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No. 268.

2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

An Act to repeal a certain Act and Ordinance therein mentioned, relating to the Trinity House of Montreal, and to amend and consolidate the provisions of the said Act and Ordinance.

Received and Read a first time, Monday, 23rd
April, 1849.

Second Reading Thursday, 26th April, 1849.

MR. CAUCHON.

PRINTED BY LOVELL AND GIBSON.

B I L L .

An Act to repeal a certain Act and an Ordinance therein mentioned, relating to the Trinity House at Montreal, and to amend and consolidate the provisions thereof.

WHEREAS it is expedient to provide for the better Preamble. regulation of that part of the River Saint Lawrence between the Basin of Portneuf exclusively, in the District of Quebec, and

5 and of the several rivers falling into the River St. Lawrence within the said limits, and of the Shipping therein, and of the Pilots employed in the navigation thereof, and to continue a Trinity House in the City of Montreal, independent of, and distinct from the Trinity House of Quebec, and for other purposes; And whereas the several
10 Acts under which the Trinity House of Quebec was heretofore constituted and governed are repealed by an Act of this Session, whereby the jurisdiction of the said Trinity House is limited to places below: Be it therefore enacted,
15 &c.

And it is hereby enacted by the authority of the same, That the Ordinance of the Governor and Special Council for the affairs of the late Province of Lower Canada passed in the second year of Her Majesty's Reign, and intituled,
20 "*An Ordinance to suspend in part certain Acts therein mentioned, and to establish and incorporate a Trinity House in the City of Montreal,*"—and the Act of the Legislature of this Province passed in the Session held in the fourth and fifth years of the Reign of Her present Ma-
25 jesty, and intituled, "*An Act to provide for the construction of certain Light Houses and Lights within the Port of Montreal,*"—shall be, and the same are hereby repealed; Pro-
30 vided, nevertheless, that no Act or Ordinance or part of an Act or Ordinance repealed by the Act or the Ordinance hereby repealed, shall be revived by the passing of this Act; and notwithstanding the repeal of the Act and the Ordinance hereby repealed, all matters and things which might have been done, and all proceedings which might have been taken or prosecuted, relating to any of-
35 fences which shall have been committed, or to any matters which shall have happened, or to any pilotage or other moneys which shall have become due, or to any fines or penalties which shall have been incurred before the passing of this Act, may still be done and prosecuted, and the of-
40 fences may be dealt with and punished, and the pilotage and other moneys may be recovered and dealt with, and the

L. C.
Ordinance, 2,
Vict: (3) c. 19,
repealed.

Canada,
4 and 5 Vict.
chap. 59, re-
pealed.

Repeal of such
Act and Ordinance not to
revive former
Acts and Ordinances, nor
to interfere
with the validity of pro-
ceedings under them.

Proviso.
The Corpora-
tion of the
Trinity House
of Montreal
to continue.

finances and penalties may be enforced and applied as if the Act and the Ordinance hereby repealed continued in force : Provided always, that nothing in this Act contained shall operate as a dissolution or extinguishment of the said Corporation of the Trinity House of Montreal, as at present established by law, but that the present members thereof, to wit : the present Master, the present Deputy Master, and the present Wardens of the Trinity House of Montreal and their successors in office to be appointed as hereinafter provided, shall remain and continue to subsist 10 as, and shall be a body corporate and politic for the purposes of this Act, in name and in deed, by the name of *The Master, Deputy Master and Wardens of the Trinity House of Montreal*, and shall continue to have perpetual succession and a common seal, with power to change, 15 alter, break, and make new the same, when and as often as they shall think fit so to do, and they and their successors by the same name shall sue and be sued, implead and be impleaded, answer and be answered, in any Court of Record or place of Judicature in this Province, in as large, 20 ample, and beneficial a manner and form as any other body politic and corporate, or any persons able and capable in Law, may or can sue, implead or answer, or be sued, impleaded or answered in any manner whatsoever, and shall be able and capable in Law to purchase, take, 25 acquire, receive, have, hold, possess, enjoy and retain any real or immovable property, for the purpose of erecting Light Houses or Beacons, and for the other purposes of this Act; and also to take, purchase, acquire, receive, hold and possess any personal or movable property what- 30 soever for the like or any other purposes of this Act: And provided further, that nothing in this Act contained shall revoke or be construed to revoke the commission or appointment of the present Officers of the said Corporation.

Proviso.

Existing By-
laws continued
until repealed
or altered.

II. Provided always and be it enacted, That all By- 35 laws, Rules, Orders and Regulations heretofore lawfully made by the said Corporation of the Trinity House of Montreal, and in force at the time of the passing of this Act, and which shall not be at variance with any of the provisions herein contained, shall remain, continue and be 40 in full force and virtue until the same respectively shall be annulled or altered, or other By-laws, Rules, Orders or Regulations made in lieu thereof under this Act, and shall be and are hereby declared to be good and valid By-laws, Rules, Orders and Regulations under this Act, 45 as fully as if they had been made under the authority of the same; anything hereinbefore contained to the contrary notwithstanding; And provided further, that the said Corporation shall within three months from and after the passing of this Act, by a By-law to that effect, regulate 50 and adjust the amount of costs recoverable in and upon the several and respective prosecutions and law proceedings to be commenced and had under this Act.

Proviso.

