

*The Provincial Statutes of Canada*, passed in the year 1841. Kingston: Stewart Derbishire & George Desbarats, 1841.

4 & 5 Victoria – Chapter 15

**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. 18th September, 1841.**

Whereas the Laws now in force for the regulation of Pilots and Shipping in the Port and Harbour of Quebec, and for improving the Navigation of the River Saint Lawrence, as far as the same is under the control and authority, and within the jurisdiction of the Master, Deputy Master, and Wardens of the Trinity House of Quebec, have been found insufficient and inadequate to the purposes for which they were passed; and whereas it is expedient to extend the powers of the said Corporation, and to provide additional funds to be applied and disposed of by the said Corporation, in the manner, and to and for the purposes hereinafter mentioned; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and 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, 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, that all the provisions, matters and things contained in a certain Act passed in the forty-fifth year of the Reign of His late Majesty, King George the Third, chapter twelve, 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 Saint Lawrence, and for establishing a fund for decayed Pilots, their Widows and Children*, and in a certain other Act, passed in the fifty-first year of the Reign of His late Majesty, King George the Third, chapter twelve, 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 Saint Lawrence, and for establishing a fund for decayed Pilots, their Widows and Children*, and in a certain other Act passed in the fifty-second year of the Reign of His late Majesty, King George the Third, chapter twelve, 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 Saint Lawrence, and for establishing a fund for decayed Pilots, their Widows and Children*, and in a certain other Act passed in the second year of the Reign of His late Majesty, King George the Fourth, Chapter seven, intituled *An Act further to amend and extend the provisions of certain Acts therein mentioned relating to Pilots and the Navigation of the River Saint Lawrence, and for other purposes therein specified*, and in a certain Ordinance of the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, passed in the second year of Her Majesty's Reign, chapter nineteen, intituled *An Ordinance to suspend, in part, certain Acts therein mentioned, and to establish and incorporate a Trinity House in the City of Montreal*, or either of them, in anywise contradictory to or inconsistent with the provisions of this Act, shall be, and so much of the said Acts and Ordinance respectively, is hereby repealed.

II. And be it enacted, that no person shall hereafter be appointed a Branch Pilot, for and below the Harbour of Quebec, who shall not have bona fide served a regular and continued apprenticeship for at least seven years, and which apprenticeship shall be under indenture made and executed before a Public Notary, and who shall not have made three or more voyages to Europe or the West Indies, in some square-rigged Vessel or Vessels, to be proved by the certificates of the Masters or Commanders of the Vessels in which the said person shall have returned; and of the service of which apprenticeship he shall produce satisfactory proof on his examination to be received a Branch Pilot: and no Branch Pilot shall hereafter be permitted to take or have an apprentice, unless duly licensed thereto by the Master, Deputy Master, and Wardens of the Trinity House of Quebec, which license they, the said Master, Deputy Master, and Wardens of the Trinity House of Quebec, are hereby authorized and empowered to grant; nor shall any Branch Pilot for and below the Harbour of Quebec, hereafter take or have more than one apprentice at a time: Provided always, that nothing herein contained, shall be construed to oblige any such Branch Pilot, to discharge any apprentice whose indenture shall have been executed before the passing of this Act, or to affect the right of such apprentice to obtain his Branch at the expiration of his service under such Indenture, subject to the conditions and regulations in force previous to the passing of this Act.

III. And be it enacted, that so much of the sixth section of the said Act, passed in the fifty first year of the Reign of His late Majesty, King George the Third, chapter twelve, as permits the Pilots therein mentioned, thereafter to take two apprentices, shall from and after the passing of this Act, be, and the same is hereby repealed as far as respects Branch Pilots for and below the Harbour of Quebec.

