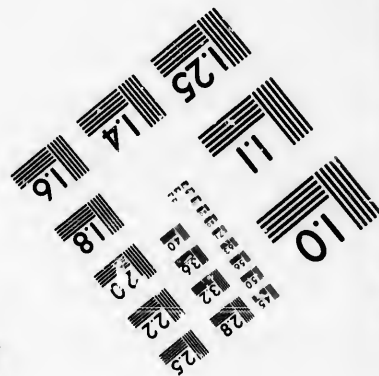
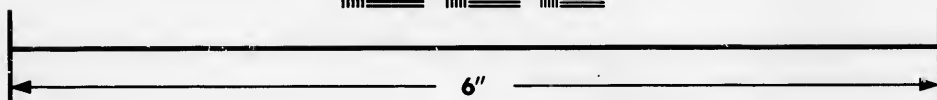
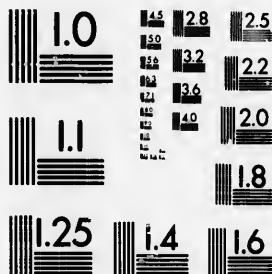


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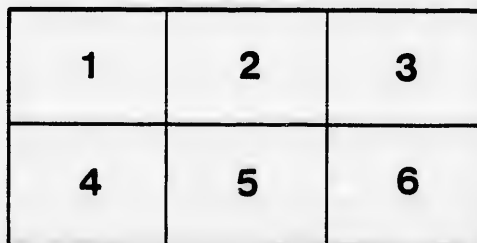
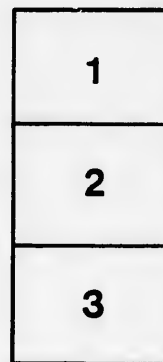
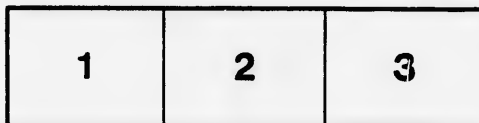
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# AN ACT

RESPECTING

# PILOTAGE,

ASSENTED TO 23rd MAY, 1873.

AND

# BYE-LAWS

OF THE

# PILOTAGE AUTHORITY

OF THE

PILOTAGE DISTRICT OF SAINT JOHN, N. B.

PASSED 7th NOVEMBER, 1874.



SAINT JOHN, N. B. :

McKILLOP & JOHNSTON, STEAM JOB PRINTERS, CANTERBURY ST.

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# AN ACT RESPECTING PILOTAGE.

Assented to 23rd May, 1873.

WHEREAS it is expedient to make provision Preamble.  
by one and the same law for the licensing and  
regulation of pilots, and for other matters relat-  
ing to pilotage throughout Canada: Therefore  
Her Majesty, by and with the advice and con-  
sent of the Senate and House of Commons of  
Canada, enacts as follows:

## PRELIMINARY.

1. This Act may be cited for all purposes as Short title.  
“The Pilotage Act, 1873.”

2. In this Act

The term “the Minister,” means the Minister Definition  
of terms  
used in  
this Act.  
of Marine and Fisheries;

The term “ship,” includes every description  
of vessel used in navigation not propelled by  
oars;



The term "ships belonging to Her Majesty," includes ships the cost of which has been defrayed out of the Consolidated Revenue Fund of Canada; and ships described as the property of Canada by the one hundred and eighth section of "*The British North America Act, 1867*;"

The term "master," includes every person having command or charge of any ship;

The term "pilot," means any person not belonging to a ship who has the conduct thereof;

The term "boat," means every description of vessel used in navigation not being a ship;

The term "pilot boat," means any ship or boat employed in the pilotage service of any district;

The term "license," includes a branch;

The term "licensed pilot," includes a branch pilot;

The term "pilotage authority," means any person authorized to appoint or license pilots, or to fix or alter rates of pilotage, or to exercise any jurisdiction in respect of pilotage;

The term "pilot fund," means any fund established by a pilotage authority, or by pilotage authorities for the relief of superannu-

ated or infirm licensed pilots, or of their wives, widows or children, or of any two or more of such classes of persons collectively;

Terms referring to the pilotage authorities of pilotage district, generally, as applied to the pilotage district of Quebec, mean and include only the Trinity House of Quebec;

Terms referring to the pilotage authorities of the districts for which pilots are licensed, as applied to pilots for and above the harbour of Quebec, mean and include only the Montreal Harbour Commissioners.

3. This Act shall not come into operation until the first day of January, one thousand eight hundred and seventy-four, which day is in this Act referred to as the commencement of this Act.

Commence-  
ment of  
Act.

4. Nothing in this Act shall apply to ships belonging to Her Majesty, nor to ships wholly employed in Her Majesty's service, while so employed, the masters of which have been appointed by Her Majesty's Government, either in the United Kingdom or in Canada.

Act not to  
apply to  
H. M.  
Ships, &c.

#### PILOTAGE AUTHORITY.

5. The Trinity House of Quebec shall be the pilotage authority of the pilotage district of Quebec, comprising the River St. Lawrence from the basin of Portneuf, inclusively, to an imaginary line drawn from the eastern anchor-

Pilotage dis-  
trict of  
Quebec.

age ground on Barnaby Island to the eastern anchorage ground under Cape Columbia on the north shore, together with those parts of all rivers, waters, creeks, bays and coves within the said limits where the tide ebbs and flows.

Pilotage district of Montreal.

6. The Montreal Harbour Commissioners shall be the pilotage authority of the pilotage district of Montreal, comprising the River St. Lawrence, from the basin of Portneuf, exclusively, to the Province line formerly dividing the Provinces of Upper and Lower Canada and now dividing the Provinces of Ontario and Quebec, and the several rivers falling into the St. Lawrence within the said limits, and also, so far as relates to pilots and their apprentices, pilotage, pilot dues, and pilot boats for and above the Harbour of Quebec, of that part also of the pilotage district of Quebec comprising the River St. Lawrence, between St. Patrick's Hole and the basin of Portneuf, both inclusive, and that part of all rivers, waters, creeks, bays and coves within the said last mentioned limits where the tide ebbs and flows.

Pilotage district of Halifax.

7. The Halifax Pilot Commissioners constituted as hereinafter provided shall be the pilotage authority of the pilotage district of Halifax, the limits of which shall be fixed by an order in Council, as hereinafter provided.

Election and appointment of Halifax Pilot Commissioners.

8. For the purposes of this Act, and within fourteen days after the commencement of this Act, the City Council for the City of Halifax, hereinafter termed the City Council, shall elect

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two persons, and the Executive Committee of the Chamber of Commerce of the City of Halifax, hereinafter termed the Executive Committee, if any such there be, shall elect two persons, to be with the persons to be appointed by the Governor General, as hereinafter mentioned, the first Commissioners, under this Act, at Halifax; and the names of the persons so elected by the City Council shall be forthwith, after such election, certified to the Minister under the seal of the City of Halifax; and the names of the persons so elected by the Executive Committee shall be forthwith, after such last mentioned election, certified to the Minister under the hand and seal of the City Clerk; and the Governor General may, within thirty days after the commencement of this Act, by an instrument under the Great Seal of Canada, appoint to be such Commissioners three persons: Provided always, that if the City Council shall refuse or shall for such fourteen days neglect to make such election of such two persons, and to certify the names of such persons as aforesaid, the Governor General may, within thirty days after the expiration of such fourteen days, by an instrument under the Great Seal of Canada, appoint two persons, and if there be no such Chamber of Commerce, or no such Executive Committee, or if the Executive Committee shall refuse, or shall for such fourteen days neglect to make such election of such two persons and to certify the names of such two persons as aforesaid, the Governor General may, within thirty days after the expiration of such fourteen days, by an instrument under the

Proviso, in  
case of  
failure to  
elect,  
Governor  
to appoint.

Great Seal of Canada, appoint two persons to make up the full number of such Commissioners: Provided also, that if any person elected as aforesaid, shall refuse to accept the office, the Governor General may, by an instrument under the Great Seal of Canada, appoint in the place of the person so refusing, some other person to be such Commissioner.

And in case of refusal to accept.

Mode of filling vacancies. 9. Every vacancy happening from time to time among the Commissioners appointed by the Governor General under this Act, not being Commissioners so appointed by reason of any refusal or neglect to elect or refusal to accept office when elected as herein mentioned, shall be filled up by the Governor General, by an instrument under the Great Seal of Canada, and every other vacancy shall be filled up as follows:

If of Commissioner elected by City Council. (1.) If the person whose death or resignation has caused the vacancy had been elected by the City Council, or had been appointed by the Governor General by reason of the refusal or neglect of the City Council to elect, or by reason of the refusal of any person elected by the City Council to accept office, the City Council shall, within fourteen days after the receipt of due notice of such vacancy, elect a person to fill such vacancy :

If elected by Executive Committee or appointed by Governor. (2.) If the person whose death or resignation has caused the vacancy had been elected by the Executive Committee or had been appointed by the Governor General by reason of the refusal

or neglect of the Executive Committee to elect, or by reason of the refusal of any person elected by the Executive Committee to accept office, the Executive Committee shall, within fourteen days after the receipt of due notice of such vacancy, elect a person to fill such vacancy.

And the name of every person so elected by the City Council to fill a vacancy shall be forthwith after his election certified to the Minister under the seal of the City of Halifax, and the name of every person so elected by the Executive Committee to fill a vacancy, shall be forthwith after his election certified to the Minister under the hand and seal of the City Clerk: Provided always, that if the City Council or the Executive Committee, as the case may be, shall refuse, or shall for such fourteen days neglect to elect a person to fill any such vacancy and to certify the name of such person as aforesaid, the Governor General may, within thirty days after the expiration of such fourteen days, by an instrument under the Great Seal of Canada, appoint a person to fill such vacancy: Provided also, that if any person elected to fill a vacancy as aforesaid, shall refuse to accept the office the Governor General may, by an instrument under the Great Seal of Canada, appoint in the place of the person so refusing some other person to fill such vacancy.

Certificate to Minister.

Proviso, neglect to certify.

Proviso, refusal to accept appointment.

10. And such Commissioners, and the survivor or survivors of them, and their successors, so from time to time elected and appointed as aforesaid, (any three of whom shall be a

Commissioners incorporated.

sufficient quorum for the transaction of business and the exercise of all the powers conferred by this Act,) shall be and are hereby declared to be a body corporate and politic in deed and in name, by the name of "The Halifax Pilot Commissioners," with all the powers vested in Corporations by the "*Interpretation Act*."

Appoint-  
ment of  
Secretary  
Treasurer

11. The Governor General may appoint a fit and proper person to be Secretary and Treasurer of the Halifax Pilot Commissioners, and may assign him an annual salary of not more than eight hundred dollars, payable out of the Consolidated Revenue Fund of Canada.

Pilotage  
district  
of St.  
John.

12. The St. John Pilot Commissioners, constituted as hereinafter provided, shall be the pilotage authority of the pilotage district of St. John, the limits of which shall be fixed by Order in Council, as hereinafter provided.

Election  
and ap-  
point-  
ment of  
St. John  
Pilot  
Commis-  
sioners.