III. And be it enacted, That it shall be lawful for the Governor of this Province, by an Instrument under the Great Seal of this Province, to remove from time to time the said Master, Deputy Master and Wardens, or any or
 5 either of them, and to appoint others to be the successors of such as shall be so removed or shall die or resign their trust; Provided always, and it is hereby enacted, that the Master of the Trinity House of Montreal for the time being, shall always *ex-officio* be the principal of the said Cor-
 10 poration; And provided also, that the number of the Wardens shall never exceed seven at any one time; and it shall also be lawful for the Governor of this Province in like manner to appoint and remove from time to time such Officers, Clerks and Bailiffs, as he shall judge ne-
 15 cessary for the said Corporation.

Power to the Governor to remove and appoint the members and officers of the Corporation.

Proviso.

Proviso.

IV. And be it enacted, That for all the purposes of this Act, the Port of Montreal shall be held and deemed to comprehend all that part of the River St. Lawrence which extends from the Basin of Portneuf, exclusively,
 20 in the County of Portneuf, in the District of Quebec, to the Province line formerly dividing the Provinces of Upper and Lower Canada, and shall include the several rivers falling into the St. Lawrence within the said limits; and the Harbour of Montreal, for the said purposes, shall
 25 be held and deemed to extend to and comprehend that part of the said River St. Lawrence extending from the Point commonly called Point St. Charles, to the south-west end of the Military Hospital, below the Quebec Barracks, and it shall be incumbent on the Master,
 30 Deputy Master and Wardens to cause to be erected land-marks to indicate the said boundaries, which land-marks shall be taken to determine the same.

Limits of the Port and Harbor of Montreal.

V. And be it enacted, That the said Master, Deputy Master and Wardens of the Trinity House of Montreal,
 35 or any three of them, of whom the Master or Deputy Master shall always be one, shall and may assemble and adjourn, and again assemble at such times and at such places within the said City of Montreal, as shall seem to them, or to the major part of them so assembled as afore-
 40 said, to be necessary; and being so from time to time assembled as aforesaid, shall have full power and authority to make, ordain and constitute such and so many By-laws, Rules, and Orders not repugnant to the Maritime Laws of Great Britain, or to the laws of this Province,
 45 or to the express provisions of this Act, as by them or the major part of them so assembled as aforesaid, shall be judged expedient and necessary for the following purposes, to wit:—for the direction, conduct, and government of the said Corporation, and of the property real
 50 and personal by them held;—for the more convenient, safe and easy navigation of the River St. Lawrence, and of the several navigable rivers within the limits of the

Power to the Corporation to assemble and make By-laws.

Port of Montreal, from the Basin of Portneuf, in the
 County of Portneuf, to the Province line formerly divid-
 ing the Provinces of Upper and Lower Canada, as well
 as by the laying down and taking up of buoys and anchors
 as by the erecting of light-houses, beacons, or land-marks, 5
 placing of light ships or floating lights, the clearing of
 sands or rocks, or other obstructions, or otherwise how-
 soever;—for the amendment, improvement, and regulation
 of the Harbour of Montreal and other Harbours within
 the limits of the said Port, and preventing injury thereto, 10
 and for removing and preventing encroachments and en-
 cumbrances thereon;—for the anchoring, riding, and
 fastening of all ships, steamers, and other vessels resort-
 ing to the said Harbours, and for the better regulating and
 ordering of the same while lying in the stream, or at any 15
 wharf or other landing-place in the said Harbours;—for
 regulating and controlling the use of lights, and of fire
 places on board of such ships, steamers, or other vessels
 when lying at any wharf or other landing place within the
 said Harbours;—for regulating and controlling the land- 20
 ing of gunpowder within the limits of the Harbour of
 Montreal;—for regulating the boiling and melting of pitch,
 tar, turpentine or rosin, or any other inflammable sub-
 stance, in the said Harbours, or on the beaches thereof;
 —for the maintenance of order and regularity, and the 25
 prevention of theft and petty depredations in the said
 Harbours;—for the government and regulation of Pilots
 for and above the Harbour of Quebec;—and the same to
 revoke, alter and amend, as in their opinion will most
 effectually promote the purposes for which this Act is in- 30
 tended; and for enforcing the execution of the said By-
 laws, Rules and Orders, the said Master, Deputy Master
 and Wardens, or any three of them assembled as afore-
 said, are hereby further empowered, in and by such By-
 laws, Rules and Orders, to impose and lay any fine and 35
 penalty not exceeding _____ currency
 upon every person who shall be guilty of infringing such
 By-laws, Rules and Orders, or to suspend for a time, or
 to dismiss from office such person, if a Pilot, who shall be
 guilty of the breach of any such By-laws, Rules and 40
 Orders as by them, or the majority of them as aforesaid,
 shall be judged fit and reasonable: Provided always, that
 no such By-law, Rule or Order shall have any force or
 effect until the same shall have been sanctioned and con-
 firmed by the Governor of this Province in Council, and 45
 shall thereafter have been published in such public ga-
 zette or newspaper as shall be published by authority; and
 all such By-laws, Rules and Orders as shall be so made
 and confirmed as aforesaid, shall be printed and shall be
 hung up in some public or conspicuous place in the Cus- 50
 tom House of the Port of Montreal, and copies thereof,
 certified by the Clerk or Registrar of the said Corpora-
 tion, under the seal thereof, shall be admitted as full proof
 of the same in all Courts of Justice in this Province.