IV. And be it enacted, that, in all cases where it shall be necessary to serve a summons upon any Branch Pilot for and below the Harbour of Quebec, for any offence against any of the above recited Acts, or against this Act or against any by-laws, rules, regulations, or orders made and constituted by the said Master, Deputy Master and Wardens of the Trinity House of Quebec, the service of such summons, if the party offending is not to be found, shall be deemed a legal service if a copy of such summons is left by the Bailiff of the said Corporation on board of the boat belonging to or in the charge of the person so offending, between the hours of seven in the morning and six in the afternoon, in the hands of the apprentice of such Pilot, or other reasonable person on board and in charge of such boat, to whom the Bailiff shall explain the purport of such summons.

V. And whereas from the increased duties of the Treasurer of the said Corporation of the Trinity House of Quebec, the commission of one hundred pounds, allowed him by the said Act passed in the fifty first year of the Reign of His late Majesty King George the Third, chapter twelve, is no longer a fair remuneration for his service; Be it therefore enacted, that so much of the fourteenth section of the said Act as provides that if at any time the said charge of five per centum so made by the said Treasurer, shall yield a greater sum than one hundred pounds, current money of this Province, then and in such case the same shall be reduced in such proportion as not to exceed the said sum of one hundred pounds, current money aforesaid, annually, shall be and is hereby

repealed, and from and after the passing of this Act, if at any time the charge of five per centum to be made by the said Treasurer of the said Corporation of the Trinity House of Quebec, under the authority of the said fourteenth section of the said last mentioned Act, (and which charge he is hereby allowed to make upon all monies hereafter to come into his hands) shall yield a greater sum than two hundred and fifty pounds, current money aforesaid, then and in such case the same shall be reduced in such a proportion as not to exceed the said sum of two hundred and fifty pounds annually.

VI. And whereas it may be deemed expedient that a lot of land and premises in the said City of Quebec should be purchased and vested in the said Master, Deputy Master and Wardens of the Trinity House of Quebec, for the purpose of providing a suitable Trinity Hall and appendages for the use and accommodation of the said Corporation; Be it therefore enacted, that the said Corporation at any time or times hereafter may, and they are hereby authorized and empowered to contract, compound, compromise and agree with the proprietors and occupiers of any land and premises, pieces and parcels of land, situated within the said City of Quebec, for the purchase thereof or of any part thereof; and it shall be lawful for all persons whomsoever, bodies politic and corporate, guardians, curators, fiduciary legatees and trustees, whatsoever, for themselves, their heirs and successors, for and in behalf of those whom they represent, or for whom they act, whether infants, lunatics, idiots, *femmes covert*, or other person or persons whomsoever, who are or shall be seized or possessed of or entitled to such land and premises, pieces and parcels of land as aforesaid, to contract for, sell and convey the same to the said Master, Deputy Master and Wardens of the Trinity House of Quebec, for such price or prices or consideration as may be agreed upon between them and the said parties, respectively.

VII. And be it enacted, that the price or prices or consideration for which the said land and premises, pieces and parcels of land may be purchased as aforesaid, may and shall be paid and payable out of the monies which shall be raised under the provisions of this Act, and not hereby specially appropriated, or out of the monies now appropriated to the improvement of the Navigation of the River Saint Lawrence within the limits of the jurisdiction of the said Master, Deputy Master and Wardens of the Trinity House of Quebec, as to the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, may seem meet and expedient; but no such price or prices, or consideration shall be agreed for or paid by the said Corporation without the sanction and approval of the said Governor, Lieutenant Governor or person administering the Government of this Province for the time being.

VIII. And whereas the said Master, Deputy Master and Wardens of the Trinity House of Quebec, are now in the occupation and possession, under the authority of the Legislature, and according to the Laws and customs of this Province, of divers Islands and parts of Islands, lands and premises, pieces and parcels of land, and other real property, for the purpose of erecting Light Houses and Beacons, and for other public purposes connected with the improvement of the navigation and pilotage of the River Saint Lawrence, for which indemnity or indemnities, price or prices may be now justly due and payable by the said Corporation to the respective proprietors or previous occupiers thereof, and whereas it may become necessary hereafter for the said Corporation to purchase or occupy other Islands or parts of Islands, lands and premises, pieces and parcels of