13. For the purposes of this Act, and within fourteen days after the commencement of this Act, the Mayor, Aldermen, and Commonalty of the City of Saint John, shall elect *two* persons, and the Council of the Saint John Board of Trade shall elect *two* persons, to be, with the persons to be appointed by the Governor General, as hereinafter mentioned, the first Commissioners under this Act at St. John; and the names of the persons so elected by the Mayor, Aldermen and Commonalty of the City of Saint John shall be forthwith, after such election, certified to the Minister, under the Seal of the City of Saint John, and the names of the

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persons so elected by the Council of the Saint John Board of Trade shall be forthwith, after such last mentioned election, certified to the Minister under the Seal of the Saint John Board of Trade; and the Governor General may, within thirty days after the commencement of this Act, by an instrument under the Great Seal of Canada, appoint to be such Commissioners *three* persons: Provided always, that if the Mayor, Aldermen or Commonalty of the City of Saint John shall refuse or shall for such fourteen days neglect to make such election of such two persons, and to certify the names of such persons as aforesaid, the Governor General may, within thirty days after the expiration of such fourteen days, by an instrument under the Great Seal of Canada, appoint two persons; and if the Council of the St. John Board of Trade shall refuse, or shall for such fourteen days neglect to make such election of such two persons, and to certify the names of such two persons, as aforesaid, the Governor General may, within thirty days after the expiration of such fourteen days, by an instrument under the Great Seal of Canada, appoint two persons, to make up the full number of such Commissioners; Provided also, that if any person elected as aforesaid, shall refuse to accept the office, the Governor General may, by an instrument under the Great Seal of Canada, appoint in the place of the person so refusing, some other person to be such Commissioner.

Proviso, in case of failure to elect, appointment by Governor.

Proviso, in case of refusal to accept appointment. Mode of filling vacancies.

14. Every vacancy happening from time to time among the Commissioners appointed by



the Governor General under this Act, not being Commissioners so appointed by reason of any refusal or neglect to elect or refusal to accept office when elected, as herein mentioned, shall be filled up by the Governor General, by an instrument under the Great Seal of Canada; and every other vacancy shall be filled up as follows:—

If of Commissioners elected by City Council, &c.

(1.) If the person whose death or resignation has caused the vacancy had been elected by the Mayor, Aldermen and Commonalty of the City of Saint John, or had been appointed by the Governor General by reason of the refusal or neglect of the Mayor, Aldermen and Commonalty of the City of Saint John to elect, or by reason of the refusal of any person elected by the Mayor, Aldermen and Commonalty of the City of Saint John to accept office, the Mayor, Aldermen and Commonalty of the City of Saint John shall within fourteen days after the receipt of due notice of such vacancy, elect a person to fill such vacancy.

If of Commissioners by Saint John Board of Trade.

(2.) If the person whose death or resignation has caused the vacancy, had been elected by the Council of the Saint John Board of Trade, or had been appointed by the Governor General by reason of the refusal or neglect of the Council of the Saint John Board of Trade to elect, or by reason of the refusal of any person elected by the Council of the St. John Board of Trade to accept office, the Council of the Saint John Board of Trade shall, within fourteen days after

the receipt of due notice of such vacancy, elect a person to fill such vacancy ;

And the name of every person so elected by the Mayor, Aldermen and Commonalty of the City of Saint John, to fill a vacancy, shall be forthwith after his election, certified to the Minister under the Seal of the City of Saint John, and the name of every person so elected by the Council of the Saint John Board of Trade to fill a vacancy, shall be forthwith after his election certified to the Minister under the seal of the Saint John Board of Trade: Provided always, that if the Mayor, Aldermen and Commonalty of the City of Saint John or the Council of the Saint John Board of Trade, as the case may be, shall refuse, or shall for such fourteen days neglect to elect a person to fill any such vacancy, and to certify the name of such person as aforesaid, the Governor General may, within thirty days after the expiration of such fourteen days, by an instrument under the Great Seal of Canada, appoint a person to fill such vacancy : Provided also, that if any person elected to fill a vacancy as aforesaid, shall refuse to accept the office, the Governor General may by an instrument under the Great Seal of Canada, appoint in the place of the person so refusing, some other person to fill such vacancy.

Certificate to Minister.

Proviso, in case of default to certify.

Proviso, or of refusal to accept.

15. And such Commissioners and the survivor and survivors of them and their successors so from time to time elected and appointed as aforesaid, (any three of whom shall be a sufficient quorum for the transaction of business

Commissioner incorporated.

and the exercise of all the powers conferred by this Act,) shall be and are hereby declared to be a body corporate in deed and in name, by the name of "The St. John, Pilot Commissioners," with all the powers vested in Corporations by "*the Interpretation Act.*"

Appoint-  
ment of  
Secretary  
Treasurer

16. The Governor General may appoint a fit and proper person to be Secretary and Treasurer of the St. John Pilot Commissioners, and may assign him an annual salary of not more than eight hundred dollars, payable out of the Consolidated Revenue Fund of Canada.

Powers of  
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17. The Governor may, by Order in Council, fix the limits of pilotage districts, in any places not included within either of the above described pilotage districts of Quebec or Montreal, and may constitute pilotage authorities, each consisting of not less than three nor more than five persons (any majority of whom respectively shall be a sufficient quorum for the transaction of business and the exercise of all the powers conferred by this Act,) in any places not included within either of the pilotage districts of Quebec, Montreal, Halifax or Saint John; and may by an Order in Council from time to time make the payment of pilotage dues compulsory or not compulsory, within any limits so fixed.

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### GENERAL POWERS OF PILOTAGE AUTHORITIES.

Powers of  
Pilotage  
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18. Subject to the provisions of this Act, or of any Act for the time being in force in their

pilotage district, every pilotage authority shall have power from time to time, by bye-law confirmed by the Governor in Council, to do all or any of the following things within their district, viz :—

- (1.) To determine the qualification in respect of age, time and service, skill, character and otherwise, to be required from persons applying to be licensed as pilots ; To determine qualifications of Pilots.
- (2.) To make regulations respecting the approval, licensing, management, and maintenance of pilot boats, and respecting the distribution of the earnings of pilots and pilot boats, and to require that decked pilot boats be provided with life-boats to be used in conveying pilots to and from ships, and also with such numbers of life preservers as such pilotage authority may deem advisable ; To make regulations respecting pilot boats
- (3.) To provide for aiding in the establishment of and participating in the profits of companies for the support of pilot boats ; To aid companies for the support of pilot boats
- (4.) To license pilots and (except in the pilotage district of Quebec) apprentices, and (except in the pilotage districts of Quebec, Montreal, Halifax and St. John,) to certificate masters and mates to act as pilots as hereinafter mentioned ; To grant licenses and certificates.

## PILOTAGE

this Act, or  
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To make regulations as to licenses and certificates.

Proviso, as to Quebec district.

To make regulations for the government of pilots.

- (5.) To fix the terms and conditions of granting licenses to pilots and (except as above excepted) apprentices, and (except as above excepted) such pilotage certificates as in this Act mentioned to masters and mates, and the fees to be payable for such licenses and certificates, and to regulate the number of pilots: Provided always, that in the pilotage district of Quebec, after the apprentices under indentures at the commencement of this Act, or such of them as shall have undergone satisfactory examinations within two months from and after the final expiration of their apprenticeships respectively, including any further or additional periods imposed by or under this or any other Act, have been licensed as pilots, such number shall never be less than one hundred and fifty nor more than two hundred;
- (6.) To make regulations for the government of the pilots licensed, and the masters and mates (if any) certificated by such pilotage authority, and for ensuring their good conduct and constant attendance to and effectual performance of their duty on board and on shore; and for the government of apprentices, and (elsewhere than in pilotage district of Quebec,) for regulating the number of apprentices;

- (7.) To make rules for punishing any breach of such regulations by the withdrawal or suspension of the license or certificate of the person guilty of such breach, or by the infliction of penalties, —so however, that no single penalty be made to exceed the sum of forty dollars, with, in case of continuing breach, a further penalty not exceeding four dollars, for every twenty-four hours during which such breach continues, and that every such penalty be capable of reduction, at the discretion of the Court by whom the same is inflicted ;
- To make rules for punishing breaches of regulation.
- (8.) To fix and alter the mode of remunerating the pilots licensed by such authority, and the amount and description of such remuneration (in this Act called pilotage dues,) and the person or authority to whom the same shall be paid ;
- To fix and alter pilotage dues.

Provided always that the rates of pilotage for and below the Harbour of Quebec set forth in tables one and two of Schedule A, to the Act of the legislature of the late Province of Canada, passed in the twelfth year of Her Majesty's reign, chapter one hundred and fourteen, intituled "*An Act to consolidate the laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes,*"

shall not be altered for three years after the commencement of this Act; nor then, unless the share of the net income of the Corporation of pilots for and below the Harbour of Quebec annually accruing to each member of the said Corporation acting and practising as a pilot for and below the Harbour of Quebec, has been less than six hundred dollars on an average of the said three years; in which case it shall be the duty of the Trinity House of Quebec to submit to the Governor in Council for approval, a bye-law establishing such increased rates of pilotage, or pilotage dues as may be deemed necessary for the purpose of securing to each such pilot an average annual share of not less than six hundred dollars of such net income, and so on for and during each successive period of three years thereafter;

To provide for the compulsory retirement of aged pilots.

- (9.) To provide for the compulsory retirement of licensed pilots having attained the age of sixty-five years, subject to the provisions contained in section thirty-six of this Act;

To provide for the compulsory retirement of infirm or intemperate pilots.

- (10.) To provide for the compulsory retirement of licensed pilots proved on oath before the authority to be incapacitated by mental or bodily infirmity or by habits of drunkenness before attain-

ing the age of sixty five years ; [See Sec. 35.]

- (11.) To provide for the adjustment and decision of questions and disputes arising between masters of ships, pilots and others, respecting pilotage ; To provide for the decision of disputes about pilotage.
- (12.) To establish (elsewhere than in the pilotage districts of Quebec and Montreal) either alone or in conjunction with any other pilotage authority or authorities, funds for the relief of superannuated or infirm licensed pilots, or of their wives, widows or children and in any pilotage district to make any new regulations with respect to any funds for the time being applicable to those purposes or any of them— with power to determine the amount, manner, time and persons (such persons to be in the service of such pilotage authority) to, and in which, and by and upon whom the contributions in support of such existing or future fund may be made or levied ; but not to determine that any contribution to any such fund shall be made or levied by or upon any pilot to any amount exceeding seven per cent. of his earnings ; and further, to determine what persons, or class of persons, from among the men in the service of such pilotage authority, their wives, widows or children, are and are not respec-
- To establish pilot funds except in Quebec and Montreal districts and regulate them.

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tively entitled to participate in the benefits of such existing or future funds, and the terms and conditions upon which, if entitled, they are to be so entitled : [Sec. 39.]

To repeal or alter previous bye-laws.

- (13.) To repeal or alter any bye-law made in exercise of the powers of this section, or any bye-law touching any of the matters enumerated in this section in force in and for their district at the time of the commencement of this Act, and to make a new bye-law or new bye-laws, in lieu thereof.

Penalties under bye-laws and their recovery and application.

And any bye-law made by any pilotage authority, according to the provisions of this section, may impose a reasonable penalty, not exceeding in any case forty dollars for the breach of such bye-law with, in case of a continuing breach, a further penalty not exceeding four dollars for every twenty four hours during which such breach continues; but that no such bye-law shall impose a minimum penalty. Every penalty imposed by any such bye-law, so made, confirmed and published as aforesaid, shall be summarily recoverable with costs by civil action or proceeding at the suit of the Crown only, or of any private party suing as well for the Crown as for himself, in any form allowed in such case by the law of that Province where it is brought—before any court having jurisdiction to the amount of the penalty in cases of simple contract—upon the evidence of any one creditable witness other than the plaintiff or party interested;

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and one half thereof shall belong to the relief fund, hereinafter termed pilot fund, established under this section by the pilotage authority for the breach of whose bye-law the same has been recovered, if any such fund there be, and if there be no such fund then to such pilotage authority themselves, to be applied by them to the relief of any superannuated or infirm pilot licensed by them, or of the wife, widow or child of any such pilot, and the other half shall belong to the private plaintiff, if any there be, and if there be none, the whole shall belong to such pilot fund or pilotage authority as the case may be.

19. Every bye-law made by any pilotage authority in exercise of the powers conferred upon it by the next preceeding section of this Act shall, if and when confirmed by order of the Governor in Council and published as hereinafter mentioned, be valid and effectual; and every breach thereof shall be deemed an offence against this Act.