VI. And be it enacted, That before the said Master, Deputy Master and Wardens shall enter upon the execution of the duties for them prescribed by this Act, or any of them, they shall severally take and subscribe an oath, before one of the Justices of the Court of Queen's Bench for the District of Montreal, in the words following, that is to say: I, A. B., do swear that I will truly and impartially, according to the best of my skill and understanding, execute the powers vested in me by a certain Act, intituled, *An Act to repeal a certain Act and an Ordinance therein mentioned, relating to the Trinity House at Montreal, and to amend and consolidate the provisions thereof;* So help me God;" which oath so taken and subscribed, shall be fyled of record and remain deposited in the Office of the Prothonotary of the said Court.

Master, Deputy Master, and Wardens to take an oath.

Oath.

VII. And be it enacted, That it shall be lawful for the Master, Deputy Master and Wardens of the said Trinity House of Montreal, or any three or more of them, to hear and determine all matters and things relating to any beach of the River St. Lawrence, or of any other rivers within the jurisdiction of the Corporation, disputes between any Pilot and any Master of a ship or vessel, respecting any sums of money claimed for pilotage or extra or other services, and also all matters of complaint against Pilots for neglect or misbehaviour in any part of the duty required of them by this Act, or by the By-laws, Rules, Regulations or Orders of them, the said Master, Deputy Master and Wardens, enacted and made by virtue of this Act, as well as to hear and to determine all offences committed against this Act, or against any such By-laws, Rules, Regulations or Orders, by any person or persons whatsoever, for which especial provision is not herein made for trial by other jurisdictions, and that the said Master, Deputy Master and Wardens, or any three of them, are hereby required and empowered, upon information, to summon the party accused, or from whom money shall be claimed, (which service of summons may be made either within the limits of the Port of Montreal or the Port of Quebec,) and the witnesses to be heard as well in his favour as against him, by any of the Bailiffs of the said Corporation, and upon the appearance, (or default of the party accused or complained against, in not appearing, upon proof of service of such summons,) to proceed to the examination of the witness or witnesses upon oath, and to give judgment accordingly, with such costs thereupon as they shall think reasonable; and when the party accused or complained against shall be convicted of such offence, or if judgment be given on such claim by proof or confession, to issue a warrant or warrants under the hand of the Registrar and under the seal of the said Corporation, empowering and requiring any of the Bailiffs of the Corporation, of the goods and chattels belonging to the party convicted, to levy the amount of such judgment or of any pecuniary

Master or Deputy Master and Wardens may determine matters respecting Beaches.

Disputes between Pilots and Shipmasters.

Master, &c. may summon Witnesses, &c.

May award costs, issue Warrants, and levy amount of Judgment or Fine.

Bailiff may board any vessel within limits of jurisdiction.

In cases of a return of *nulla bona*.

Proviso.
12.

From Judgment above £26, currency appeal to Queen's Bench on giving security.

Above £500 sterling, to Provincial Court of Appeals, &c.

Proviso.

fine imposed by such conviction, with the costs of suit, and cause sale thereof to be made, which warrant shall authorize the Bailiff to go on board of any ship or vessel lying on any part of the River St. Lawrence, or any other river within the limits of the jurisdiction of the said Trinity House of Montreal, and there to execute by *saisie* and sale of goods and chattels which shall then and there be found appertaining to the person or persons against whom such warrant shall be thus issued, and also so to go on board, on return of *nulla bona*, to execute the warrants as hereinafter mentioned: and when the goods of such person or persons so convicted, or against whom a judgment shall be given, shall not be found, the said Master, Deputy Master and Wardens, or any three of them, on return of *nulla bona* to them made by such Bailiff, shall and may by warrant under the hands of any two of them, and of the Registrar, and the seal of the said Corporation, addressed to any of the Bailiffs of the said Corporation, cause to be apprehended and committed, the person or persons against whom such judgment shall have been so given, or the person or persons so convicted, to the Common Gaol of the District in which such person shall be found, there to remain until the penalty imposed by such conviction, or the amount of the judgment given, with the costs in either case, shall have been paid and satisfied: Provided always, that no person so committed shall be so detained in prison for a period exceeding calendar months; and provided also, that all disputes between Pilots and Masters of vessels, occurring on the River St. Lawrence, and while the vessel is on her way from Quebec to Montreal, or from Montreal to Quebec, may be heard and determined either by the Master, Deputy Master and Wardens of the Trinity House of Quebec, or by the Master, Deputy Master and Wardens of the Trinity House of Montreal.

VIII. Provided always, and be it enacted, That the Master of any ship or vessel or any person or persons, against whom a judgment shall be given as aforesaid, for a sum exceeding twenty pounds currency, upon giving security to the person or persons in whose favour such judgment shall be so rendered, to the satisfaction of the Master or Deputy Master and Wardens who rendered such judgment for the amount thereof, with costs, shall be entitled to an appeal to the Court of Queen's Bench of the District of Montreal, and the said Court of Queen's Bench, upon the hearing of such appeal, shall give such judgment as in its consideration shall be just and right, with costs, and the judgment of such Court of Queen's Bench shall be final except in cases exceeding the sum of five hundred pounds sterling, in which case an appeal shall lie in the ordinary course of law to the Provincial Court of Appeals, and from thence to the Court of Her Majesty, in Her Privy Council: Provided also, that nothing in this Act contained shall extend or be construed to

extend or authorize the going on board of Her Majesty's ships or vessels by Her duly commissioned, to serve any summons, or to execute any warrant of service from the said Corporation: Provided also, that the proceedings Proviso.
 5 and evidence had before the said Master, Deputy Master and Wardens, where their judgement shall exceed the sum of twenty pounds currency, shall be recorded and preserved of record, and also in all cases where the same shall extend to deprive a Pilot of his Branch or License.

