

Laws of Her Majesty's Province of Upper Canada, passed in the year 1850. Toronto: Stewart Derbshire & George Desbarats, 1850.

13 & 14 Victoria – Chapter 123

An Act to incorporate the Pilots for and above the Harbour of Quebec. 10th August, 1850.

Whereas the Pilots for and above the Harbour of Quebec have by their Petition represented the growing importance of their profession, and the necessity which exists that the persons exercising it should be properly qualified, both as regards their moral character and education and their professional ability, and have further represented that these objects would be best promoted by their Incorporation and by the other enactments herein made, audit is expedient to grant their prayer: 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, 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 there shall be and is hereby constituted, at the City of Montreal, in Lower Canada, a Corporation, to be called, The Corporation of the Pilots for and above the Harbour of Quebec, which Corporation shall include and consist of all persons licensed as Pilots for and above the Harbour of Quebec, not suspended or deprived of their branches, and contributing to the Montreal Decayed Pilots' Fund; and such Corporation shall, in addition to the powers by Law vested in Corporations, have such others as are hereby assigned to it, subject to the provisions and limitations hereinafter made: Provided always, that the total value of the real estate to be held by the said Corporation shall not at any time exceed five thousand pounds; and the total amount of personal property to be held by it shall not at any time exceed ten thousand pounds, over and above the amount of the Montreal Decayed Pilots' Fund.

II. And be it enacted, That the first meeting of the Members of the said Corporation shall be held on the first day in October next, after the passing of this Act, in the City of Montreal, at the place where the sittings of the Trinity House shall then be held, at the hour of eleven in the forenoon, and at such meeting some member then present shall be chosen as Chairman, and some fit person to act as Secretary at such meeting, and the Members present shall then elect, by ballot and by majority of votes, (including that of the Chairman and the Secretary, if a Member) nine Members to be the Council of the Corporation, until the first day in June then next ensuing, and until their successors shall be elected: Provided always, that at the meeting aforesaid no proceeding shall be had unless or until there be at least nine Members present; and if before two o'clock in the afternoon there shall not be nine Members assembled, the meeting shall then stand adjourned for one week, when a meeting shall be again held, and so on from week to week, until the requisite number of Members shall attend and an election shall be had.

III. And be it enacted, That a general meeting of the Members of the Corporation shall be held on the first day of June in each year, at such place in the said City of Montreal as shall then be appointed by the By-laws of the Corporation as the place at which meetings are to be held; and at

such meeting the President of the Corporation for the preceding year (or in his absence the Vice-President, or if he be absent, some member chosen by the members present at the meeting) shall act as Chairman, and the Secretary of the Corporation for the time being (or in his absence his deputy or some other person) shall act as Secretary; but if there be not nine members present at such meeting before eleven o'clock in the forenoon, the meeting shall then stand adjourned for one week, when a meeting shall be again held, and so on from week to week until the requisite number of members shall attend and an election shall be had.

IV. And be it enacted, That the Council of the said Corporation shall have full power to meet and adjourn from time to time, at and to such place in the City of Montreal as to them shall seem meet, until some further regulation as to the time and place of their meetings shall be made (as it may be from time to time) by the Bylaws of the Corporation; the first meeting being held at such time and place as shall be appointed by any majority of the Council, who shall give notice in writing of such time and place to the other members of the Council, by causing such notice to be served upon such other members at their respective domiciles by some Bailiff of the said Trinity House, at least three days before the time appointed for such first meeting, unless such members shall in writing acknowledge service of such notice; and at any meeting of the Council, any five members shall be a quorum, and any majority of such quorum may exercise all the powers of the Council: Provided always, that any number of the members of the Council shall have full power to adjourn any meeting thereof, such adjournment being entered on the minutes of the meeting, and not being made within one hour after that which shall have been appointed for the meeting.