Confirma-  
tion of  
bye-laws.

20. Every bye-law made by a pilotage authority and confirmed by the Governor in Council, shall be published in the *Canada Gazette*; and a copy thereof printed in the *Canada Gazette* shall be *prima facie* evidence of the original and of the contents thereof and of its having been confirmed by order of the Governor in Council.

Publication  
of  
bye-laws.

21. A copy of every bye-law made by the Trinity House of Quebe under this Act, shall be furnished to the Corporation of Pilots for

Special pro-  
visions for  
pilots for  
and below  
Quebec.

and below the Harbour of Quebec twenty days before such bye-law is submitted to the Governor in Council for the purpose of being confirmed.

Existing pilotage authorities to retain all their powers and jurisdiction, subject to section 17 of this Act.

22. Every pilotage authority existing at the time of the commencement of this Act, shall until replaced by the Governor in Council under section seventeen of this Act, if subject to be so replaced under the same, and if not subject to be so replaced, continually, retain all powers and jurisdiction which they lawfully possess at the commencement of this Act, so far as the same are consistent with the provisions of this Act; but nothing done after the commencement of this Act, by any pilotage authority shall, if inconsistent with this Act, be of any force whatever.

Existing bye-laws continued in force subject to this Act.

23. Every bye-law, rule or regulation, law or ordinance made by any pilotage authority before the commencement of this Act shall, so far as the same is not inconsistent with any provisions of this Act, continue to be of the same force and effect as if this Act had not been passed, until repealed or altered by a bye-law of the proper pilotage authority duly made and confirmed under the authority of this Act.

#### RETURNS BY PILOTAGE AUTHORITIES.

Pilotage authorities to make annual returns.

24. Every pilotage authority shall on or before the tenth day of January in every year transmit to the Minister in such form as the

Minister requires, returns, in this Act called pilotage returns, of the following particulars with regard to pilotage within their district, made up to the thirty-first day of December, previous, namely :—

- (1.) The name and age of each and every pilot, apprentice, master or mate licensed, certificated or authorized to act by such authority, and of each and every pilot or apprentice acting, either mediately or immediately under such authority, whether so licensed or authorized, or not ; Names and ages of pilots, &c.
- (2.) The service for which each pilot, apprentice, master or mate is licensed or certificated ; Services of pilots, &c.
- (3.) The pilotage dues for the time being in force, including therein the amounts and description of all charges upon shipping made in respect of pilotage ; Pilotage dues.
- (4.) The total amount received for pilotage dues, distinguishing the amounts received from British ships and from foreign ships, and the amount received in respect of different classes of ships paying different rates of pilotage dues for the time being in force, and the amounts received for the several classes of service rendered by pilots ; Amount of pilotage dues received.

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Receipts  
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ceived.

- (5.) The receipt and expenditure of all money received by or on behalf of such authority, in respect of pilots or pilotage; and such other particulars as the Minister may, from time to time, require to be included in any such return.

### APPRENTICES—QUEBEC.

Indentures  
of appren-  
ticeship in  
pilotage  
district of  
Quebec.

25. Persons desirous of becoming pilots for and below the Harbour of Quebec, shall continue to pass their indentures of apprenticeship with the Corporation of Pilots for and below the Harbour of Quebec, and not with the individual pilots as required by the said Act, twelfth Victoria, chapter one hundred and fourteen; and for that purpose the said corporation shall continue subject to the provisions of the said Act, as amended by this Act, and to those of the bye-laws of the Trinity House of Quebec made under the provisions of the said Act or of this Act, relative to pilots taking apprentices, and shall continue to have power to cause such apprentices to serve in turn on board ships piloted, or on board the schooners of the corporation.

Limitation  
of number  
of pilot's  
apprenti-  
ces in said  
district.

26. The number of apprentice pilots indentured to the Corporation of Pilots for and below the Harbour of Quebec shall not at any time be less than thirty-six, nor more than sixty, and the Trinity House of Quebec shall be and are hereby empowered to see to the carrying out of this provision; and the said Corporation of

Pilots for and below the Harbour of Quebec shall in each year make a return of the number of its apprentice pilots to the Trinity House of Quebec.

27. Notwithstanding anything to the contrary contained in section twenty-one of the said Act, passed in the twelfth year of Her Majesty's Reign, if the period of apprenticeship of any apprentice indentured to the said Corporation of Pilots for and below the Harbour of Quebec has been interrupted for less than four months altogether, on account of sickness, involuntary absence or other legitimate cause, the Trinity House shall grant him, if found otherwise qualified and entitled, a license as pilot on proof that he has served a regular apprenticeship of seven years in all, provided he has made up for the time lost by such interruption by an additional period or additional periods of service after the lapse of seven years from the commencement of his apprenticeship, and has made four voyages to Europe as required by the said Act, subject always to the provisions contained in section thirty-two of this Act.

As to apprentice pilots whose term of apprenticeship has been interrupted.

28. In the pilotage district of Quebec, after the persons serving apprenticeships to be pilots at the commencement of this Act, or such of them as shall have undergone satisfactory examinations within two months from and after the final expiration of their apprenticeships respectively, including any further or additional periods imposed by or under this or any other Act, have been licensed as pilots, no apprentices

After a certain time no apprentices to be licensed by the Trinity House of Quebec unless there is a vacancy in the number limited by bye-laws.

shall be licensed as pilots, unless nor until the number of licensed pilots for and below the Harbour of Quebec is less than that for the time being prescribed and regulated by bye-law of the Trinity House of Quebec in that behalf; and then so many only may be so licensed, from time to time, as may be required to keep up the number of such pilots, for the time being prescribed and regulated by bye-law of the Trinity House of Quebec in that behalf, and those as nearly as may be practicable, in the order of their seniority as apprentices.

### LICENSING OF PILOTS.

Contents,  
form and  
regulation  
of licenses  
to pilots.

29. Every pilot on being licensed by any pilotage authority, shall receive a license containing his name and usual place of abode, a description of his person, and a specification of the limits within which he is qualified to act, which license may be in the form of the first Schedule of this Act, or in any like form; and the Collector of Customs at the principal port of the district within which any pilot is licensed to act, shall, on his request, and without fee or reward, register his license, and add his name to the list posted up at the Custom House, if not already on it; and a licensed pilot shall not be entitled to act as such until his license is so registered. Any licensed pilot acting beyond the limits for which he is qualified by his license, shall be considered an unlicensed pilot.

Copies of  
this Act,  
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30. Every licensed pilot shall, on receiving his license be furnished with a copy of this Act,

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used by any license con- of abode, a ecification of lified to act, n of the first e form; and nicipal port of ot is licensed without fee or add his name om House, if pilot shall not s license is so acting beyond d by his license, pilot.

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and a copy of the dues and bye-laws established within the district for which he is licensed; and he shall produce such copies to the master of any ship or other person employing him, when required to do so, and in case of default shall incur a penalty not exceeding twenty dollars.

dues and bye-laws to be furnished to and produced by pilots.

31. Every pilot who has received a license from a duly constituted authority in that behalf, before the commencement of this Act may retain the same under and subject to the provisions of this Act, and shall be held and deemed to be, for all and every the purposes of this Act, a pilot licensed for the pilotage authority of the district to which his license extends.

Existing licenses continued in force.

32. Every person, who at the commencement of this Act, is serving an apprenticeship to be a pilot, shall be entitled to be licensed as a pilot at or after the expiration of the term fixed for such apprenticeship by the law, bye-law, rule or regulation under which he commenced his apprenticeship, on proving, to the satisfaction of the pilotage authority of the district in which he has served his apprenticeship, that he has complied with all and every the terms and conditions imposed upon apprentices by such law bye-law, rule or regulation, and on being found by such pilotage authority, after due examination, to possess the qualifications required of pilots by such law, bye-law, rule or regulation.

Apprentices now under indentures to be examined only under bye-laws under which they commenced their apprenticeship.

33. Every licensed pilot while acting in that capacity shall be provided with his license, and shall produce the same (whether requested to

Pilots to produce licenses when offering



their services and when employed.

produce it or not) to every person by whom he is employed, or to whom he offers his services as pilot, at the time when he enters the employment of, or offers his services to such person; and shall at all times produce his license, at the request of every person by whom he is employed as pilot; and if he neglects or refuses to produce his license, he shall, for each offence, incur a penalty not exceeding forty dollars and shall be subject to suspension or dismissal by the pilotage authority by whom he is licensed.

License forfeited by non user during two years.

34. Every branch pilot or licensed pilot who shall pass two full and consecutive years without acting as a pilot (unless in case of sickness, unavoidable absence, or special permission from the pilotage authority of his district) shall forfeit his license.

License to be delivered up in certain cases.

35. Every licensed pilot suspended or deprived of his license or compelled to retire, shall produce or deliver up his license to the authority by whom he is suspended or deprived or compelled to retire; and on the death of any licensed pilot, the person into whose hands his license comes shall, without delay, deliver it to the pilotage authority of the pilotage district for which he was licensed; and if any person, without reasonable cause (proof whereof shall lie on him,) fails to comply with any requirements of this section, he shall incur a penalty not exceeding forty dollars; and any court of summary jurisdiction may, besides inflicting such penalty, by summary

order, direct such license to be forthwith delivered up to such authority.

36. Every licensed pilot shall, on attaining the age of sixty-five years, produce and deliver up his license or branch to the pilotage authority of the district to which it extends, who may grant him a new license for one year, and so on from year to year.

Pilots 65 years of age to deliver up their licenses, &c.

37. The names and addresses of all licensed pilots shall be published in the following manner:—

Names and addresses of all licensed pilots to be published.

(1.) Every pilotage authority shall, from time to time, and at least once in every year, prepare a list of the pilots holding licenses for their pilotage district, specifying the name and usual place of abode of every pilot holding such license, and the limits within which he is licensed to act; and shall transmit such list to the Collector of Customs at the principal port within such district.

List of pilots to be transmitted to Collectors of Customs.

(2.) Every Collector of Customs, to whom any such list is so transmitted, shall, immediately after the receipt thereof cause the same to be posted up, and shall always keep the last received of such lists posted up at the Custom House of the Port.

And posted up at Custom Houses.

(38.) Each of the pilotage authorities of Registers of pilots'

licenses  
to be kept  
at certain  
places.

Quebec, Montreal, Halifax and St. John shall cause every pilot's license granted by such authority to be registered in a book to be kept for that purpose in the office of such pilotage authority; and every such book shall at all times, during the usual office hours, be open to all persons for inspection without fee or reward.

Retired  
pilots and  
widows  
and child-  
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pilots to  
have  
pensions.

(39.) Every pilot compelled to retire under the provisions of this Act on account of age or of mental or bodily infirmity, and every widow and child of a deceased pilot shall be entitled to such pension or assistance as the pilotage authority of the district in and for which such pilot was licensed may deem it proper to grant to him or her out of the pilot fund of such district, if any there be.

### RIGHTS OF PILOTS GENERALLY.

Allowances  
to pilot  
carried  
out of his  
district.

40. No pilot shall without his consent, be taken to sea or beyond the limits for which he is licensed, in any ship whatever; and every pilot so taken, shall be entitled to cabin passage, and over and above the pilotage dues otherwise payable to him, to the sum of two dollars a day, to be computed from, and inclusive of the day on which the ship passes the limit up to which he was engaged to pilot her, and up to and inclusive of, either the day of his being returned in the said ship to the place where he was taken on board, or if he is discharged from the ship at a distance from such place, such day as will allow him sufficient time to return thereto; and in such last mentioned

case he shall be entitled to his reasonable travelling expenses by cabin passage or first-class conveyance by land, as the case may be, over and above such pilotage dues and other sums.