10 IX. And be it enacted, That in all cases where it shall be necessary to serve a writ of summons upon any person or persons, for any offence committed against this Act, or against any such By-laws, Rules, Regulations or Orders made and constituted by this Corporation, the service of
 15 such writ, if the party offending is not to be found, or refuse to give his name, shall be deemed a legal service, if the copy of such writ is left by the Bailiff of the Corporation on board of the ship, vessel, steamer, raft or river craft, belonging to or in charge of the party so offending,
 20 between the hours of seven in the morning and six in the afternoon, in the hands of some reasonable person on board, to whom the Bailiff shall explain the purpose of such summons.

X. And be it enacted, That the said Master, Deputy Power of Master and Wardens to administer oaths.
 25 Master and Wardens, when sitting judicially upon any complaint cognizable by them or any number of them under this Act, are, and each of them is hereby empowered to administer an oath unto the witness or witnesses who shall be produced on either side, as well as unto the Plaintiff
 30 or Plaintiffs, Defendant or Defendants, or any other person whom in such case it shall be necessary to examine on oath, upon the trial of any such complaints, and any person who shall wilfully swear falsely under such oath, shall be guilty of wilful and corrupt perjury, and being there-
 35 of duly convicted, shall be liable to all the pains and penalties provided by law against that offence. False swearing.

XI. And be it enacted, That when any person or persons against whom judgment shall be given by the Master, Deputy Master and Wardens of the Trinity House of
 40 Montreal, or any three of them, shall not have sufficient goods and chattels within the jurisdiction of the said Trinity House wherein such judgment shall have been obtained, but shall have goods and chattels within the jurisdiction of the Trinity House of Québec, it shall
 45 be lawful for the Master or Deputy Master and Wardens, under the hand of the Registrar of the said Trinity House and seal of the Corporation, to award execution, addressed to the Water Bailiff or any Bailiffs of the Trinity House of Québec, who after
 50 getting the warrant endorsed by the Master or Deputy Master of the said Trinity House of Québec, (who is hereby required to endorse the same,) in the jurisdiction. Where the Defendant has not goods within the jurisdiction of the Trinity House of Montreal— but shall have such within the jurisdiction of the Trinity House of Québec.

of which the goods and chattels are situated, shall execute the same, and make return thereof to the Trinity House of Montreal, from which it issued; and such warrant and return shall be by him sent to the Registrar of the Trinity House of Montreal, whence the warrant was originally awarded to be delivered to the Master, Deputy Master and Wardens of the said Trinity House of Montreal, and the said Master, Deputy Master and Wardens of the said Trinity House of Montreal, may in like manner award a warrant against the body of a person or persons residing in the jurisdiction of the said Trinity House of Quebec, in cases where such warrant is by this Act allowed, and such warrant being indorsed by the Master or Deputy Master of the Trinity House of Quebec, who is hereby required to indorse the same, may be executed within that jurisdiction, and the Water Bailiff or Bailiffs executing the warrant to him in such case directed, shall convey the body of such person or persons into the Common Gaol of the District and jurisdiction wherein such person or persons shall be arrested.

Warrant
against the
body.

Power to pre-
serve order in
Court.

XII. And be it enacted, That the said Master, Deputy Master and Wardens, or any three of them sitting in their judicial capacity, shall have such and the like power and authority to preserve order in their Court during the holding thereof, and by the like ways and means as now by law are or may be exercised and used in the like case, and for the like purpose, or by any Courts of Justice in this Province, or by the Judges thereof respectively, during the sitting thereof.

Power to com-
mit witnesses
refusing to at-
tend.

XIII. And be it enacted, That it shall be lawful for the said Corporation of the Trinity House of Montreal to tax and allow to each and every person duly summoned and appearing before them as a witness, upon any complaint or information, his reasonable expenses in giving his attendance, and also such compensation for loss of time as in their discretion they shall think fit, and the circumstances of the case may seem to them to require, and that every sum so taxed and allowed shall enter into and form part of the costs which the losing party in each case shall be condemned to pay; and that if any person who shall be duly summoned as a witness upon any complaint or information before the said Corporation of the Trinity House of Montreal, shall refuse or neglect to appear at the time by such summons appointed, having no just cause for such neglect or refusal, it shall be lawful for the said Corporation of the Trinity House of Montreal, on proof of such summons having been served, to issue a warrant under the seal of the said Corporation, to bring such person before them; and if on his appearance, or on being brought before the said Corporation of the Trinity House of Montreal, such person shall refuse to be examined on oath concerning the premises, without having some just cause for such refusal, it shall be lawful for the said Cor-

poration, by warrant under their seal, to commit such person to the Common Gaol of the District of Montreal, or of any other District in this Province where such person shall be apprehended, there to remain for any time
5 not exceeding three months, as the said Corporation shall direct.

XIV. And be it enacted, That no person shall here-
after be appointed and commissioned as a Pilot for and
above the Harbour of Quebec, until he shall have been
10 examined in the presence of such Branch Pilots as may
have been summoned for that purpose by the Master,
Deputy Master and Wardens, or any three of them (and
who shall propose questions,) and shall have obtained a
certificate from the said Master, Deputy Master and War-
15 dens of the said Trinity House of Montreal, or any three
of them, of whom the Master or Deputy Master shall be
one, under their hands, and the hand of the Registrar and
the seal of the said Corporation, of his having been so
examined, and being found in all things duly qualified to
20 serve as a Branch Pilot for and above the Harbour of
Quebec: Provided always, that every Pilot who now
holds a Branch shall continue to hold the same, unless he
shall by some offence committed after the passing of this
Act, and after conviction thereof, have forfeited such
25 Branch.

