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No. 48.

4th Session, 8th Parliament, 29th Victoria, 1865.

BILL.

An Act to amend the Act to incorporate the
1 Hots for and above the Harbour of Que-
bec.

[No. 120 of 1865.—1st Session.]

Hon. Mr. CAUCHON.

OTTAWA :
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SALTY STREET.

An Act to amend the Act to incorporate the Pilots for and above the Harbour of Quebec.

WHEREAS it is expedient, in compliance with the prayer to that Preamble. effect of the Corporation constituted thereunder, to amend the Act passed in the fourteenth year of Her Majesty's Reign, chapter one hundred and twenty-three, intituled: "An Act to incorporate the Pilots for and above the Harbour of Quebec;" Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

1. A board of four directors, three of whom shall be a quorum, is hereby created and established in the place and stead of the council of the corporation.

2. The council of the said corporation shall continue managing the affairs of the same until the time of the election of the board of directors, which shall take place at the first general meeting taking place after the passing of this Act.

3. At the first meeting of the board of directors, the directors, if sufficient number to form the quorum, shall, by a majority of votes, elect one of themselves to be chairman of the board of directors and of the Corporation of Pilots for and above the Harbour of Quebec; they shall elect also, in the same manner, a fit person, not being a member of the corporation, to be secretary-treasurer of the same; but from the time of the first general meeting of the members of the corporation taking place after the passing of this Act, the office of vice-president of the corporation shall no longer exist.

4. The income of the corporation shall consist of all sums of money raising: 1. From the pilotage of all ships and vessels taking a Pilot in and above the Harbour of Quebec; 2. From the other services rendered by the pilots, in such quality and for which the Pilots' Tariff allows pay or remuneration; 3. From all fines, penalties or condemnations imposed by the said corporation, and from all those which the pilots, in certain cases, are entitled to.

5. Every pilot who pilots a vessel belonging to Her Majesty within the limits of the pilotage for and above the Harbour of Quebec, shall pay to the secretary-treasurer of the corporation, within twenty-four hours after his arrival in Montreal, after having so piloted the same, the sum he shall have received for such pilotage, on pain of being deprived of his branch.

Allowance for pilotage to be paid to secretary-treasurer.

6. The master of every vessel (including Her Majesty's transports) clearing from the Harbour of Montreal, shall pay to the secretary-treasurer of the corporation the sum he shall owe to the pilot who shall have piloted his vessel within the limits of the pilotage for and above the Harbour of Quebec, and in addition the amount of such pilotage from Montreal to Quebec, if such vessel take a clearance for Quebec, and further, every other sum he may owe to a pilot for services by him rendered in his capacity of pilot, and for which the Pilots' Tariff allows pay: and the Collector or other officer of Her Majesty's Customs at Montreal shall not grant any vessel a clearance outwards, unless the master of such vessel exhibits to him a receipt or certificate from the said secretary-treasurer, to the effect that he has paid the pilotage dues.

Forfeited pilotage to be returned by corporation.

7. If a pilot runs a vessel aground, or if by his fault, any accident happens to a vessel, by which according to law or to the by-laws of the Trinity House of Montreal, such pilot forfeits his pilotage, the master of such vessel shall be entitled to be reimbursed, by the said corporation the amount of pilotage paid by him.

All pilotage to belong to corporation.

8. Every sum received or due for pilotage or other services, as aforesaid, by virtue of this Act, shall belong to the Corporation of the Pilots for and above the Harbour of Quebec.

Net income to be divided.

9. The net income of the corporation, after deducting the expenses of administration and management, and any fines and penalties incurred and paid by the corporation on its own account, by virtue of this Act, shall be shared and divided equally between the members of the said corporation, acting and practising as Branch Pilots for and above the Harbour of Quebec; and no pilot who shall be master or commander of a vessel, other than that or those belonging to the said corporation, shall be considered as a Branch Pilot for the purposes of this Act, so long as he shall thus be master or commander of such vessel: and the said corporation shall have the right to own vessels and to register the same according to law, and all declarations and other acts required by law on the part of the owner or owners may be made by the secretary-treasurer of the corporation.

Period of division.

10. The partition, division and payment of the said revenue to and among the members of the corporation, shall be made at the periods which shall be determined and settled by the board of directors.

Loss from negligence to be deducted.

11. If a pilot, by his act, his fault or his negligence, loses the whole or part of any pilotage, or of any other sum for services rendered by him as a pilot, or occasions to the corporation any damage or loss whatsoever, or if the corporation, for any lawful cause whatsoever, is obliged to pay any sum of money for a pilot, in all these cases, the amount of the damage so caused or suffered, or the money so lost or paid, shall be deducted from the share of the income of the corporation accruing to such pilot.

Pilots selected by M.O.S.S. or other companies.

12. In case the Montreal Ocean Steamship Company, or any other such company, should have selected, or should select, certain members of the corporation to pilot their vessels, it shall be the duty of the board of directors to place the names of the said members on a separate roster or list of names, and those members shall pilot the vessels of every such company, each in his turn, according to such roster, and shall be exempt from piloting any other vessels.

