

Factor, Deputy
mentioned
the Governor to
persons to be
persons to be
the Master of
Vessels or River
shall refuse
on board, and
all pay to such
such Pilot
River Craft,
and to or from
anything herein

"The Master,
from Port
ings," for the
This Statute
such, and a
approved of his

Master of each
Branch Pilot,
which penalty
every Vessel
and, shall, on
the day re-
boarded by a

...hiring, engaging, or
...and for not requiring him to exhibit his
...the boats at Port
...on board, but being Pilot, acting as such ;
do not, the Merchant Shipping Act, 1854 (sec. 248), declares "that the employment of
"shall place each ship, without procuring a pilotage certificate enabling him to do so, or
"shall render a qualified Pilot to pilot his ship, and if he fail to do so, he shall for every
"shall render a penalty not exceeding £100." It may be mentioned further, that the By-
laws of the Trinity House, Montreal, now in force, adopted 2nd April, 1855, and sanctioned
under the Act referred to, on the 1st May, 1855, do not enact or seem to sanction compulsory
pilotage, although numerous regulations are therein made respecting Pilot.
It is submitted, therefore,—
That by our Provincial Statute, pilotage is not compulsory for the port of the St. Law-
rence in question. And
That the Imperial legislation respecting pilotage was never in force in Canada.
The view is sustained by the Honorable Mr. Mackenzie Stuart's Vice-Admiralty
court, page 125.
The proposed Imperial Act in force in the subject, "The Merchant Shipping Act of 1854,"
is divided into three parts—the part respecting the Pilotage being the 4th part. The first clause
of this part (Article section of the Act) is in the following words:—"The 4th part of this Act
"shall apply to the UNITED KINGDOM only." In the same 4th part in the following section,
which relates to the British colonies, also applicable to the United Kingdom only, and which
cannot be held as not being in Canada, by the Courts, without express legislation on the subject:
"Sec. 248.—No Owner or Master of any Ship shall be answerable to any person what-
"ever for any loss or damage sustained by the fault or incompetency of any qualified Pilot
"acting in charge of such a Ship, within any district where the employment of such Pilot is
"compulsory by law."
The language provided in the 55th section of the previous English Statute, 6 Geo. IV.,
chap. 125, may be also quoted, as the cases to be found in the books turn chiefly on the pro-
visions of this statute:
"Sec. 55.—That no Owner or Master of any Ship or Vessel shall be answerable to any
"person or persons whatsoever, from or by means of any neglect, default, incompetency or
"incompetency of any licensed Pilot acting in charge of any such Ship or Vessel, either or in
"possession of any of the Provisions of this Act, where and so long as such Pilot shall be
"duly qualified to have charge of such Ship or Vessel, or where or so long as no duly quali-
"fied Pilot shall have offered to take charge thereof."