Appointment
of Pilots.

XV. And be it enacted, That from and after the pass-
ing of this Act, no person shall be permitted to undergo
an examination to obtain a License and to act as Pilot for
and above the Harbour of Quebec, unless he shall have
30 been constantly employed during five years in the river
navigation between Quebec and Montreal, during which
period he shall have been employed three years in sailing
vessels, and shall prove the same in a satisfactory manner
by certificate from two or more persons, which certificate
35 shall be duly attested by the oath of the persons giving
the same, if required by the Corporation of the Trinity
House of Montreal, or by any of the persons present at
such examination.

Examination
of Pilots.

XVI. And be it enacted, That when and as often as
40 any pecuniary penalty incurred by any Branch Pilot for
and above the Harbour of Quebec, under the provisions
of this Act, shall have remained unpaid for the space of
three months after the conviction of such Pilot for the
offence to which such penalty is attached, such Pilot shall,
45 from and after the expiration of the said period of three
months, be and remain suspended from the exercise of
his functions as a Pilot, until the said penalty and the costs
awarded on such conviction shall have been fully paid:
Provided always, that it shall be lawful for the said Cor-
50 poration to insert in any such conviction the penalty of
such suspension as aforesaid, in case such pecuniary pen-

Pilots suspen-
ed until pay-
ment of fine
and costs in
certain cases.

Proviso.

alty shall not be paid within a certain period to be therein mentioned, which period shall in no case exceed three months nor be less than one.

Dismissal and re-instatement of Pilots.

XVII. And be it enacted, That in case of the loss of any ship, steamer or other vessel, or of damages done to the same, through the fault of any Branch Pilot for and above the Harbour of Quebec having charge of the same, it shall and may be lawful to and for the said Master, Deputy Master and Wardens of the Trinity House of Montreal, or any three or more of them, upon complaint or information of the Master or owner of such ship, steamer or other vessel, or other person whomsoever, to declare that such Pilot has forfeited his Branch, and such Pilot shall be deprived of his Branch accordingly: Provided always, that any such Branch Pilot who hereafter or already, may have forfeited and been deprived of his Branch, by reason of the loss of any ship, steamer or other vessel, or for any other cause whatsoever, shall and may at any time hereafter, on application of such Pilot, be by the said Master, Deputy Master and Wardens, if they shall deem it expedient so to do, reinstated under a new Branch, such Pilot being previous to his rehabilitation, examined by the said Master, Deputy Master and Wardens of the Trinity House of Montreal, and by them approved, as to his fitness and capacity.

Proviso.

Annual list of Branch Pilots.

XVIII. And be it enacted, That a list of the Branch Pilots for and above the Harbour of Quebec, specifying their names, ages and places of residence, shall annually be delivered in the month of March, in each and every year, signed by the Master or Deputy Master, and by one or more of the said Wardens, and by the Registrar of the said Trinity House of Montreal, to the Corporation of the Trinity House of Quebec, to the Collector of the Customs at Quebec, and to the Collector of the Customs at Montreal, which lists the said Collectors respectively shall put up in some public place in the Custom House, in each of the said Cities.

Penalty on Pilots declining duty or quitting ships.

XIX. And be it enacted, That every Branch Pilot for and above the Harbour of Quebec, who shall when not actually engaged in his capacity of Pilot, refuse or decline to take charge of any ship, steamer or other vessel wanting a Pilot, and within the limits specified in his Branch, upon being required so to do, by the Captain or by any Officer of or belonging to such ship, steamer or other vessel (if the same shall be in Her Majesty's service,) or by the Master or other person having the command of such ship, steamer or other vessel, or by any person interested therein as principal or agent (if the same shall not be in Her Majesty's service,) or upon being required so to do in either of the cases aforesaid by any Member or Officer of the said Corporation of the Trinity House of

Montreal, unless (in any of the cases aforesaid) it shall be unsafe for such Branch Pilot to comply with such requisition, or he shall be prevented from so doing by illness or other sufficient cause to be shewn by him in that behalf; and every Branch Pilot for and above the Harbour of Quebec, who shall, without just and sufficient cause, quit any ship, steamer or other vessel, or decline the piloting thereof, after he has been engaged to pilot the same, before the service shall have been performed for which he was hired, and without leave of the Captain of such ship, steamer or other vessel (if in Her Majesty's service,) or of the Master or other person having the command of such ship, steamer or other vessel (if not in Her Majesty's service,) shall forfeit for every such offence, any sum not exceeding currency, £20. and shall be liable to be dismissed from being a Branch Pilot, or suspended from acting as such, at the discretion of the said Corporation of the Trinity House of Montreal.

XX. And be it enacted, That whenever any Branch Pilot for and above the Harbour of Quebec shall have been duly and lawfully convicted under the authority of this Act, of want of due care and diligence, or of incapacity in conducting any ship, steamer or other vessel, it shall be lawful for the said Master, Deputy Master and Wardens of the Trinity House of Montreal to adjudge that such Branch Pilot shall, in addition to any fine or penalty which he may be condemned to pay, or any other punishment which may be imposed upon him in consequence of such conviction, forfeit and lose any sum of money which he would otherwise be entitled to have and receive for piloting such ship, steamer or other vessel on that occasion, and if such sum of money, or any part thereof, shall have been already paid to such Branch Pilot, he shall on such conviction as aforesaid, refund such sum of money as he may have so received to the person from whom he received the same.