13. Every pilot shall report himself at the office of the corporation ^{Pilots to report at office of corporation.} within twenty-four hours after his arrival in Montreal, in charge of any vessel, or after having piloted any vessel down the river, and it shall be the duty of the secretary-treasurer, then and there, to place his name upon the roll or roster of the names of the members of the corporation; and any master of any vessel taking, in the Harbour of Montreal, his clearance outwards, may, on or after taking such clearance, select any one of the members, not being a director of the corporation, whose name may then be upon the said roll, and who has not been selected by the Montreal Ocean Steamship Company, or any other such company, to pilot his vessel down the river; and upon his, the said master's, notifying such selection to the secretary-treasurer of the corporation, it shall become and be the turn of such pilot to pilot such vessel, and after having piloted such vessel accordingly, he shall be deemed to have piloted in his turn the next time it comes to his turn to pilot a vessel according to any by-law or order of the board of directors.

14. Every pilot who shall refuse or neglect to pilot, in his turn, according to the provisions of this Act, shall forfeit, out of the share of the income of the corporation accruing to him, a sum not exceeding ten pounds and not less than two pounds ten shillings currency, as the board of directors may determine, and each such act of refusal or neglect shall make it the turn of the pilot next for duty according to the same roll of names, and subject him also to such forfeiture in case of his refusal or neglect to pilot.

15. Every pilot interdicted or suspended according to law, shall, during the continuance of his interdiction or suspension, cease to form part of the corporation and to participate in the rights conferred by this Act, and at the expiration of the interdiction or suspension he shall be once more a member of the corporation, but shall not share in the income received by the corporation during the continuance of his interdiction or suspension.

16. Every pilot deprived of his branch according to law shall cease to form part of the corporation.

17. Every pilot who shall be prevented by sickness from piloting in his turn, shall not share in the income received by the corporation during the continuance of such sickness, and such sickness shall be considered as beginning on the day on which such pilot shall be prevented by such sickness from piloting in his turn.

18. Nothing in this Act contained shall prejudice the rights or powers conferred by law upon the Trinity House of Montreal.

19. The corporation of the pilots for and above the Harbour of Quebec, shall as such be amenable to the jurisdiction of the Trinity House of Montreal, and the members thereof shall be liable collectively, in their corporate capacity, for any breach of any by-law of the Trinity House of Montreal, committed by the corporation or by the board of directors or any officer thereof, in the same penalty as would attach to the breach of such by-law by any one of them in his individual capacity.

20. Every general meeting of the members of the corporation shall be called by notice, once given, by the secretary-treasurer, in a French newspaper and in an English newspaper at Montreal.

Chairman
may call
meetings.

21. The chairman or any director may require the secretary-treasurer to call a meeting of the board of directors, and this requisition shall be in writing.

Publication
of by-laws.

22. No by-law passed by the board of directors shall be binding until after it has been published once in an English newspaper and in a French newspaper in Montreal. 5

Sums due to
the corpora-
tion, how re-
covered.

23. Every sum due to the corporation by any person or body of persons shall be sued and recovered by the said corporation before the Trinity House of Montreal, in the manner and form prescribed for the prosecution of matters and things, which the said Trinity House of Montreal may likewise take cognizance of and determine; and the judgment on such prosecution shall be executed in the manner and form observed before the said Trinity House of Montreal. 10

Functions
and powers
of board of
directors.

24. The functions and powers of the board of directors shall be all those conferred upon the Council of the Corporation by the Act of incorporation hereinafore mentioned, and moreover, shall be to make, alter, modify and repeal, in whole or in part, by-laws for establishing, from time to time, the order in which the pilots, or any separate class or number of them, shall serve as such, each in his turn, for prescribing the mode of filling up vacancies occurring among the directors during their term of office; for regulating the mode of proceeding at the meetings of the board of directors and at the general meetings of the corporation; for the division and distribution of the funds of the corporation; for ascertaining and establishing the expenses of the corporation; and lastly, concerning all matters and things necessary for the working of this Act. 15 20 25

Provisions of
Act not re-
pealed to re-
main in force.

25. Every provision of the said Act of incorporation relating to the adjournments, to the general meetings, to the time and quorum of the same, to the power of calling the same, and the mode of proceeding at the same, to the casting vote of the president or chairman, when the votes are equally divided in any meeting, and generally every provision not repealed by this Act, shall remain in force, provided that everything in the said Act of incorporation concerning the Council of the Corporation, and not repealed by this Act, shall henceforth apply to the board of directors. 30 35

Proceedings
of council
confirmed.

26. Whereas it is also expedient, in compliance with the said prayer, to confirm the proceedings of the meeting of the members of the corporation and the council of the same, the said proceedings are hereby confirmed.

Public Act.

27. This Act shall be deemed a Public Act. 40