land, and other real property for the like purposes, for which a certain price or prices, indemnity or indemnities or other consideration may become due and payable by the said Corporation to the respective proprietors and occupiers thereof; and whereas it is expedient to provide a more expeditious mode of ascertaining, fixing and determining the amount of the price or prices, indemnity or indemnities and consideration due and payable, or which may become due and payable by the said Corporation to the respective proprietors and occupiers of such Islands and parts of Islands, land and premises, pieces and parcels of land, and other real property, as the said Corporation may either have already acquired, occupied and possessed, or which it may become necessary that they should hereafter acquire, occupy or possess, by purchase or otherwise, for the purposes aforesaid, than is now established by Law; Be it therefore enacted, that in all cases where the said Corporation and the said owners and occupiers of the lands or real property aforesaid, or of any part thereof shall not by voluntary agreement settle and determine the price or prices, indemnity and indemnities, or other consideration, to be paid for the same or any part thereof, such price or prices, indemnity or indemnities, or other consideration, shall be ascertained, fixed and determined by the award of Arbitrators in the manner following, that is to say: the said Corporation shall and may nominate and appoint one Arbitrator, being an indifferent and disinterested person, and the said owners and occupiers, respectively, shall and may nominate and appoint one other Arbitrator, being also an indifferent and disinterested person, and the said two Arbitrators, before proceeding to act as such Arbitrators, shall and may appoint a third Arbitrator, being also an indifferent and disinterested person, which said three Arbitrators, after having been sworn before one of the Justices of Her Majesty's Court of King's Bench for the District of Quebec, well, truly and honestly to execute the trust and duty of Arbitrators as aforesaid, and after notices to the parties respectively of the time and place of their meeting, shall proceed to ascertain, fix and determine the price or prices, indemnity or indemnities, or other consideration, to be paid by the said Corporation for such Islands, parts of Islands, lands and premises, pieces and parcels of land and other real property aforesaid, or any part thereof, and the award of any two of the said Arbitrators, to be named and appointed as aforesaid, in and respecting the premises aforesaid, shall be final.

IX. And be it enacted, that in case the said owner or occupier of the said Islands, parts of Islands, land and premises, pieces and parcels of land, or any of them, after due notice in this behalf by the said Corporation, shall refuse or neglect to name and appoint an Arbitrator as aforesaid, being an indifferent and disinterested person as aforesaid, or if the two Arbitrators named and appointed as aforesaid shall refuse or neglect to name and appoint a third Arbitrator as aforesaid, it shall be lawful in such case, respectively, for one of the Justices of Her Majesty's Superior Court of Record, having original civil jurisdiction within the City of Quebec, on application in this behalf by the said Corporation, to name and appoint instead of such owner or occupier so refusing or neglecting, an Arbitrator on his behalf, or such third Arbitrator to supply the place of the nomination which ought to have been made by the two Arbitrators previously appointed, and the Arbitrators and third Arbitrator as aforesaid, to be appointed by such Justice as aforesaid, after having been respectively sworn by such Justice, well, truly and honestly to execute the trust and duty of Arbitrator, and third Arbitrator as aforesaid shall have the same power and authority in the premises, and their award, or the award of any two of them, shall have the same force and effect as if such Arbitrator

and third Arbitrator had been named and appointed in the manner in the preceding section of this Act prescribed as aforesaid.

X. And be it enacted, that on payment of the price or prices, indemnity or indemnities, or other consideration, to be fixed and determined as aforesaid, or in case of refusal or neglect to accept the same on the deposit thereof in the hands of the Prothonotary of Her Majesty's Court of King's Bench for the District of Quebec, for the use of the person or persons entitled to the same, the right of property, title and interest in and to such Island or Islands, or parts of Island or Islands, land and premises, pieces or parcels of land or other real property, for which such price or prices, indemnity or indemnities or other consideration shall be payable, shall become and be vested in the said Corporation for the purposes aforesaid.