Pilot convicted of negligence may be condemned to forfeit Pilot money.

XXI. And be it enacted, That if any person not being a Branch Pilot as aforesaid, shall conduct or pilot any ship or vessel, not being a river craft, steamer, barge, or lighter, engaged in the navigation between Quebec and Montreal only, for hire or otherwise, on the River St. Lawrence, between the Basin of Portneuf aforesaid and the Harbour of Montreal, such person shall for every such offence, forfeit and pay the sum of £20 currency, to be recovered, with costs, by any person who shall sue for the same before the said Master, Deputy Master and Wardens of the said Trinity House, or any three of them; which forfeiture or forfeitures shall go to the Master, Deputy Master and Wardens of the said Trinity House, and be applied in the manner hereinafter directed; and if any Branch Pilot, during such time as he shall be suspended and deprived of his Branch under

Penalty of £ on persons not being Branch Pilots acting as such.

treal or to any other place above the Town of Three Rivers and below the Harbour of Montreal, for a vessel not exceeding two hundred tons measurement, by register thereof, upwards *eleven pounds*, and downwards *seven pounds ten shillings*,—if above two hundred tons and not exceeding two hundred and fifty tons, upwards *thirteen pounds*, and downwards *eight pounds fifteen shillings*,—and if above two hundred and fifty tons, upwards *sixteen pounds*, and downwards *ten pounds fifteen shillings*: Pro-
 5
 10 vided always, that whenever the vessel shall be towed by a steamer, the Pilot shall be entitled to one half only of the above rates, and no greater rates or reward or emolument for such pilotage shall, under any pretence whatever, be demanded, solicited, received, paid or offer-
 15 ed, on pain of forfeiting not exceeding Penalty. £10. currency, for every such offence, as well by the person demanding, soliciting or receiving, as by the person pay- ing or offering such greater rates, reward or emolument.

XXIV. And be it enacted, That the Montreal Decayed Montreal De-
cayed Pilots'
Fund.
 20 Pilots' Fund, and all and every the sums of money com- posing and forming part of the same at the time of the passing of this Act, or which shall hereafter be contributed to or form part of the same under the provisions of this Act, shall be and shall continue to be vested in the said
 25 Master, Deputy Master and Wardens of the Trinity House of Montreal, for the purpose of relieving Pilots for and above the Harbour of Quebec, and the widows and children of such Pilots who may have fallen or may fall into decay, misery, poverty and need, and shall be and
 30 shall continue to be under the management of the said Master, Deputy Master and Wardens of the Trinity House of Montreal, who are hereby authorized and required to grant such relief out of the same, to such distressed and decayed Pilots, and the widows and children of such
 35 Pilots, as the said Master, Deputy Master and Wardens of the Trinity House of Montreal, or a majority thereof, may deem just and proper; and the moneys which at the end of each year shall not be distributed for the said purpose, shall be vested in public debentures, or other securi-
 40 ties bearing interest upon immovable property, according to the best of the judgment of the said Master, Deputy Master and Wardens of the Trinity House of Montreal, or a majority thereof, and an account of the state of the said fund shall annually be laid before the Governor of
 45 this Province.

XXV. And whereas it is necessary to provide for the maintainance of the Montreal Decayed Pilot Fund, be it Contribution
of Pilots.
 enacted, That every person who at present is or who shall hereafter become a licensed or Branch Pilot for and
 50 above the Harbour of Quebec, shall contribute to the said Fund *one shilling* in the pound out of every sum of money which after the passing of this Act he shall be entitled

to receive for pilotage, which said contributions shall be levied and recovered in the manner hereinafter mentioned.

Masters of
Ships not be-
longing to Her
Majesty, re-
tain Poundage.

XXVI. And be it enacted, That the Master or Com-
mander of every ship, steamer or other vessel (not be-
longing to Her Majesty) is hereby authorized and required 5
to stop and retain *one shilling* in the pound out of every
sum of money accruing and payable to any Branch Pilot
for and above the Harbour of Quebec for the pilotage of
the ship, steamer or other vessel by him commanded, as
well on the passage inwards as on the passage from Mon- 10
treal outwards, and for moving the same within the Har-
bour of Montreal, and every poundage so required to be
stopped and retained shall, by every Master or Commander
be paid as hereinafter directed and provided for, before
the ship, steamer or other vessel by him commanded shall 15
be cleared outwards: Provided always, that a sum of
money equal to *one shilling* in the pound out of every
sum of money received or to be received hereafter by
each and every Pilot for and above the Harbour of Que-
bec, for the pilotage of ships, steamers or other vessels 20
belonging to Her Majesty, shall be paid and be payable
by such Pilot to the Treasurer of the said Corporation,
and shall be paid on or before the first day of July and on
or before the first day of January in every year; and the
said Master, Deputy Master or some of the Wardens are 25
hereby authorized and required, when any doubt shall
arise as to the amount of such pilotage received by a Pilot;
to administer to him an oath to ascertain the amount; and
if any such Pilot liable to contribute to such Fund in
manner last aforesaid, shall neglect to pay to the Treasurer 30
of the Corporation the said poundage on the pilotage by
him so received, for the three months following the periods
aforesaid, every such Pilot so neglecting, upon conviction
thereof before any three Wardens, shall forfeit and pay 35
for the use of the said Fund a sum not exceeding

£10.

currency; and upon a second conviction for
a like offence, shall be suspended during three months;
and if a third time convicted of a like offence, shall forfeit
his Branch as a Pilot, and be rendered incapable of after-
wards receiving, or his widow or children, any benefit or 40
assistance from the said Fund.