41. In case a licensed pilot is placed in quarantine, owing to his having been taken on board any ship, he shall be entitled to suitable board and accommodation, and over and above the pilotage dues payable to him, to the sum of three dollars a day, from and inclusive of the day on which he is placed in quarantine up to and inclusive of either the day on which he is discharged therefrom, or if he is discharged at a distance from the place where he was taken on board, such day as will allow him sufficient time to return thereto; and in such last mentioned case, he shall be entitled to his reasonable travelling expenses over and above such pilotage dues and other additional sums.

Allowance to pilot detained in quarantine.

42. Any licensed pilot may quit a ship which he has undertaken to pilot as soon as such ship is finally anchored or moored after completion of her voyage or removal, as the case may be, or as soon as she passes out of the pilotage district to which his license extends, whichever may first happen; when the service for which he was hired shall be held and deemed to have been performed.

When a pilot may quit a ship which he has undertaken to pilot.

43. A pilot deprived of his license, or suspended or condemned to pay a penalty for having caused damage to a ship, shall not be entitled to any pilotage dues if the amount of

Amount of damage caused by condemned pilot to ship to be

deducted  
from his  
pilotage  
dues.

Act of Can-  
ada, 23 V.  
c. 123, s 26.

such damage is equal to or exceeds that of such dues, nor, if it is less, to more than the excess of the amount of such dues over that of such damage; and the provisions of this section shall be deemed to be referred to in section twenty-six of this Act of the legislature of the late Province of Canada, passed in the twenty-third year of Her Majesty's reign, chapter one hundred and twenty-three, intituled: "*An Act to incorporate the Pilots for and below the Harbour of Quebec.*"

### RIGHTS OF PILOTS IN PILOTAGE DISTRICTS IN WHICH THE PAYMENT OF PILOTAGE DUES IS FOR THE TIME BEING COMPULSORY.

When  
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pilot un-  
able to  
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shall be  
entitled to  
pilotage  
for lead-  
ing.

44. If any boat or ship having on board a licensed pilot leads any ship which has not a licensed pilot on board when such last mentioned ship cannot, from particular circumstances, be boarded, the pilot so leading such last-mentioned ship shall be entitled to the full pilotage dues for the distance run, as if he had actually been on board and piloted such ship; and such pilot while leading such last-mentioned ship, shall keep his pilot flag flying, and such last-mentioned ship shall, while being so led show the ensign of such ship at her fore.

Penalty on  
unlicens-  
ed persons  
acting as  
pilots.

45. In case any person pilots a ship, in any such pilotage district for which he is not a licensed pilot, under any circumstances not provided for in the next following section of this Act, he shall be liable to a penalty of forty dollars.

46. Any person may, within any such pilotage district for which he is not licensed pilot without subjecting himself or his employer to any penalty, pilot a ship under all or any of the following circumstances :—

Occasions on which unlicensed persons may act as pilots.

(1.) When no licensed pilot for such district has offered to pilot such ship, or made a signal for that purpose, although the master of the ship has displayed and continued to display the signal for a pilot in this Act provided whilst within the limits prescribed for that purpose ;

No pilot.

(2.) When a ship is in distress, or under circumstances making it necessary for the master to avail himself of the best assistance which can be found at the time.

Distress.

47. A licensed pilot may, in any such district upon showing his proper signal and exhibiting his license, supersede an unlicensed pilot, but the master shall pay to such unlicensed pilot a sum in proportion to the distance run for his services, and deduct the same from the charge of the licensed pilot, and in case of dispute, the pilotage authority of the district for which the licensed pilot is licensed, shall determine the proportionate sum to which each party is entitled ; and if not so superseded, the unlicensed pilot shall be entitled to be paid the full pilotage dues.

Power of licensed pilot to supersede unlicensed pilot.

Penalty on unlicensed pilot continuing in charge after arrival of licensed pilot.

48. Any unlicensed pilot who continues in the charge of a ship in any such district after a licensed pilot has offered as aforesaid to take charge of her, shall for each offence, incur a penalty not exceeding one hundred dollars,—in default of payment of which he may be committed to prison for any period not exceeding one month.

Penalty for moving ship at Québec, without pilot.

49. In case any master of a ship not being an exempted ship, removes such ship, or causes such ship to be removed from one place to another within the Harbour of Québec without the assistance of a licensed pilot for and below the Harbour of Québec, he shall pay to the Corporation of Pilots for and below the Harbour of Québec the same pilotage dues as he would have been liable to pay if he had had the assistance of one of such licensed pilots; but this provision shall apply to the master of any ship actually proceeding to Montreal or elsewhere above the Harbour of Québec, in charge of a pilot for and above Harbour of Québec.

### PILOTAGE DUES.

What persons liable to pay pilotage dues.

50. Where, under the provisions of this Act any pilotage dues are made payable by or in respect of any ship, the following persons shall be liable to pay such dues; that is to say,—the owner, the master, and the recognized consignee or agent thereof, provided such recognized consignee or agent has moneys in his hands received on account of such ship.

51. Every recognized consignee or agent of a ship not being the owner or master of such ship may, out of any moneys in his hands received on account of such ship retain the amount of pilotage dues so paid by him, together with any reasonable expenses he may have incurred by reason of such payment and liability.

Consignee  
or agent  
how to  
reimburse  
himself.

52. All pilotage dues may be recovered as a debt due to the pilot or corporation of pilots or pilotage authority, as the case may be, to whom the same are payable; and all sums made payable to a pilot over and above pilotage dues, shall be payable by the same persons, and recoverable in the same manner as if they were part of the pilotage dues payable to such pilot; but the mode of payment of pilotage dues in the pilotage districts of Quebec and Montreal shall remain the same as before the commencement of this Act.

Recovery  
of pilotage  
dues.

53. Whenever any difference arises between the master and the licensed pilot of any ship trading to or from any port in Canada, as to her draught of water, the pilotage authority at such port shall, upon application by either party made,—in case of a ship inward bound either within twelve hours after arrival or at sometime before she begins to discharge her cargo, and in the case of a ship outward bound before she quits her moorings—appoint some proper person who shall measure the ship, and settle the difference accordingly; and there shall be paid to the person measuring such ship, by the party against whom he decides, such remuneration for

Settlement  
of differ-  
ence as to  
draught  
of ship.



his services as the pilotage authority may appoint.

Penalty on making a false declaration of draught of ship.

54. If a master, or any licensed pilot beginning or offering to pilot his ship, refuses or neglects to declare to such pilots her draught of water, or himself makes or is privy to any other person making a false declaration to such pilot as to such draught, he shall incur a penalty for every such offence, not exceeding double the amount of pilotage dues which would have been payable by such ship to such pilot or to any corporation of pilots of which such pilot may be a member.

Penalty for falsifying marks on ship.

55. If a master or any person interested in a ship makes or is privy to the making of a fraudulent alteration in the marks on the stern or stem post of such ship, denoting her draught of water he shall be guilty of a misdemeanor.

### FREE PILOTAGE.

Employment of pilot not to be compulsory.

56. After the commencement of this Act, no owner or master of any ship shall, in any case, be compelled to employ or to give his ship into the charge of a pilot, notwithstanding any Act making the employment of a pilot compulsory.

### COMPULSORY PAYMENT OF PILOTAGE DUES, AND EXEMPTIONS THEREFROM.

Compulsory paym't of pilotage dues in certain districts.

57. Every ship which navigates within either of the pilotage districts of Quebec, Montreal, Halifax or St. John, or within any pilotage

district within the limits of which the payment of pilotage dues is, for the time being, made compulsory by Order in Council under section seventeen of this Act, shall pay pilotage dues, unless either—

- (1.) Such ship to be on her inward voyage and no licensed pilot offers his services as a pilot, or Special exceptions.
- (2.) She is exempted under the provisions of this Act, from payment of such dues ;

And if such ship be on her outward voyage and the owner or master of such ship does not employ a pilot or give his ship into the charge of a pilot, such dues shall be paid, if in the pilotage district of Quebec to the Corporation of Pilots for and below the Harbour of Quebec, and if in any other pilotage district to the pilotage authority of such district. To whom payable.

The following ships (called in this Act exempted ships) shall be exempted from payment of pilotage dues : Ships exempted from payment of such dues.

- (1.) Ships belonging to Her Majesty ;
- (2.) Ships wholly employed in her Majesty's service, while so employed, the masters of which have been appointed by Her Majesty's Government either in the United Kingdom or in Canada ;
- (3.) Ships propelled wholly or in part by

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steam, trading or employed on voyages beginning at any port in Nova Scotia or New Brunswick and ending at the Port of New York, or any port in the United States of America, on the Atlantic north of New York, or *vice versa* ;

(4.) Ships of not more than eighty tons, registered tonnage ;

(5.) Ships registered in the Dominion of Canada of not more than two hundred and fifty tons, registered tonnage ;

(6.) Any ship, of which the master or any mate has a certificate granted under the provisions of this Act, and then in force authorizing him to pilot such ship within the limits within which she is then navigating :

Proviso as to pilotage district of St. John.

Provided always, that sub-section five of this section shall not apply to the pilotage district of St. John, N. B., but in that district the pilotage authority may determine by rules and regulations to be made by them, subject to the approval of the Governor in Council, the class of vessels that are to be exempted from the compulsory payment of pilotage under any of the provisions of this Act.

Master or mate of ship authorized by

58. When a ship arrives at the limits of any district in which the payment of pilotage dues is,

for the time being, compulsory and within any part of which she is an exempted ship under the sixth and last paragraph of the next preceding section of this Act, or is at a distance of five miles at least from the mouth of the harbour in any such district mentioned in the certificate of her master or mate, (whichever soonest happens) such master or mate shall hoist a white flag not less than four feet by six feet at the main top mast head, with the number of his certificate, in black figures six inches long, in the centre as a signal that the ship has a certificated master or mate on board; and every master or mate hoisting such flag without being authorized so to do at the time and place and on board the ship when and where he hoists the same, and every master or mate neglecting to hoist such flag when and where he is authorized so to do and not accepting the services of a licensed pilot, shall incur a penalty of twenty dollars; and every ship on board of which such penalty is incurred shall be liable to pay as pilotage dues the same sum as would have been payable to a licensed pilot if the services of a licensed pilot had been obtained or accepted; and all such penalties shall be payable to and recoverable by the pilotage authority of the district.

certificate to pilot her, to hoist a white flag on arrival at a district in which the payment of pilotage dues is compulsory.

Penalty for contravention.

59. In case the master of an exempted ship not belonging to Her Majesty, nor wholly employed in Her Majesty's service, having arrived within the limits of a pilotage district in which the payment of pilotage dues is, for the time being, compulsory,

Exempted ship not belonging to Her Majesty, nor wholly employed in Her Ma-

jesty's service, liable to pay pilotage dues in certain cases, by way of penalty.