XI. And be it enacted, that no such price or prices, indemnity or indemnities, or other consideration, shall be agreed for or paid by the said Corporation without the sanction and approval of the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, but that the same or any part thereof may be paid for, either from and out of any monies to be raised under the Provisions of this Act and not hereby specially appropriated, or from and out of any monies appropriated to the improvement of the navigation of that part of the River Saint Lawrence within the limits of the jurisdiction of the said Master, Deputy Master and Wardens of the Trinity House of Quebec.

XII. And be it enacted, that it shall be lawful for the Naval Officer, or person discharging the duty of Naval Officer of the Port of Quebec, for the time being, and he is hereby authorized and required before any Ship, Steamboat, Schooner, or other Vessel, shall be cleared from the said Port of Quebec, or from the Port of Montreal, for any Port or place beyond the limits of this Province, to ask, demand and receive of and from the Master or Commander of such Ship, Steamboat, Schooner or other Vessel, in addition to all or any duty or duties, sum or sums of money already imposed and payable, or to be hereafter imposed and made payable by Law, for or in respect of such Ship or Vessel, the sum of one penny, currency, for each and every ton which such Ship or Vessel may bear by register measurement; and all sums so received shall be paid quarterly by the said Naval Officer or person discharging the duty of Naval Officer as aforesaid, to the Treasurer of the said Corporation and shall be applied by the said Master, Deputy Master and Wardens of the Trinity House of Quebec, for improving the navigation of the River Saint Lawrence, and for the other purposes authorized by this Act.

XIII. And be it enacted, that from and after the passing of this Act, it shall not be lawful for any Ship or Vessel, Steamboat, Schooner, or other Craft to navigate the River Saint Lawrence within the limits of this Province, coastwise, and pass the lights erected or to be erected by the said Corporation for the better navigation thereof, or any of them, unless the Owner, or Master, or Commander of such Coasting Vessel as aforesaid, shall first have obtained a License in that behalf, under the seal of the said Corporation; which said License the Master or Deputy Master of the Trinity House of Quebec, is hereby authorized and required to grant, and for which License the Owner or Master or Commander of every such Coasting Vessel as aforesaid shall pay to the Treasurer of the said Corporation for the time being, a sum of money equal to four pence,

Currency, for each and every ton which such coasting Vessel as aforesaid may bear by register measurement; which said sum or sums of money, the said Treasurer is hereby authorized and required to demand and receive therefor; and all sums so received by him shall be applied to and for the purposes and in the manner mentioned and provided in the next preceding section of this Act: Provided always, that such License so obtained as aforesaid shall only be valid for the Vessel and for the period of navigation of the year for which the same shall be issued, and shall and may be in the form of the Schedule to this Act annexed.

XIV. And be it enacted, that from and after the passing of this Act. it shall not be lawful for the said Naval Officer, or the person discharging the duty of Naval Officer of the Port of Quebec, nor for any other Officer or Officers of Her Majesty's Customs at the Port of Quebec, or of Montreal, to grant to any Ship or Vessel, Steamboat, Schooner or other Craft, a Clearance from any Port or Place to any other Port or Place within this Province, on the voyage to which the lights erected or to be erected by the said Corporation, must be passed, unless the Master or Commander of such Ship or Vessel, Steamboat, Schooner or other Craft shall have first produced to him or them such License as last aforesaid.