Collector of H.
M. Customs to
collect contri-
butions from
vessels not be-
longing to Her
Majesty.

XXVII. And be it enacted, That from and after the
passing of this Act it shall be lawful for the Collector of
Her Majesty's Customs for the Port of Montreal, and he
is hereby authorized and required to ask, demand and 45
receive from the Master or Commander of every ship,
steamer or other vessel departing from the Port of Mon-
treal to any port or place without the eastern limits of
this Province, including hired ships and transports in Her
Majesty's service, a sum of one shilling in the pound out 50
of every sum of money accrued or accruing and payable
by the said Master or Commander to any Pilot for the pi-

lotage thereof for and above the Harbour of Quebec, as well on the passage inwards of such ship, steamer or other vessel, as on her passage from Montreal outwards, as also for moving the said ship, steamer or other vessel within 5 the Harbour of Montreal, as the case may be.

XXVIII. And be it enacted, That the said Master, Deputy Master and Wardens of the Trinity House of Montreal shall publish annually or cause to be published in a gazette or newspaper published by authority in the 10 City of Montreal, in the month of January, a full and complete statement of the funds belonging to or in any wise appertaining to the Pilots for and above the Harbour of Quebec and known as the Montreal Decayed Pilots' Fund, with the names of all persons receiving pensions 15 or allowances of any kind from and out of the said funds, and shall furnish a printed copy of such statement, at the expense of the funds aforesaid, to every Pilot or person applying for the same residing in this Province, directly contributing to the said Fund and therein immediately in- 20 terested.

XXIX. And be it enacted, That all fines and penalties under this Act, recovered from Branch Pilots for and above the Harbour of Quebec, shall be paid to the Treasurer of the said Corporation of the said Trinity House of 25 Montreal, and compose a part of the said Decayed Pilots' Fund, and by the said Corporation shall be applied to the purposes of the said Fund, as by this Act are authorized and directed, and no other.

XXX. And be it enacted, That in all cases where it 30 shall be necessary to serve a summons upon any Branch Pilot for and above the Harbour of Quebec, for any offence against this Act, or against any By-Laws, Rules, Regulations or Orders, made and constituted by the said Master, Deputy Master and Wardens of the Trinity 35 House of Montreal, the service of such summons, if the party offending is not to be found, shall be deemed a legal service if a copy of such summons is left by the Bailiff of the said Corporation at the domicile of the said Pilot, if residing in the City of Montreal, or at the usual 40 stopping place of such Pilot when in the said City, with a person or persons residing at such stopping place or house.

XXXI. And be it enacted, That the offices of Captain of the Port of Montreal and Harbour Master of Mon- 45 treal, shall be held by one and the same person, who shall be called Captain of the Port of Montreal; and it shall be the duty of the said Captain of the Port of Montreal to superintend and enforce the execution of this Act, or any other Act which shall relate to the Port and Harbour of 50 Montreal, as also all and every the By-Laws, Rules, Or-

Annual State-
ment.

Fines and
Penalties paid
to Treasurer.

Service of Tri-
nity process on
Pilots.

Office and duty
of the Captain
of the Port.

ders, and Regulations continued by this Act, or which
 may hereafter be enacted by the said Master, Deputy
 Master and Wardens of the Trinity House of Montreal,
 by virtue of this Act, for the amendment and improve- 5
 ment of the Harbour of Montreal, for the anchoring, rid-
 ing and fastening of all ships, steamers or other vessels,
 rafts or cribs resorting to the said Harbour of Montreal,
 and for the better regulating and ordering the same, while
 lying in the stream or at any wharf in the said Harbour of
 Montreal, and it shall likewise be the duty of the said 10
 Captain of the Port of Montreal to enquire into and ascer-
 tain whether any and what encroachments or nuisances
 may be made or may exist upon the rivers, streams,
 waters and beaches within the Port and Harbour of Mon-
 treal, and which may be injurious to the navigation, or 15
 may obstruct the due and lawful use thereof by the pub-
 lic, and to make from time to time to the said Corporation
 of the Trinity House of Montreal, a report of all such en-
 croachments and nuisances which may be found to be
 made or to exist as aforesaid, as soon after the same shall 20
 have come to his knowledge as he conveniently can, and
 thereupon the said Corporation shall cause such legal
 proceedings to be taken as may be necessary to abate
 such nuisances and to restrain and do away with such
 encroachments and obstructions; and it shall likewise be 25
 the duty of the said Captain of the Port of Montreal to
 superintend the Pilots for and above the Harbour of Que-
 bec, and also to superintend the lights, light-vessels,
 and floating lights, light-houses, beacons, or land-marks,
 the laying down and taking up of Buoys, within the 30
 limits of the said Port of Montreal; and it shall fur-
 ther be the duty of the said Captain of the Port of Mon-
 treal, to make an abstract of all the Laws, By-laws and
 Regulations concerning Pilots and the navigation of the
 River Saint Lawrence and other waters within the limits 35
 of the Port of Montreal, or expressive of the duties of
 Masters of vessels in the Harbour of Montreal, and to
 cause a copy of the same, printed or written, signed by
 him, to be affixed and continued and renewed as often as
 the same shall be obliterated and defaced, at the Custom 40
 House and at the Trinity House at Montreal respectively,
 and also to deliver, without fee or reward, a copy of the
 same to every Master or Commander of a ship, steamer or
 other vessel, who shall make application for the same at
 his office in the City of Montreal; and the Captain of the 45
 Port of Montreal before entering upon the duties of his
 office, shall take and subscribe an oath before one of the
 Judges of the Court of Queen's Bench for the District of
 Montreal, in the following words, that is to say:—"I, A.
 " B., do swear, that I will truly and impartially, to the best 50
 " of my skill and understanding, execute the powers vest-
 " ed in me by a Law of this Province, intituled, '*An Act*
 " '*to repeal a certain Act and an Ordinance therein men-*
 " '*tioned, relating to the Trinity House of Montreal, and*
 " '*to amend and consolidate the provisions thereof;*" 55

which oath so taken and subscribed; shall be fyled of record, and remain in the office of the Prothonotary of the said Court of Queen's Bench.