- (1.) Displays and continues to display the signal for a pilot in this Act provided, whilst within the limits prescribed for that purpose ; and does not accept the services of any licensed pilot offering them in consequence of such signal :

Or,

- (2.) Without displaying or continuing to display the signal for a pilot, in this Act provided, whilst within the limits prescribed for that purpose, employs any person not belonging to his crew and not being a licensed pilot, to pilot or guide such ship, whether or not a licensed pilot has offered his services—

such ship shall be liable to pay, if in the pilotage district of Quebec, to the Corporation of Pilots for and below the Harbour of Quebec, and if elsewhere, to the pilotage authority of the district as pilotage dues the same sum as would have been payable to such licensed pilot if his services had been accepted :

60. When a ship (unless she is an exempted ship or does not require the services of a pilot,) arrives at the limits of any district, in which the payment of pilotage dues is, for the time being, compulsory, the following provisions shall have effect :

1. Until a licensed pilot has come on board or until the ship has passed a

provisions respecting non exempted ship arriving at a district in which the payment of pilotage dues is compulsory. Signal to be displayed.

point, line or place, from time to time fixed in this behalf by the pilotage authority of the district, the ship shall display such signal for a pilot as in this Act provided; and the master thereof, upon sighting a pilot boat carrying the pilot flag or pilot lights, shall, by lying to if the weather permits, or by shortening sail, or heaving Lying to. to, or, if the ship be a steamer stopping his engines, or by any other practicable means, facilitate the coming on board of the pilot or one of the pilots of such boat; and in default, such Penalty in default. ship shall be liable to pay as pilotage dues to the pilotage authority of the district, if such district be not the district of Quebec, and if it be, then to the Corporation of Pilots for and below the Harbour of Quebec, a sum not exceeding the amount of pilotage dues which would be payable for piloting such ship :

2. If the master of such ship—

- (a) Does not accept the services of the first licensed pilot who offers by signal or otherwise, his services; or
- (b.) (In case there be two or more pilots offering their services at the same time) accept the services of such one of them as may be entitled by the law or regulations for the time being in

Pilotage dues payable in certain cases.

force in such district to have his services accepted ; or

(e.) Having signalled for a pilot, does not accept the services of any licensed pilot offering them in consequence of such signal,—

And to whom.

such ship shall be liable to pay, if in the pilotage district of Quebec, to the Corporation of Pilots for and below the Harbour of Quebec, and if elsewhere, to the pilotage authority of the district, as pilotage dues, the same sum as would have been payable to such licensed pilot if his services had been accepted.

Application of sums payable as aforesaid.

3. All sums received by any pilotage authority in pursuance of this and the next preceding section, shall be applied by them as follows :—

(a.) In paying all expenses incurred in obtaining payment of the same :

(b.) Then, in paying to the pilot who offered his services to the ship, and (if two pilots offered) to that one who was entitled to have his services accepted, such amount (if any) as they may by any by-laws made under this Act, from time to time, make payable to such pilot ;

(c.) And the residue shall be carried to the pilot fund of the district.

61. In case any ship requires the services of a pilot, or, not having a pilot, has entered or is in any district or part of a district where such ship is subject to a compulsory payment of pilotage dues, the master of such ship shall display the following signals, that is to say;—

Signals to be displayed by ships requiring pilots, &c.

(a.) In the day-time; To be hoisted at the fore, the Jack or other national color usually worn by merchant ships, having round it a white border, one-fifth of the breadth of the flag;

(b.) At night:---

(1.) A blue light every fifteen minutes; or

(2.) A bright white light, flashed or shown at short or frequent intervals, just above the bulwarks, for about a minute at a time.

62. Any master of a ship who

For signals.

(1.) Displays such signals for any other purpose than that of summoning a pilot; or

(2.) Uses any other signal for a pilot,

shall incur a penalty not exceeding one hundred dollars.

63. No ship shall be exempt on any ground whatever from the liability to pay pilotage dues

No exemption from payment of dues when pilot taken voluntarily.



earned by any licensed pilot voluntarily taken on board of such ship by the master for the purpose of piloting her, whether the payment of pilotage dues be or be not, for the time being, otherwise compulsory in the district in which such pilotage dues are earned.

Powers and duties of master of exempted ship, navigating her without a pilot.

64. Every master of an exempted ship, when navigating such ship without a pilot in any pilotage district, or part of a pilotage district, within the limits of which she is for the time being, an exempted ship, shall, as regards the conduct and management of such ship within such limits, have all the powers and duties which are by law or usage possessed by or imposed upon any licensed pilot for such district.

### LICENSING OF MASTERS AND MATES.

Master or mate, if examined and passed, to receive a pilotage certificate enabling him to pilot particular ships in certain places.

65. A master or mate of any ship, may upon giving due notice, and consenting to pay the usual expenses, apply to any pilotage authority (other than the pilotage authority of either of the pilotage districts of Quebec, Montreal, Halifax or St. John) to be examined as to his capacity to pilot the ship of which he is master or mate within any part of the district over which such pilotage authority has jurisdiction; and such master or mate shall thereupon be examined, and, if found competent, a pilotage certificate shall be granted to him, containing his name, a specification of the ship or ships in respect of which he has been examined, and a description of the limits within which he is to

pilot the same,—such limits to be within such jurisdiction as aforesaid; and such certificate shall enable the person therein named to pilot the ship or any of the ships therein specified, of which he is acting as master or mate at the time (but no other) within the limits therein described, as if he were a licensed pilot; and such certificate may be in the form of the Second Schedule of this Act, or any like form.

Form of certificate.

66. Such pilotage certificate shall not be in force for more than one year, unless the same is renewed, which may from time to time be done by an endorsement under the hand of the Secretary or other officer of the authority by whom such certificate was granted.

Renewal of pilotage certificate.

67. All masters or mates to or for whom any such pilotage certificates as aforesaid are granted or renewed by any pilotage authority, shall pay to such authority or as they direct, such fees upon their respective certificates and upon the renewals thereof, as are from time to time fixed for that purpose by such authority with the consent of the Governor in Council.

Fees to be paid upon such certificate and the renewal thereof.

Such fees shall, in the case of certificates granted or renewed by a pilotage authority be applicable either to paying the expenses of the examinations or any other general expenses connected with pilotage incurred by such authority, or to the Pilot Fund of the district (if any,) or otherwise for the benefit of the pilots licensed by such authority, as such authority think fit.

Application of such fees.

Power to  
withdraw  
pilotage  
certificate.

68. If at any time it appears to any pilotage authority that any master or mate to whom a pilotage certificate has been granted by such authority, has been guilty of drunkenness or misconduct or has shown himself incompetent to pilot his ship, they may thereupon withdraw his certificate; and such certificate shall thenceforth cease to be of any effect whatever, and shall be forthwith produced and delivered up by such master or mate to such pilotage authority in default of which such master or mate shall incur a penalty of forty dollars; and any court of summary jurisdiction may, besides inflicting such penalty, by summary order direct such license to be forthwith delivered up to such pilotage authority.

No owner to  
be free from  
liability by  
reason of  
employing a  
licensed  
pilot.

69. Nothing in this Act shall be deemed to oblige the owner or master of any ship to employ or to give his ship into the charge of a pilot, either on the ground of his being compelled to pay pilotage dues to any person or otherwise, or to exempt any owner or master of any ship from liability for any loss or damage being occasioned by his ship to any person or property, on the ground either of such ship being in charge of a licensed pilot, or of such loss or damage being occasioned by the act or default of a licensed pilot, or on any other ground.

#### OFFENCES OF PILOTS.

Offences by  
pilots.

70. If any licensed pilot commits, either within or without the district for which he is licensed, any of the following offences:—

- (1.) Commits any fraud or offence against the revenues of customs or inland revenue or the laws relating thereto ;
- (2.) Is in any way directly or indirectly concerned in any corrupt practices relating to ships, their tackle, cargoes, crews or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods, or chattels ;
- (3.) Lends his license ;
- (4.) Acts as pilot whilst suspended ;
- (5.) Acts as pilot when in a state of intoxication ;
- (6.) Employs or causes to be employed, on behalf of any ship of which he has the charge, any steamboat, boat, anchor, cable, or other store, matter or thing, beyond what is necessary for the service of such ship, with the intent to enhance the expenses of pilotage for his own gain, or for the gain of any other person ;
- (7.) Refuses or delays, when not prevented by illness or other reasonable cause, to take charge of any ship within the limits of his license, upon the signal for a pilot being made by such ship, or upon being required to do so by the master, owner, agent or consignee

thereof, or by any officer of the pilotage authority of the district for which such pilot is licensed, or by any principal officer of Customs; subject always in the case of a pilot for and below the Harbour of Quebec, to the laws relating to the Corporation of Pilots for and below the Harbour of Quebec,

- (8.) Attempts, upon being so signalled or required, to make any special bargain for salvage;
- (9.) Unnecessarily cuts or slips, or causes to be cut or slipped any cable belonging to any ship;
- (10.) Refuses, when requested by the master, to conduct the ship on board of which he is into any port or place into which he is licensed to conduct the same, except on reasonable ground of danger to the ship; or
- (11.) Quits the ship he has undertaken to pilot without the consent of the master before the service for which he was hired has been performed,—

Liability to  
damages  
and  
penalty.

such pilot shall, for each offence, in addition to any liability for damage, incur a penalty not exceeding two hundred dollars, and also be liable to suspension or dismissal by the pilotage authority of the district for which he is licensed; and every person who procures, abets or connives

at the commission of such offence, shall, for each offence, in addition to any liability for damages incur a penalty not exceeding two hundred dollars, and in case he is a licensed pilot, be also liable to suspension or dismissal by the pilotage authority of the district for which he is licensed.

71. If any pilot, when on board any ship for the purpose of piloting her, by breach or neglect of duty, or by reason of drunkenness, either

Penalty on pilot endangering ship or life or limb of any person on board.

(a.) Does any act tending to the immediate loss, destruction, or serious damage of such ship, or tending immediately to endanger the life or limb of any person on board such ship, or

(b.) Refuses or omits to do any lawful act proper and requisite to be done by him for preserving such ship from loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from danger to life or limb, he shall for each such offence, be deemed guilty of a misdemeanor and be liable to imprisonment for a period not exceeding twelve months, with or without hard labour; and, if a licensed pilot, shall also be liable to suspension or dismissal by the pilotage authority of the district for which he is licensed.

72. If any person, by any misrepresentation

Penalty on person en-

dangering of circumstances upon which the safety of a ship  
 ship by may depend, or by using a license to which he  
 misrepre- is not entitled, becomes employed or endeavors  
 sentation- is not entitled, becomes employed or endeavors  
 of circum- to be employed to pilot such ship, or enables or  
 stances. endeavors to enable any other person to be so  
 employed, or obtains or endeavors to obtain for  
 himself or any other person the charge of such  
 ship, he shall, in addition to any liability for  
 damages, incur a penalty not exceeding two  
 hundred dollars, and, if a licensed pilot, shall  
 also be liable to suspension or dismissal by the  
 authority by whom he is licensed.

Penalty on 73. A licensed pilot demanding or receiving  
 pilot de- any sum in respect of pilotage services greater  
 manding than the dues for the time being demandable by  
 or receiv- law shall, for each offence, incur a penalty not  
 ing more exceeding forty dollars.  
 than his legal dues.

### PILOT BOATS.

Pilot boats 74. All pilot boats regularly employed (else-  
 to be where than in the pilotage district of Quebec)  
 licensed. shall be approved and licensed by the pilotage  
 authority of the district, in which they are em-  
 ployed.

Character- 75. Every pilot boat, wholly or partly decked,  
 istics of shall have the following characteristics:  
 decked pilot boat.

- (1.) On her stern, her name, the name of the owner, or (if owned by more than one person) the name of her managing owner, or (if owned by a corporation) the name of that corporation,

And  
 deck  
 follow

and the port to which she belongs, painted in white letters at least one inch broad and three inches long, and on each bow the number of her license;

- (2.) In all other parts, a black color, painted or tarred outside, or such other color or colors as the pilotage authority of the district, with the consent of the Minister, directs;
- (3.) When afloat during the day time, a flag (in this Act called a pilot flag) of large dimensions compared with the size of the pilot boat, and of two colors, the upper horizontal half white, and the lower horizontal half red, and at night two lights (in this Act called pilot lights) one above the other, the upper light white, the lower light red, such pilot flag or pilot lights respectively to be placed at the mast head, or on a sprit or staff, or in some other equally conspicuous situation.

And the master of every such wholly or partly decked pilot boat shall be responsible for the following particulars:—

Responsibility of Master.

- (a.) That the pilot boat possesses all the above characteristics, and that the pilot flag and pilot lights be kept clean and distinct, so as to be easily discerned at a reasonable distance;



- (b.) That the names and numbers aforesaid be not at any time concealed or altered ;

Penalty in default.