XV. And whereas it hath become necessary for the safety of Vessels navigating the said River Saint Lawrence, that a Light House should be erected on the Island of Bicquette, and also that a Light House should be erected on the Island called the South Pillar, and whereas the funds appropriated by this Act and by Law for improving the navigation of the said River will not be sufficient to defray the expense of erecting such Light Houses and it is expedient to devise means for defraying the same: Be it therefore enacted that during the years one thousand eight hundred and forty three, one thousand eight hundred and forty four, and one thousand eight hundred and forty five and no longer, it shall be lawful for the naval Officer, or person discharging the duty of naval Officer of the Port of Quebec, for the time being, and he is hereby authorized and required, before any Ship, Steamboat, Schooner, or other Vessel shall be cleared from the said Port of Quebec, or from the said Port of Montreal for any port or place beyond the limits of this Province, to ask, demand and receive of and from the Master or Commander of such Ship, Steamboat, Schooner or other Vessel in addition to all and any duty, or duties, sum or sums of money, imposed and payable either under this Act or under any other Act or Law, for or in respect of such Ship, Steamboat, Schooner, or Vessel, the sum of two pence currency, for each and every ton, which such Ship, Steamboat, Schooner or Vessel may bear by register measurement; and all sums so received shall be paid Quarterly by the said Naval Officer or person discharging the duty of Naval Officer, as aforesaid, to the Treasurer of the said Corporation of the Trinity House of Quebec, and shall be applied by the said Corporation in defraying the expense of erecting such Light Houses as aforesaid: Provided always, that any sum or sums advanced out of the consolidated revenue fund of this Province to the said Trinity House in the manner hereinafter provided, shall be repaid out of the moneys raised under the authority of this section, and that any surplus of such moneys remaining after such repayment and after defraying the expense of erecting the said Light Houses, shall form part of the general funds to be applied by the said Corporation in improving the navigation of the said River, out of which last mentioned funds, any deficiency in the funds raised under this section to meet such repayment as aforesaid, and the expenses to be incurred in erecting the said Light Houses shall and may be supplied and made good.

XVI. And be it enacted, that it shall be lawful for the Governor, Lieutenant Governor or person administering the Government of this Province, by warrant under his hand to authorize the advance to the said Corporation out of any unappropriated moneys in the hands of the Receiver General, of such sum or sums as may from time to time be requisite to enable the said Corporation to meet the expences incurred in erecting the said Light Houses, and which the funds then applicable for such purpose shall be insufficient to enable them to meet: Provided always, that such sums shall be repaid in the manner aforesaid and provided also that the total amount of the sums so advanced, shall not exceed six thousand pounds currency, and that the sums so advanced during the year one thousand eight hundred and forty one, shall not exceed three thousand pounds currency.

XVII. And be it enacted, that it shall be lawful for the Governor, Lieutenant Governor, or Person administering the Government to authorize and empower the said Corporation to use and apply all or any of the apparatus and materials acquired for the construction of a Light House on the West end of the Island of Anticosti, in the construction of the Light House to be erected as aforesaid on the Island of Bicquette.

XVIII. And be it enacted, that from and after the passing of this Act, all such sums of money as shall then be in the hands of the Receiver General of this Province, and applicable by the said Corporation for improving the navigation of the said River Saint Lawrence, or for any other purpose, shall be paid over to the Treasurer of the said Corporation, by warrant under the hand of the Governor, Lieutenant Governor or Person administering the Government of this Province, and all sums of money which shall thereafter be received by the Naval Officer of the Port of Quebec or by any other Officer or person and applicable by the said Corporation and heretofore payable to the Receiver General, shall be paid over quarterly by such Officer or person to the said Treasurer, at the same time and times as they would otherwise have been paid over to the Receiver General.

XIX. And be it enacted, that the Treasurer of the said Trinity House of Quebec shall give such security for the due performance of the duties of his office, as the Governor, Lieutenant Governor, or Person administering the Government of this Province, shall from time to time direct.

XX. And be it enacted, that the said Corporation shall at all times render such accounts to such Officer or Person, and in such manner and form, and at such time and times as the Governor, Lieutenant Governor, or Person administering the Government shall direct, and an account in detail of all moneys received and expended by the said Corporation and of all matters connected with the said receipt and expenditure shall be laid before each branch of the Legislature within fifteen days after the opening of each Session of the Provincial Parliament.

