall have appointed him, or the judge, as the case may be, may appoint another in his place; and the three arbitrators being respectively sworn by one of the Judges of the Court of Queen's Bench, shall decide finally on the price to be paid by the Trinity House of Quebec, for the land.

Judge to appoint an Arbitrator in certain cases.

Case of death or refusal to act.

XCIII. And be it enacted, That when the arbitrators shall have determined the price of any land, the Trinity House of Quebec may take the same, and become proprietor thereof, by paying the price so fixed, either to the proprietor, or into the hands of the Prothonotary of the Court of Queen's Bench for the District of Quebec, for the

T. H. Q. may take the said land on paying or depositing the price.

proprietor,

Compensation to represent the land and to be dealt with accordingly.

proprietor, and the price agreed upon or awarded for any land taken or kept by the Trinity House of Quebec shall be in the place and stead of the land, and all claims to or upon the land shall be converted into claims to or upon such price; and if the Trinity House of Quebec have reason to apprehend that any claims may exist to or upon the price, on the part of any third party, it may pay such price into the hands of the Prothonotary of the Court of Queen's Bench for the District of Quebec, filing at the same time a copy of the deed of purchase or of the award, and the Court, after having caused due notice to be given for calling in all claimants, shall make such Order for the distribution of the price and with regard to interest thereon and to costs as to law may appertain.

No purchase of land or vessel to be made without consent of the Governor in Council, &c.

XCIV. And be it enacted, That the Trinity House of Quebec shall not pay any sum of money, either for the purchase of a steamer or other vessel, or of a new piece of land, or for the value of a piece of land already occupied but not owned by it, without the previous sanction of the Governor in Council; and such purchase money or indemnity shall be paid out of the moneys raised, and not specially appropriated by this Act, or out of any other sum of money appropriated generally for the improvement of the River and Gulf of St. Lawrence.

Penalty for running foul of buoys, &c.

XCIV. And be it enacted, That any person running foul of and damaging any buoy, or mooring any vessel to any vessel placed in the river as a light ship, or to any buoy belonging to the Trinity House of Quebec shall, over and above the payment of the expenses of replacing or repairing the same, incur a penalty not exceeding ten pounds.

T. H. Q. may borrow money.

XCVI. And be it enacted, That the Trinity House of Quebec may borrow money to the amount of ten thousand pounds including the amount which may have been borrowed under the Ordinance of the Governor and Special Council of the Province of Lower Canada, passed in the fourth year of Her Majesty's Reign, and intituled, *An Ordinance to authorize the Corporation of the Trinity House of Quebec to borrow a certain sum of money, and for other purposes relative to the said Corporation*, which Ordinance is hereby repealed without prejudice to any right thereby vested in the lenders.

4 Vict. c. 5 cited.

Loans to have a preference.

XCVII. And be it enacted, That every sum of money borrowed under the said Ordinance or under this Act, and the interest thereon, shall be paid out of the funds of the Trinity House of Quebec, in preference to any other payment or charge whatsoever.

Salvage allowed in certain cases.

XCVIII. And be it enacted, That every person finding any effects or thing in the River St. Lawrence or on the beach thereof, or in any part of the Rivers running into the same within the ebbing and flowing of the tide, shall, within four days if the same be found within the Harbour of Quebec and within fifteen days if the same be found within any other part of the Port of Quebec, give notice thereof to the Harbour Master, under a penalty not exceeding ten pounds, and shall give him a description of the thing found: If in the meantime the Master or Owner claims the same, he shall pay to the finder, for his trouble, a fair remuneration, to be fixed by the Trinity House of Quebec when the parties cannot agree upon it.

Effects found in the River and not claimed, &c.

XCIX. And be it enacted, That when any thing found in the River St. Lawrence has not been claimed, the Harbour Master may advertise it during four weeks, in English and in French in two or more newspapers published at Quebec, and if within six months

months after such publication the same be not claimed, the Harbour Master shall sell the same publicly, and after deducting the expenses of advertising, sale or otherwise, two thirds of the proceeds of the sale shall revert to the finder, and the remaining third to the Trinity House of Quebec.

C. And be it enacted, That in no case shall a suit be brought for contravention of this Act or of any By-law of the Trinity House of Quebec after twelve months from the date of such contravention. Limitation of suits.