And if default be made in any of these particulars, he shall, for every such offence, incur a penalty not exceeding eighty dollars.

Characteristic of open pilot boats.

76. Every pilot boat, neither wholly nor partly decked, shall have the following characteristics :—

- (1.) On her bow or stern her name, the name of her owner, the port or place at which her owner resides, and the number of her license, painted in white letters, at least two inches long, on a dark ground ;
- (2.) When afloat during the day-time a flag (in this Act called a pilot flag) of large dimensions compared with the size of the pilot boat, and of two colors, the upper horizontal half white, and the lower horizontal half red.

Responsibility of Master.

And the master or person in charge of every such neither wholly nor partly decked pilot boat shall be responsible for the following particulars :—

- (a.) That the pilot boat possess all the above mentioned characteristics, and that the pilot flag be kept clean and distinct, so as to be easily discerned at a reasonable distance ;

- (b.) That the names and numbers aforesaid be not at any time concealed or altered ;

And if default be made in any of these particulars, he shall for every such offence, be liable to a penalty not exceeding forty dollars.

Penalty  
in default.

77. Every pilot, when on board and in charge of any ship, as such pilot, shall display a pilot flag under the ensign of such ship, or in some other equally conspicuous situation, and if he fail to do so, incur a penalty not exceeding eighty dollars.

Pilot flag  
under en-  
sign of  
ship  
piloted.

The master of every such ship shall permit such flag to be displayed, and in default shall incur a penalty not exceeding eighty dollars.

78. Whenever a licensed pilot, in the exercise of his calling as pilot, goes off in a boat or ship not in the pilotage service, he shall exhibit during the day time a pilot flag, and at night pilot lights, in order to show that such boat or ship has a licensed pilot on board ; and if he fails to do so, without reasonable cause (proof whereof shall lie on him,) he shall for every such offence incur a penalty not exceeding two hundred dollars.

Licensed pi-  
lot to ex-  
hibit pilot  
flag and  
lights,  
though  
not in pi-  
lot boat.

79. If a boat or ship, not having a licensed pilot on board displays a pilot flag or pilot lights the owner or master of such boat or ship shall for every such offence incur a penalty not exceeding two hundred dollars.

Penalty on  
boat or  
ship not  
having a  
pilot on  
board, dis-  
playing  
pilot flag  
or pilot  
lights.

## PILOT FUND.

Contribu-  
tions to  
Montreal  
Decayed  
Pilots'  
Fund.

80. Every pilot for and above the Harbour of Quebec, shall continue to contribute to the Montreal Decayed Pilots Fund, five per cent. out of every sum of money he shall be entitled to receive for pilotage, until the Montreal Harbour Commissioners by bye-laws otherwise determine; after which every such pilot shall contribute to the said fund, so much—not exceeding seven per cent. of all moneys, to which he shall be entitled under this Act for pilotage, as the Montreal Harbor Commissioners may, by bye-laws from time to time determine,

Contribu-  
tions to  
the Pilot  
Fund at  
Quebec.

81. The Treasurer of the Corporation of Pilots for and below the Harbour of Quebec, shall pay over to the Treasurer of the Trinity House of Quebec, on the first day, not being a Sunday or holiday in each month, seven per cent. on all sums received by him during the then next preceding month for pilotage dues or dues for other services for which the pilots' tariff allows pay, earned by members of the said corporation; and may, from time to time, examine any such member on oath (which oath he is hereby authorized and empowered to administer) as to the amount of any such dues received by him; and all sums received by the said Treasurer under this section shall form part of the pilot fund.

Penalty on  
pilot giv-  
ing a false  
account  
of his  
earnings.

82. In case any pilot, by or upon whom any contribution to any pilot fund is to be made or levied in proportion to his earnings, under any

84.  
any pi  
ployed  
sums c  
existing  
which r  
be inve  
ment se  
Council

by-law of any pilotage authority duly confirmed and published, gives a false account of his earning or makes default in payment of any sum due from him as such contribution, he shall forfeit double the amount so payable, and shall further be liable at the discretion of the pilotage authority of his district, to suspension or dismissal.

83. Every pilot fund shall be applied as follows, in the following order, that is to say,— Application of pilot funds.

- (1.) In payment of such necessary expenses as the pilotage authority may duly incur in the administration of such fund;
- (2.) Then in the payment of superannuation allowances, or other relief, for the benefit of those pilots licensed by them, who are incapacitated by reason of age, infirmity or accident, and of the widows and children of pilots so licensed, or of such incapacitated pilots only.

84. And every sum of money belonging to any pilot fund which shall not have been employed in such payments as aforesaid, including sums of money forming part of pilot funds existing at the commencement of this Act of which reinvestment may become necessary, shall be invested in Dominion stock or other Government securities approved by the Governor in Council, in the name of the pilotage authority Investment of surplus of pilot funds.

having control of the fund to which such sum of money belongs.

### CORPORATION OF PILOTS FOR AND BELOW THE HARBOUR OF QUEBEC.

Power of directors to appoint and remove masters of schooners belonging to the Corporation.

85. The Board of Directors of the Corporation of Pilots for and below the Harbour of Quebec, shall have power from time to time, to select any of the pilots, members of the said corporation, to be masters of any schooners under their control, and to remove them; and any such pilot so selected shall be bound to serve as such master until removed as aforesaid under a penalty of one hundred dollars, to form part of the pilot fund, and to be sued for and recovered in the same manner and form as other penalties incurred by pilots.

Penalty on master of schooner neglecting or omitting to do his duty as such.

86. Any pilot in charge as such master of a schooner employed in the pilotage district of Quebec, may be, for neglect or omission in the discharge of his duties on complaint brought against him by any party aggrieved, condemned by the Trinity House of Quebec to pay a fine not exceeding forty dollars and costs,—to be sued for, recovered and applied in the same manner and form as other penalties incurred by pilots.

Power to pay directors and masters.

87. The Board of Directors of the Corporation of Pilots for and below the Harbour of Quebec shall have the power to pay out of the funds of the said corporation, to each of its Directors, and shall pay to each of the masters of

the schooners of the said corporation a remuneration not exceeding in any one year one hundred dollars over and above his share in the net income of the said corporation.

88. At all times during the season of navigation in the River of St. Lawrence below Quebec, there shall be on duty and personally present at one of the pilot stations, one of the Directors of the said corporation, whose duty it shall be—

One director to be always on duty at one of the pilot stations.

(1.) To enforce the execution of the duties in regard to the embarkation and disembarkation of pilots, and the conduct of pilots and apprentices on board the pilot schooners ;

(2.) To keep a journal of occurrences, and note therein any absence of any schooner from its station, and the time and cause and duration of such absence and every time when and place where such schooner anchors, and the length of time she remains at anchor ; and the journal or copy of the journal of such Director shall be transmitted monthly by the said Board of Directors to the Trinity House of Quebec.

Journal of such Directors.

### APPLICATION OF PENALTIES.

89. Every pecuniary penalty paid by a licensed pilot for an offence against the provisions

Penalties paid by pilots to go to pilot

funds, if  
 any; those  
 paid by  
 others to  
 be applied  
 as the  
 Governor  
 in Council  
 may di-  
 rect.

of this Act, or a breach of any by-law made under this Act, shall be paid into and form part of the pilot fund of the pilotage district in which the offence or breach has been committed if any there be, and if there be no such fund in such district, shall be paid and applied in such manner as the Governor in Council shall, from time to time direct; and every pecuniary penalty paid by any person other than a licensed pilot for any such offence or breach, shall be paid and applied in such manner as the Governor in Council may, from time to time direct, except in the pilotage district of Quebec, in which every such last-mentioned pecuniary penalty shall be paid into and form part of the funds of the Trinity House of Quebec.

### LIMITATIONS OF SUITS AND PROSECUTIONS.

No suit, &c.,  
 to be  
 brought  
 after  
 twelve  
 months  
 from com-  
 mission of  
 offence.

90. In no case shall any suit be brought or proceeding be instituted for the recovery of any penalty or the infliction of any punishment for any offence against the provision of this Act or for any breach of any bye-law made under this Act after six years from the date of the commission of such offence or breach.

Saving  
 clause as  
 to Trinity  
 House of  
 Quebec.

91. Nothing in this Act shall be construed to give power to the Trinity House of Quebec to make regulations respecting the management or maintenance of pilot boats, or respecting the

administration or distribution of the earnings of pilots and pilot boats, save and except in so far as relates to the administration of the pilot fund.

92. The Acts and parts of Acts mentioned in the third Schedule hereunto annexed are hereby repealed, as are also all other Acts and parts of Acts and provisions of law contrary to or inconsistent with the provisions of this Act. <sup>Repealing clause.</sup>



## FIRST SCHEDULE.

## FORM OF LICENSE TO PILOT.

DOMINION OF CANADA.

Pilotage District of \_\_\_\_\_

We \_\_\_\_\_, being the pilotage Authority having by law power to examine and license pilots for the pilotage district of \_\_\_\_\_ do hereby certify that \_\_\_\_\_ of \_\_\_\_\_, having been duly examined by us, has been found in all respects duly qualified, and is deemed by us to be a fit person to undertake the pilotage of vessels of every description, within and throughout the said pilotage district of \_\_\_\_\_, and on this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18\_\_\_\_, is by us licensed to act in that capacity.

This license cannot be lent or transferred.

W. John Rieckat JohnDeer St. S.S.

Description of \_\_\_\_\_ of \_\_\_\_\_

Age.	Height.	Complexion	Color of Hair.	Color of Eyes.	Marks.	Remarks.
32	5'9 80 in	Dark	dark	Blue	Bal	Good

## SECOND SCHEDULE.

## FORM OF PILOTAGE CERTIFICATE.

DOMINION OF CANADA.

Pilotage District of \_\_\_\_\_

We \_\_\_\_\_, being the pilotage authority having by law power to license pilots for the pilotage district of \_\_\_\_\_ do hereby certify that \_\_\_\_\_ of \_\_\_\_\_ Master [or Mate, as the case may be] of the \_\_\_\_\_, having been duly examined by us, has been found in all respects duly qualified, and is deemed by us to be a fit person, to undertake the pilotage of the said \_\_\_\_\_ and of any vessel of her class of which he may be acting as Master [or Mate, as the case may be] at the time, but no other, within and throughout the following limits in the said pilotage district of \_\_\_\_\_ that is to say [here describe the limits], and on this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18\_\_\_\_, is by us licensed in that capacity.

This certificate is good for one year only, and cannot be lent or transferred.

**Third Schedule.—Acts of the Legislature of the Late Province of Canada Repealed.**

Year and Chapter.	Title of Act.	Extent of Repeal.
12 Vic., c. 114...	An Act to consolidate the laws relative to the powers and duties of the Trinity House, Quebec, and for other purposes.	Sections fifteen, seventeen, eighteen, nineteen, twenty-two, so much of section twenty-three as relates to Pilots causing the loss of vessels under their charge or being the means of their sustaining damage, twenty-four, twenty-five, twenty-six, twenty-eight, twenty-nine, thirty-two, thirty-five, thirty-six, thirty-eight, forty, forty-one, forty-two, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two and sixty-three.
12 Vic., c. 117...	An Act to repeal a certain Act and Ordinance therein mentioned, relating to the Trinity House at Montreal, and to amend and consolidate the provisions thereof.	Sections twenty-one and twenty-three so far as relates to exempted ships and the masters thereof, and so far as either of the said sections conflicts with this Act.
13 & 14 Vic. c. 95	An Act to amend the Act relating to the Trinity House at Montreal.	The whole.
13 & 14 Vic. c. 96	An Act to repeal certain provisions of an Act passed in the last session of the Provincial Parliament, and intituled: <i>An Act to consolidate the Laws relative to the powers and duties of the Trinity House of Quebec and for other purposes</i> , and to exempt masters of vessels belonging to Lower Canada from taking Pilots in certain cases.	The whole.
14 & 15 Vic. c. 101	An Act to correct a clerical error in the English version of the Act of the last session, exempting masters of vessels belonging to Lower Canada from taking Pilots in certain cases.	The whole.
27 & 28 Vic. c. 57	An Act to amend the Act twelfth Victoria chapter one hundred and fourteen, relative to the powers and duties of the Trinity House of Quebec, and for other purposes.	The whole.
27 & 28 Vic. c. 58	An Act to amend the Act passed in the twelfth year of Her Majesty's reign relating to the Trinity House at Montreal.	Sections nine and ten.
		The whole.