XXI. And be it enacted, that the ninth section of the said Act, passed in the second year of the Reign of His late Majesty King George the Fourth, chapter seven, shall be and is hereby repealed; and from and after the passing of this Act, the said Master, Deputy Blaster and Wardens of the Trinity House of Quebec, shall annually publish, or cause to be published in the Quebec Gazette, published by authority, in the month of September, a full and complete statement of the funds

belonging to or in any wise appertaining to the Pilots for and below the Harbour of Quebec, and known as the Quebec decayed Pilots Fund, with the names of all and every the person and persons receiving pensions or allowances of any kind from and out of the said funds, and shall furnish a printed copy of such statement, at the expense of the funds aforesaid, to every Pilot or person residing in this Province, directly contributing to the said fund and therein immediately interested.

XXII. And be it enacted, that it shall be lawful for the said Corporation of the Trinity House of Quebec, by any By-law or By-laws to be made and confirmed in the manner by law provided with regard to other By-laws of the Corporation, to grant and assign a retiring allowance to any salaried officer of the Corporation, or under their controul, who may from age, accident or infirmity be, or become unable to discharge the duties of his office, and such retiring allowance shall be paid out of the same funds and in the manner as other expenses lawfully incurred by the said Corporation, and shall also be accounted for in the same manner as is by law provided with regard to monies appropriated for such expenses.

XXIII. And be it enacted, that the said Master, Deputy Master and Wardens of the Trinity House of Quebec, or any three of them, when sitting in their judicial capacity, shall have such and the like power and authority to preserve order in their Court during the holding thereof, and by the like ways and means, as now by law are or may be exercised and used in the like case and for the like purpose by any Courts of Justice in this Province, or by the Judges thereof, respectively, during the sitting thereof: Provided always, that it shall be the duty of the said Master, Deputy Master and Wardens to allow the benefit of a full defence by Attorney or Counsel to all parties cited before them, and to all parties over whom they shall exercise jurisdiction.

XXIV. And be it enacted, that from and after the passing of this Act, the nineteenth section of the said Act passed in the fifty first year of the Reign of His late Majesty King George the Third, chapter twelve, shall be and the same is hereby repealed, and all prosecutions for offences against this Act, or against the said Act passed in the forty fifth year of the Reign of His late Majesty King George the Third, chapter twelve, or against the said Act passed in the fifty first year of the Reign of His late Majesty King George the Third, chapter twelve, or against the said Act passed in the second year of the Reign of His late Majesty King George the Fourth, chapter seven, shall be brought within twelve months after the commission thereof.

XXV. And be it enacted, that all public monies required to be paid by the authority of this Act, shall be accounted for to Her Majesty, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall be graciously pleased to direct.

XXVI. And be it enacted, that the due application of the monies which shall be raised under and by virtue of tins Act, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heir's and Successors shall be graciously pleased to direct.



XXVII. And be it enacted, that nothing herein contained shall affect or be construed to affect in any manner, the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, or of any body Corporate or Politic, those only excepted which are mentioned in this present Act.

XXVIII. And be it enacted, that this Act shall be deemed and taken to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace, and others, without being specially pleaded.

Schedule.  
Form of Licence.

This is to certify that \_\_\_\_\_ owner (or master or commander as the case may be) of the \_\_\_\_\_ called the \_\_\_\_\_ hath paid into the hands of the Treasurer of the Trinity House of Quebec, the sum of \_\_\_\_\_ being at the rate of \_\_\_\_\_ pence per ton, register measurement of the said \_\_\_\_\_ the \_\_\_\_\_ and the said \_\_\_\_\_ the \_\_\_\_\_ is hereby licensed to navigate the River St. Lawrence, within the limits of this Province, and pass the lights erected by the said Corporation for the better navigation thereof, during the period of navigation of the year one thousand eight hundred and \_\_\_\_\_ Given at the City of Quebec, under the hand of \_\_\_\_\_ Master (or Deputy Master as the case may be) of the Trinity House of Quebec, and the Seal of the said Corporation hereunto affixed, this \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord eighteen \_\_\_\_\_ and in the \_\_\_\_\_ year of Her Majesty's Reign.  
L. S.