CI. And be it enacted, That at any meeting of the Trinity House of Quebec, all questions shall be decided by the majority of the Members present. Majority to determine questions.

CII. And be it enacted, That the persons and authorities required by this Act to administer an oath for any purpose are respectively empowered to administer the same, and shall do so without remuneration. Administering oaths.

CIII. And be it enacted, That every person who shall knowingly swear falsely in any case where by this Act an oath is authorized or required, shall be deemed guilty of wilful and corrupt perjury, and punishable accordingly. False swearing.

CIV. And be it enacted, That the Trinity House of Quebec may purchase a steam-boat or other vessel for its use. T. H. Q. may buy a steamer.

CV. And be it enacted, That all suits for penalties before the Trinity House of Quebec may, except where it is otherwise herein specially provided, be brought in the name of the Harbour Master or of any other person.

CVI. And be it enacted, That all pecuniary penalties paid by Pilots, under this Act or under the By-laws of the Trinity House of Quebec, shall form part of the Pilot Fund, and those paid by others than Pilots and not hereby otherwise appropriated, shall form part of the Funds of the Trinity House of Quebec. Penalties how appropriated.

CVII. And be it enacted, That in any suit wherein the Harbour Master is the prosecutor and the successful party, he shall recover costs which shall go to the Funds of the Trinity House of Quebec, and when he is unsuccessful, costs shall be awarded against him and paid out of the said funds.

CVIII. And be it enacted, That all moneys collected or borrowed by the Trinity House of Quebec under this Act, and not hereby otherwise appropriated, shall be employed by the Corporation in improving the navigation of the River St. Lawrence, or for any other purpose consistent with this Act. Other moneys of T. H. Q.

CIX. And be it enacted, That the Trinity House of Quebec shall publish yearly in the month of January (in English in a Quebec newspaper published in English, and in French in a Quebec newspaper published in French,) a general statement of the moneys received and paid which form part of the Pilot Fund, the amount of pecuniary penalties paid to this Fund, the amount received for Per Centage or Contribution of Pilots, the names of persons receiving pensions and aid out of the said Fund, and the amount received by each. Account of the Pilot Fund to be published.

T. H. Q. to lay statements before the Legislature.

CX. And be it enacted, That the Trinity House of Quebec shall lay before the Legislative Assembly of this Province, within fifteen days after the opening of each session, a detailed statement of all sums received and paid, forming part of the Funds of the Corporation, or of the Pilots' Fund.

Governor may require accounts at any time.

CXI. And be it enacted, That the Governor may at any time and in any manner He may think proper, require from the Trinity House of Quebec an account of the moneys received and paid by it.

How payments shall be made by the Treasurer.

CXII. And be it enacted, That every payment made by the Treasurer of the Trinity House of Quebec, shall be made upon Certificate of the Clerk of the Corporation.

Treasurer to give security.

CXIII. And be it enacted, That the Treasurer of the Trinity House of Quebec shall, before entering on the duties of his office, give security to Her Majesty to such amount and in such manner as the Governor in Council shall from time to time direct.

Officers of T. H. Q. to be subject to its orders.

CXIV. And be it enacted, That the Harbour Master, the Assistant Harbour Master, the Superintendents of Pilots, the Treasurer, the Clerk, the Bailiff and the other Officers and Functionaries of the Trinity House of Quebec, shall be subject to the By-laws and Orders of the Corporation, which shall define their respective duties and powers.

Clerk and Treasurer may appoint Deputies.

CXV. And be it enacted, That the Clerk and the Treasurer of the Trinity House of Quebec may in case of sickness or of absence, appoint Deputies who shall act in their place and shall have their powers and duties, such Deputies being subject to the approbation of the Trinity House of Quebec; but the Clerk and the Treasurer shall not in any case be relieved from the responsibility attached to their respective offices.

Exemptions in favor of T. H. Q.

CXVI. And be it enacted, That the Members and Officers of the Trinity House of Quebec shall not be liable to serve either as Jurors or as Assessors or Constables.

And of Pilot.

CXVII. And be it enacted, That no Branch Pilot shall be liable to serve either as a Militia-man or Petit Juror or Constable.