**Act of the Legislature of the Province of Nova Scotia Repealed.***Revised Statutes.—Third Series.*

Year and Chapter.	Title of Act.	Extent of Repeal.
Chapter 79.....	Of Pilotage, Harbors, and Harbor Masters.	Sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, and thirty-four, and Schedule A.

**Acts of the Legislature of the Province of New Brunswick Repealed.***Revised Statutes.*

Chapter 64.....	Of Rules and Regulations.	So much of Section one as is in the words following to wit: " <i>Fourteenth</i> —For the government of Pilots, and for fixing the rates of pilotage."
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**Acts passed since the revision of the Statutes.**

3 Vic., c. 70.....	An Act to extend the jurisdiction of the Corporation of the City of Saint John, for the regulation of the rates of pilotage beyond the limits now prescribed by charter.	The whole.
24 Vic., c. 16.....	An Act relating to Pilots.	The whole.
25 Vic., c. 7.....	An Act to revive and make perpetual an Act entitled: An Act to extend the jurisdiction of the Corporation of Saint John, for the regulation of the rates of pilotage beyond the limits now prescribed by Charter.	The whole.

**Law of the Colony of British Columbia Repealed.**

30 Vic., No. 87.	An Ordinance to assimilate the laws for the regulation of pilotage in all parts of the Colony of British Columbia.	The whole.
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Year and Chapter.	Title of Act.	Extent of Repeal.
31 Vic., c. 58.....	An Act respecting the navigation of Canadian waters.	Section fourteen.
32 & 33 Vic. c. 41	An Act to place all Canadian vessels on an equal footing as regards pilotage in the Port of Quebec, and for other purposes respecting pilotage.	The whole.
35 Vic. c. 43.....	An Act respecting the appointment and powers of Commissioners of Pilots for the coasts and harbors of the County of Charlotte.	The whole.

## BYE-LAWS.

SEC .1.—Every person, now acting or holding a license as a Pilot for the Harbour or Port of Saint John, shall forthwith surrender the same to the Pilotage Authority of St. John, under the Pilotage Act of 1873, and shall, if legally entitled thereto, receive a License as a Pilot for the district of Saint John, on the payment of a License fee of Five Dollars, (5.)

2. Every person not already licensed applying to be licensed as a Pilot for the Pilotage district of Saint John, must make application to the Secretary at the office of the Pilotage authority (on the printed form) and be a resident of the City or County of St. John, of not less than 21 years of age, and shall have continuously served, as an indentured apprentice, approved by the Pilotage authority, in a licensed pilot boat, for a term of not less than five years, and shall have made two round voyages to Europe and back, in full-rigged sailing vessels as an articulated seaman, and shall produce certificates from the masters of the vessels in which he made the voyages as to his capability as a seaman; also a certificate of good character while serving his apprenticeship, from the Pilot to whom he was indentured, and shall be examined before examiners appointed for that purpose, by the Pilotage authority, and at that examination shall answer such questions and show such fitness as will warrant them in giving him a certificate of his competency to perform all the duties of a pilot in the pilotage district; and a license shall forthwith issue to such person, on payment of the expense of such examination and a fee of five dollars.

3. If any licensed Pilot shall offer his services to any ship or vessel appearing off or within the pilotage district, or intending to come, or which shall come into the port or harbour of Saint John, and be refused, no other licensed Pilot being on board or having previously offered his services to such ship or vessel, such Pilot so refused shall be entitled to demand and receive the same rate of pilotage as if he had been actually employed to pilot such ship or vessel into the port or harbour, provided such services are offered before such ship or vessel comes abreast of the Island Rock, so called, at the east end of Partridge Island, bearing west from such vessel. And if any licensed Pilot shall offer his services to any ship or vessel outward bound after such ship or vessel shall be cleared at the Custom House, and before being under weigh, no other

licensed Pilot being on board or engaged to pilot out such ship or vessel, such Pilot so offering shall be entitled to demand and receive the pilotage dues in like manner as if actually employed; and if any licensed Pilot shall have been previously engaged, such pilot so engaged shall be entitled to demand and receive the pilotage dues, whether afterwards employed to pilot out such vessel or not; provided such licensed Pilot shall be in readiness and offer to take charge of such vessel when taking her departure.

4. Every licensed Pilot shall be the registered owner of not less than four tons of a licensed pilot boat in actual service, of not less than thirty tons register, under pain of suspension of his license, except as hereinafter provided for tonnage of vessels now used and authorized by law.

5. Licensed Pilots to be entitled to, and receive the amount of pilotage dues, &c., earned by each individually, less the percentage, as hereinafter provided.

6. The Senior Pilot in his turn on board a licensed pilot boat must board the nearest vessel signalling or asking for a Pilot, or exchange turns with one who will do so, unless there should be a vessel in sight with a signal of distress flying, in which case the Pilot on board the pilot-boat whose turn it is, must be put on board the vessel in distress, or exchange turns with one who will do so.

7. Any Pilot, piloting a vessel from sea shall be entitled to pilot her to sea when she next leaves port, unless on complaint of the master or owner, or agent of the said vessel the pilotage authorities direct otherwise.

8. On proof on oath to the satisfaction of the pilotage authority that any Pilot licensed by them has been guilty of any improper conduct, drunkenness or wilful neglect of duty, or that he is incapacitated by age or mental or bodily infirmity, said Pilot shall be suspended or deprived of his license at the discretion of the pilotage authority.

9. The Pilot shall report to the Secretary at the Pilot Office of the Pilotage Authority on the forms furnished him, the name, tonnage, rig, nationality, where from, draught of water, &c., of every vessel piloted by him from sea, where boarded, and what extra services, if any, were rendered; to which report he shall if possible obtain the master's signature. He shall also report all vessels spoken by him which have refused to accept his services, and shall also report any causality or accident that may have happened to any vessel under his charge, or any other matter of importance connected with vessels coming under his observation, and shall also report when any of the bouys are not in their places, or any of the light-houses not lighted at the proper time, or fog whistles not sounded in thick weather, which report shall be made above, immediately after his arrival, or as soon as office hours will permit.

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10. The following vessels are to be exempted from compulsory pilotage: All vessels registered in the Dominion of Canada, of 150 tons and under, and all vessels outward bound beyond the first district.

11. If any Pilot shall be employed in the removal of any ship or vessel within the said port or harbour of St. John, from any mooring ground to any wharf, or from any wharf to any mooring ground, or from one wharf to another wharf, and such pilot shall see the said vessel properly secured and moored, he shall be entitled to demand and receive for such services, as follows:

*One dollar fifty cents* for vessels not over 100 tons. *Two dollars* for vessels over 100 tons, and not exceeding 200 tons. *Three dollars* for vessels over 200 tons, and not exceeding 300 tons. *Four dollars* for all vessels over 300 tons, and not exceeding 400 tons, and *twenty-five cents* additional for every fifty tons such vessel may measure over 400 tons.

12. The rates of pilotage for the pilotage district of the Port or Harbour of Saint John, inwards, shall be as follows:

1st District, from Partridge Island to Musquash Head, bearing N. W., p. foot, *one dollar*.

2nd District, from Musquash Head to Point Lepreaux, N. W., p. foot, *one dollar twenty five cents*.

3rd District, from Point Lepreaux to North Head, Grand Manan, N. W., or North Channel, S. W., p. foot, *one dollar fifty cents*.

4th District, from North Head of Grand Manan, or North Channel, as aforesaid, to Machias Seal Island, south, or Brier's Island, south-east, p. foot, *one dollar seventy five cents*.

5th District, shall be from the outside limit of the fourth district, to a bound ranging with Mount Desert and Cape Sable, Seal Island, bearing north-west and south-east, being the outside limits of the Pilotage District, p. foot, *two dollars twenty five cents*.

Outward Pilotage, from the Harbour of the Port of Saint John, to outside of Partridge Island, shall be *one dollar* p. foot.

Pilotage down the Bay of Fundy, when required, shall be *two dollars* p. foot over and above the one dollar Harbour pilotage outward.

13. No Pilot shall, outside of the pilotage district, board or go on board a ship or vessel for the purpose of piloting her, except from a licensed pilot-boat, unless on an application by the owners, master, consignee or agent of a ship wishing to be piloted, the Pilotage Authority in their discretion may issue a permit, in writing, signed by the Secretary, naming the Pilot to be permitted and the ship to be so boarded or piloted, which permit shall if required by any

Pilot, or other person interested be shewn and read to them by the Pilot to whom it is granted, who shall have the same on his person while performing the duty permitted, and shall return it when used to the Secretary of the Authority, who shall file the same. Any Pilot receiving such permit shall be considered to lose his next turn on board the licensed pilot-boat to which he is attached. Any Licensed Pilot speaking a vessel having a Pilot on board who has gone on board without a permit, as above provided, shall be entitled to the pilotage of the ship or vessel and not the pilot improperly being on board.

14. Every person wishing to become an indentured apprentice to a Licensed Pilot must make application on the proper form in his own handwriting to the Secretary, and have the rudiments of an ordinary English education, and be of good moral character and approved of the Pilotage Authority, and on such approval be indentured to a Licensed Pilot to serve for a term of not less than five years as a pilot apprentice on board of a St. John licensed pilot-boat, under the direction and control of his indentured master, or in his absence of the Senior Licensed Pilot from time to time who may be on board said pilot boat, the conditions to be contained in the indentures to be subject to the approval of the Pilotage Authority.

15. All boats to be licensed as pilot-boats shall be of not less than *thirty tons* register (except as hereinafter provided) and shall be surveyed, and if satisfactory and recommended, shall be licensed for a term not exceeding one year on the payment of a license fee of ten dollars, (\$10.)

All licensed pilot-boats at the end or immediately before the expiring of the above named year, shall again be surveyed and if found satisfactory to the Pilotage Authority, shall have their licenses renewed for a term not exceeding one year, which survey and examinations shall be continued from year to year on the payment of an annual license fee of ten dollars (\$10); provided always that registered vessels of fifteen tons or upwards, at present used as pilot-boats, shall be licensed as pilot-boats for twelve months, after proper survey and recommendation and confirmation of the Pilotage Authority after which no boat shall be licensed of less than thirty tons register, as above mentioned, and on payment of a license fee of ten dollars (\$10.)

16. Every licensed pilot-boat shall have on board and attached to her one or more life-boats and one or more suitable boats for the conveyance of Pilots to and from vessels and for rendering assistance to vessels in distress; also, one or more life-preservers for each Pilot and apprentice belonging and attached to said licensed pilot-boat.

17. All licensed pilot-boats shall have conspicuous numbers in the sails, such numbers and sails to be designated by the Pilotage Authority.

18. Any licensed pilot-boat that may at any time, on examination by the pilotage authority, be found in any way unfit for the service for which she is licensed shall have her license suspended, until she is made and fitted out to the satisfaction of the pilotage authority, and the license so suspended shall, during such suspension, be lodged with the Secretary in the office of the pilotage authority.