V. And be it enacted, That at the first or some subsequent meeting of the Council, the members (being a quorum) shall elect a member of the Council to be President and another to be Vice-President thereof, and some fit person, not being a member of the Corporation, to be their Secretary and Treasurer; and the President and Vice-President shall hold their offices until the next annual meeting of the Corporation, and until another Council shall be elected, but if either of them die or cease to be a member of the Corporation before his term of office shall have expired, another may be elected in his stead, the Vice-President being eligible as President: the President shall preside at all meetings of the Council if present, and shall have a casting vote in case of equal division in addition to his vote as member of the Council; in the absence of the President the Vice-President shall have like functions and powers, or if both be absent, any member of the Council who shall be appointed by the others Chairman for the occasion: the Secretary and Treasurer shall keep the minutes of all proceedings of the Council and of all general meetings of the Corporation, and shall have the custody of the moneys of the Corporation, and may appoint a Deputy, who being approved by the Council, may, in the absence of the Secretary-Treasurer, perform his duties or any of them, which may be assigned to him by his deputation.

VI. And be it enacted, That the said Council shall have power to call general meetings of the Corporation, at such time and in such manner as they may think fit, conforming, nevertheless, to any By-law of the Corporation which may be then in force with regard to the mode of calling the same.

VII. And be it enacted, That the said Council shall have power to make By-laws for any or all of the following purposes, that is to say: the management, regulation, appropriation and disposal of its affairs, properly and business,—the government of the Members thereof as such,—the remuneration of their Secretary-Treasurer, the security he shall give, the duties he shall perform, the manner of performing them, and the authority upon which he shall pay out any moneys of the Corporation,—for imposing penalties, not exceeding in any case five pounds, (and in default of payment, imprisonment for a space of time not exceeding one month) for any one offence, on any Member of the Corporation or the said Secretary-Treasurer for any contravention of any By-law,—and for repealing, amending or modifying any such By-law as aforesaid: Provided always, that no such By-law shall have force or effect except in so far as it shall not be contrary to the Laws of Lower Canada as modified by this Act, or to any By-law of the Trinity House then in force, nor until it shall have been confirmed by the Trinity House, who may, if they shall think proper, require the said Council to call a general meeting of the Members of the Corporation, for the purpose of obtaining their opinion upon any such By-law, before confirming or refusing to confirm it: and that the said Trinity House shall assign in writing their reasons for refusing to confirm any By-law; and when any By-law shall have been delivered to the Registrar of the said Trinity House for confirmation, then, unless within ten days thereafter, the refusal of the Trinity House to confirm the same and the reasons for such refusal, be delivered to the Secretary-Treasurer of the Corporation hereby constituted, such By-law shall be heard and taken to be confirmed and have force accordingly.

VIII. And be it enacted, That all instruments and documents, bearing the Seal of the Corporation and the signature of the President, (or in his absence, of the Vice-President) and of the Secretary-Treasurer, and no other, shall be held to be the acts of the Corporation, or of the Council of the Corporation, as the case may be; and the By-laws and copies thereof shall be attested in like manner, and any copy thereof so attested, shall be deemed authentic and received as evidence of the contents thereof in all courts and places whatsoever, without proof of such seal or signature, unless impeached as false (*en faux*.)

IX. And be it enacted, That all penalties incurred under the By-laws aforesaid, shall belong to the said Corporation, for the uses thereof, and may, as may also all sums of money due to the Corporation, be recovered with costs, by civil action before any Court having jurisdiction in civil matters to the amount, on the oath of anyone credible witness; and neither in any such action, or in any other to which the Corporation may be a party, shall any Member of the Corporation, or the Secretary-Treasurer be incompetent as a witness.

X. And be it enacted, That the meetings of the said Council, and the minutes of the proceedings thereof, shall be open to all Members of the Corporation, and to all Members of the Trinity House aforesaid, any of whom may, at any reasonable time, inspect the said minutes and obtain copies thereof from the Secretary-Treasurer, by paying for the same, attested as aforesaid, at the rate of six pence currency per hundred words, as may also any other party interested therein, upon like terms.

XI. And be it enacted, That the Interpretation Act shall apply to this Act; that if the day on which any act or thing is or shall be appointed to be done by this Act, or any By-law made under it, shall be a holy-day, the same shall be done with like effect on the next day thereafter, not being a holy-day; that the words "Trinity House" in this Act shall mean the Corporation of the Trinity House of Montreal, and that all provisions of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to repeal a certain Act and Ordinance therein mentioned, relating to the Trinity House of Montreal, and to amend and consolidate the provisions thereof*, or of any other Act, Law or By-law, which shall be inconsistent with the provisions of this Act, shall be and are hereby repealed.

XII. And be it enacted, That this Act shall be a Public Act.