Accounting clause.

CXVIII. And be it enacted, That all public moneys received and paid under this Act, shall be accounted for to Her Majesty in such manner and form as Her Majesty shall direct.

Interpretation clause.

CXIX. And be it enacted, That the words hereinafter mentioned, shall for the purposes of this Act, be construed and shall mean as follows:

First. The Master;—The Master, Deputy Master, or as the case may be, the Senior Warden, in all cases where any thing is required to be done by the Master, and generally where any Officer is named his Deputy or the person legally empowered to perform the duties of his office, shall be included;

Secondly. Vessel; any sailing vessel, steam vessel, schooner or other vessel or craft.

Thirdly. Master of a vessel; the Captain, Master, Commander, or other Officer or person in charge of such vessel.

Fourthly. Oath; an oath or an affirmation in cases where the law allows an affirmation in place of an oath, and false swearing shall include false affirmation.

Public Act.

CXX. And be it enacted, That this Act shall be deemed a Public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace, and others.

SCHEDULE

SCHEDULE A.

TABLE I.—Table of Rates of Pilotage for and below the Harbour of Quebec.

		For each foot of draught of water.			
FROM	TO	From the 1st May to the 10th November.	From the 10th November to the 19th November.	From the 19th November to the 1st March.	From the 1st March to the 1st May.
Bic Island, or any other place below the anchorage of the Brandy Pots, off Hare Island,.....	.....	1s. 0d.	23s. 0d.	25s. 0d.	20s. 6d.
The anchorage ground at the Brandy Pots, off Hare Island, or any place above the said anchorage ground and below St. Roch's Point,.....	..... Anchorage or mooring ground in the Basin or Harbour of Quebec.....	$\frac{2}{3}$ of this sum.	$\frac{2}{3}$ of this sum.	$\frac{2}{3}$ of this sum.	$\frac{2}{3}$ of this sum.
St. Roch's Point, or any place above this Point and below the <i>Pointe-aux-Pins</i> on Crane Island.	.....	$\frac{1}{2}$ do do	$\frac{1}{2}$ do do	$\frac{1}{2}$ do do	$\frac{1}{2}$ do do
<i>Pointe-aux-Pins</i> on Crane Island, or any place below St. Patrick's Hole,.....	.....	$\frac{1}{4}$ do do	$\frac{1}{4}$ do do	$\frac{1}{4}$ do do	$\frac{1}{4}$ do do
The anchorage or mooring ground in the Basin or Harbour of Quebec,.....	Bic Island, or the place where the Pilot shall be discharged in the River below Quebec.....	15s. 9d.	20s. 9d.	25s. 9d.	15s. 3d.

Pilots taking charge of Vessels at St. Patrick's Hole, or above it, shall be entitled to no more than the sum allowed in Table II, for piloting vessels from one part of the Harbour to another.

SCHEDULE A.—(Continuation.)

TABLE II.—Table of Rates of Pilotage for the Harbour of Quebec and below.

FROM	TO	
Any Wharf in the Harbour of Quebec between <i>Pointe-à-Carcis</i> below, and Brehaut's Wharf above, both inclusive,.....	{ Any other Wharf within the said limits,..... }	11s. 8d.
Any place in the Harbour of Quebec, not being a Wharf within the above mentioned limits,	{ Any other place in the said Harbour not being a Wharf within the said limits,..... }	23s. 4d.

SCHEDULE B.

Form of License.

This is to certify that
 Commander, *as the case may be*) of the
 Quebec, the sum of
 Pence per Ton, according to the Register of the said
 and the said
 to navigate the River St. Lawrence, within the limits of this Province, and to have the benefit of the light-houses which the said Corporation hath erected to facilitate the navigation thereof, during the navigation season of the year one thousand eight hundred

Owner (*or Master or*
 named the
 has paid to the Treasurer of the Trinity House of
 being at the rate of
 the
 is, by virtue thereof, entitled

Given in the City of Quebec, under the Hand of the Master of the Trinity House of
 Quebec, and under the Seal of the said Corporation, this
 day of
 and in the
 in the year of Our Lord
 year of Her Majesty's Reign.

[L. S.]

(Signature.)