19. The owners of each licensed pilot-boat must select a master from among themselves, whose name as master, shall be endorsed on the Register by the Customs Authority, the said master to report the same to the pilotage authority and, if approved, a license shall be granted, as herein provided, and the said master's name endorsed thereon, and the said master shall be the custodian of both the Register and the license of the said boat, and in case of a vacancy caused by the withdrawal or death of the said master, or from any other cause, another master shall forthwith be appointed, in the manner above named, who shall also make a report thereof to the pilotage authority and have his name endorsed on the license.

20. The earnings or pilotage dues earned by each pilot shall be paid to the Secretary and Treasurer of the pilotage authority, who shall pay the same over to the Pilot earning such dues less 2½ per cent., to be carried to the pilot fund of the district, and applied as directed by the Pilotage Act, 1873.

21. Any licensed Pilot not complying with the by-laws or evading the sense, intent or meaning of any or either of them, shall be liable to a penalty not exceeding Forty Dollars for the breach of such By-laws, with, in case of a continuing breach, a further penalty not exceeding Four Dollars for every twenty four hours during which such breach continues, and shall be liable to have his License withdrawn or suspended, at the discretion of the Pilotage Authority.

JAMES A. HARDING,  
HOWARD D. TROOP,  
J. WALTER SCAMMELL,  
W. E. VROOM,  
THOMAS M. REED,  
THOS. McAVITY,  
W. C. WATSON.

PRIVY COUNCIL OFFICE,  
*Ottawa, 6th November, 1874.*

I hereby certify that the foregoing By-laws were submitted and approved of by His Excellency the Governor General in Council on the 4th day of November, instant.

W. A. HIMSWORTH,  
*Clerk Privy Council.*



## OFFICE OF THE PILOTAGE AUTHORITY.

DISTRICT OF SAINT JOHN, N. B., 17th May, 1875.

Consequent on the Harbour of Musquash being included within and placed under the jurisdiction of the pilotage authority of the District of Saint John, New Brunswick,—

It is ordered and declared that the Pilots having Licenses for the District of Saint John shall be Pilots for the extended District including the Harbour of Musquash,—

And that all the By-laws, Rules and Regulations for the government of Pilots licensed shall apply to that port of the District of Saint John called the Harbour of Musquash excepting when inconsistent with and repugnant to the By-laws, Rules and Regulations specially made and applicable to the Harbour of Musquash only.

*Special By-Laws, Rules and Regulations for that part of the Pilotage District of St. John called the Harbour of Musquash.*

That any licensed Pilot, piloting a vessel into the Harbour of Musquash shall have no special right to the piloting of her outwards.

That the captain, owner or consignee may engage any licensed pilot for the District of Saint John or specially licensed for the Harbour of Musquash to pilot his vessel outwards.

That any person now holding a license as a Pilot for the Harbour of Musquash from the Sessions of the City and County of Saint John shall on application in writing to the Pilotage Authority receive a License for piloting vessels bound into and out of the Harbour of Musquash and nowhere else and for transporting vessels when in the said Harbour.

That the Pilotage Authority may grant Licenses for piloting vessels into and out of the said Harbour of Musquash only, to such and so many persons as they may think necessary for the trade of that Harbour if upon examination such person or persons are found, by them or examiners to be appointed by them, fit and competent to perform the duties of a pilot in the taking of vessels in and out of the same.

That such Licenses shall only be valid for one year but may be renewed from year to year on the payment of a fee of Five Dollars, —such renewal to be entirely at the option of Pilotage Authority.

That such License gives no power or right to any person holding the same to pilot any vessel not on her voyage to or leaving the

Harbour of Musquash under a penalty of *Twenty Dollars* or the suspension or withdrawal of his License.

That the said Pilots so licensed are not required to own shares in a pilot-boat.

The Boarding Districts and the rates of pilotage for the piloting of vessels into that part of the District of Saint John called the Harbour of Musquash, shall be as follows:

Nos. 1 and 2 of the Port or Harbour of Saint John shall be No. 1 District of the Harbour of Musquash, and Districts Nos. 3, 4 and 5 of the said Harbour of Saint John shall be Nos. 2, 3 and 4 of the Harbour of Musquash. That the rates of pilotage inwards into the Harbour of Musquash shall be for No. 1 District *One Dollar Seventy-five cents* per foot draft of water and *Twenty-five Cents* additional per foot each District boarded beyond the said 1st District. That the pilotage outwards within the 1st District shall be *One Dollar* per foot.

That the pilotage dues earned by any pilot for piloting a vessel into or out of the Harbour of Musquash shall be collected by the pilot performing the duty, making returns of such pilotage duty performed and amount of money earned and pay unto the Secretary and Treasurer *Twenty-five cents* per foot of the outward pilotage so earned to be applied as hereinafter specified.

Whereas the salary or remuneration of the Secretary and Treasurer of the Pilotage Authority of Saint John is, by an Act further to amend the Pilotage Act of 1873 assented to in April 1875, made a charge on the Pilotage Authority, and to pay the same and other necessary expenses of conducting the Pilotage business of the said District,—

It is ordered that the pilotage of vessels outwards from the Port or Harbour of Saint John shall be increased to *One Dollar Twenty Five cents* per foot draft of water and that *Twenty Five Cents* of such pilotage fee outwards from the Ports or Harbours of Saint John and Musquash shall be deducted from such pilotage money and applied to the paying the expenses of conducting the said pilotage business of the said combined Districts; and that any surplus arising from such deductions, after paying said expenses, in the hands of the Secretary and Treasurer at the end of each fiscal year shall be placed to the credit of the Pilot fund to be expended in accordance with Sect. 39 of the Pilotage Act of 1873 according to the best judgment of the Commissioners.

That so much of Sect. 5 of the By-Laws approved 6th November, 1874 as relates to per centage, is repealed.

If any Pilot shall be desirous of temporarily ceasing to act as a pilot, he shall make application to the Authority for permission to do so, and such permission may be granted by the Authority, if they see fit.

That all Licenses granted to Pilots must be renewed yearly and a fee of *five Dollars* paid therefor.

That all questions in dispute arising between masters of ships, Pilots, and others respecting pilotage shall, when reported in writing by any of the parties interested to the Secretary of the Pilotage Authority of this District be a matter of enquiry by the said Authority who shall through their Secretary, cite parties disputing; and they and their witnesses appearing before the Authority at the time and place named in the citation and being heard, the said Authority shall by themselves, not less than a quorum of them being present, decide the matter in dispute,—which decision when recorded in the minutes of the Book of Records of the Proceedings kept by the Secretary shall be final and the disputants shall be bound thereby.

*Addition to Section No. 11 of By-Laws.*

Provided always that if on the arrival of any ship or vessel in the Harbour of Saint John circumstances prevent such ship or vessel from being placed on the mooring ground or at the wharf intended by the Master, Owner or Consignee of such ship or vessel, it shall be the duty of the Pilot piloting such ship or vessel inwards, to pilot the same when being removed to such mooring ground or wharf if such removal takes place within Twenty-Four Hours after the arrival of such ship or vessel as aforesaid without extra charge for the same.

Amend section 12 of By-Laws 3rd District as follows "from Point Lepreaux to North Head of Grand Manan, N. W. or North Channel, S. E."

J. U. THOMAS,  
Sec. & Treasurer.

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## PRIVY COUNCIL CHAMBER.

OTTAWA, 14th July, 1875.

I certify that the foregoing By-Laws, Rules and Regulations were submitted to and approved by His Excellency the Administrator of the Government in Council on the 9th day of July instant.

W. A. HIMSWORTH,  
Clerk, Privy Council.

## OFFICE OF THE PILOTAGE AUTHORITY.

DISTRICT OF SAINT JOHN, N. B., 20th May, 1875.

At a meeting of the Commissioners this day, Present—

JAMES A. HARDING,  
W. C. WATSON,  
T. M. REED,

HOWARD D. TROOP,  
W. E. VROOM and

It was moved and carried that J. U. Thomas be continued and appointed as Secretary and Treasurer of the St. John Pilot Commission and that the salary be Eight Hundred Dollars a year, commencing on the 1st day of May last past;

And that the said salary and other necessary expenses of conducting the Pilotage business of the District be paid out of the Pilotage dues and fees for License received by said Pilotage Authority;

That the foregoing resolutions be forwarded to the Governor in Council, asking their sanction to the same,

J. U. THOMAS,  
Secretary and Treasurer.

Approved by the His Excellency the Administrator of the Government in Council on the 9th July, 1875.

W. A. HIMSWORTH,  
Clerk, Privy Council.



## 38 VICTORIA.

### CHAP. 28.

An Act further to amend "The Pilotage Act, 1873."

[Assented to 8th April, 1875.]

In further amendment of the Act passed in the thirty-sixth year of Her Majesty's reign intituled: <sup>Preamble</sup> "An Act respecting Pilotage," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— <sup>36 V., c. 54</sup>

1. Except as respects the River St. Lawrence <sup>Sec. 57</sup> so much of the fifty-seventh section of the said Act as defines the ships which shall be exempted <sup>amended.</sup> from payment of pilotage dues, including the proviso at the end of the said section, is hereby repealed, and the following substituted therefor as part of the said section, that is to say:—

"The following ships (called in this Act, exempted ships) shall be exempted from the compulsory payment of pilotage dues:—

- (1.) Ships belonging to Her Majesty;
- (2.) Ships wholly employed in Her Majesty's service, while so employed, the masters of which have been appointed by Her Majesty's Government, either in the United Kingdom or in Canada.
- (3.) Ships propelled wholly or in part by

<sup>What shall be exempted ships.</sup>

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steam, employed in trading between the Provinces of Quebec, New Brunswick, Nova Scotia and Prince Edward Island, or employed on voyages beginning at any port in any of the said Provinces and ending at the Port of New York, or in any port of the United States of America on the Atlantic, north of New York, or *vice versa*;

(4.) Ships of not more than eighty tons, registered tonnage;

(5.) Any ship of which the master or any mate has a certificate granted under the provisions of this Act and then in force, authorizing him to pilot such ship within the limits within which she is then navigating;

(6.) Ships of such description and size, not exceeding two hundred and fifty tons, registered tonnage, as the pilotage authority of the District with the approval of the Governor in Council, may from time to time determine, shall be exempted from the compulsory payment of pilotage in such District."

2. A pilot shall be liable to suspension or dismissal by the pilotage authority of the District, for any of the offences mentioned in the seventy-first section of the said Act, upon such evidence as the said authority deems sufficient, and whether he has or has not been convicted of or indicted for such offence, in the Pilotage District of Quebec, any pilot shall have the right to appeal to the Superior Court for the Province of Quebec, from any judgment rendered against him by the pilotage authority, and for the purposes of such appeal and provisions contained

Sec. 71  
amended  
as to pilots  
guilty of  
certain  
offences.  
Appeal in  
Quebec.

in section seventy-three of the Act of the legislature of the late Province of Canada, twelfth Victoria, chapter one hundred and fourteen, shall apply.

3. Sections eleven and sixteen of the said Act, authorizing the appointment by the Governor of the Secretary and Treasurer of the Halifax and St. John Pilot Commissioners respectively are hereby repealed; and the Pilotage authority of any District other than the Pilotage authority of Quebec may, with the sanction of the Governor in Council, appoint a Secretary and Treasurer, and pay him such salary or remuneration, out of pilotage dues or fees for licenses received by them, as they may see fit, and may, with such sanction and out of such funds, pay any other necessary expenses of conducting the pilotage business of the District.

Secs. 11 and 16 repealed. Secretary-Treasurers may be appointed and paid.

4. In the Pilotage District of Quebec all the Pilotage business done by the Trinity House of Quebec shall continue to be done by the Quebec Harbour Commission, and by its officers, from and after the first day of January, 1876.

Pilotage business in District of Quebec to be done by Harbour Commission.



The Numbers of the Boat be  
painted on the Main Sail in the  
centre between the ~~Close~~ Reef and  
the Gaff. Three feet long.