XXXII. And whereas it may be deemed necessary May purchase lands, &c.
 5 and expedient for the more safe, convenient and easy navigation of the River Saint Lawrence, and other rivers within the jurisdiction of the Trinity House of Montreal, that certain islands, lands and premises, pieces and parcels of land, trees and buildings, required for land-marks
 10 within the said jurisdiction, should be purchased and vested in the said Corporation of the said Trinity House, for the purpose of erecting a suitable and convenient house in the City of Montreal for the use of the said Corporation, and for erecting light-houses, beacons and
 15 land-marks; Be it enacted, That the said Corporation, at any time or times hereafter, may, and they are hereby authorized and empowered to contract, compound, compromise and agree with the proprietors and occupiers of the said islands, lands and premises, pieces and parcels of
 20 land, trees and buildings, or any part of them, for the purchase of them; and it shall be lawful for all persons whomsoever, bodies politic and corporate, guardians, curators, fiduciary legatees and trustees whatsoever, for themselves, their heirs and successors, for and in behalf of those whom
 25 they represent or for whom they act, whether infants, lunatics, idiots, *femes covert* or other person or persons whomsoever who are or shall be seized of or possessed of or entitled to such islands, lands and premises, pieces and parcels of land, trees and buildings as aforesaid, to
 30 contract for, sell and convey the same to the said Corporation of the said Trinity House of Montreal for such price and prices or consideration as may be agreed upon between them and the said parties respectively.

XXXIII. And be it enacted, That in all cases where the In cases where owners of lands to be acquired cannot agree with Corporation; reference to be had to arbitration.
 35 said Corporation, and the said owners and occupiers of the lands and real property aforesaid, or of any part thereof, shall not by voluntary agreement, settle and determine the price and prices to be paid for the same or any part thereof, such price or prices shall be ascertained, fixed
 40 and determined by the award of Arbitrators in the manner following, that is to say: the said Corporation shall and may nominate and appoint one Arbitrator, being an indifferent and disinterested person, and the said owners and occupiers respectively, shall and may nominate and
 45 appoint one other Arbitrator, being also an indifferent and disinterested person, and the said two Arbitrators, before proceeding to act as such Arbitrators, shall and may appoint a third Arbitrator, being also an indifferent and disinterested person, which said three Arbitrators,
 50 after having been previously sworn before one of the Justices of the Court of Queen's Bench for the District of Montreal, well, truly and honestly to execute the trust and

duty of Arbitrators as aforesaid, and, after notices to the parties respectively, of the time and place of their meeting, shall proceed to ascertain, fix and determine the price or prices to be paid by the said Corporation for such islands, lands and premises, pieces and parcels of land, trees and buildings aforesaid, or any part thereof; and the award of any two of the said Arbitrators to be named and appointed as aforesaid, in and respecting the premises aforesaid, shall be final. 5

When the owner shall refuse or neglect to appoint Arbitrators.

XXXIV. And be it enacted, That in case the said owner or occupier of the said islands, lands and premises, pieces and parcels of land, trees and buildings, or any of them, after due notice in this behalf from the said Corporation, shall refuse or neglect to name and appoint an Arbitrator as aforesaid, being an indifferent and disinterested person as aforesaid, or if the two Arbitrators named and appointed as aforesaid shall refuse or neglect to name and appoint a third Arbitrator as aforesaid, it shall be lawful in such cases respectively for one of the Justices of the Court of Queen's Bench for the District of Montreal, on application in this behalf by the said Corporation, to name and appoint, instead of such owner or occupier so refusing or neglecting, an Arbitrator on his behalf, or such third Arbitrator, to supply the place of the nomination which ought to have been made by the two Arbitrators previously appointed; and the Arbitrators and third Arbitrator as aforesaid to be appointed by such Justice as aforesaid, after having been respectively sworn by such Justice, well, truly and honestly to execute the trust and duty of Arbitrators and third Arbitrator as aforesaid, shall have the same power and authority in the premises, and their award shall have the same force and effect as if such Arbitrators and third Arbitrator had been named in the manner in the preceding section described as aforesaid. 10 15 20 25 30

On refusal of prices, lands to be vested in Corporation.

XXXV. And be it enacted, That on payment of the price or prices to be fixed and determined as aforesaid, or in case of refusal or neglect to accept the same, on the deposit thereof in the hands of the Prothonotary of the said Court of Queen's Bench for the District of Montreal, for the use of the person or persons entitled to the same, the right of property, title and interest in and to such island or islands, lands and premises, pieces or parcels of land, trees or buildings for which such price or prices shall be payable, shall be divested out of the owners and occupiers thereof, and the same shall become and be vested in the said Corporation for the purposes aforesaid. 35 40 45

No purchase to be paid for but by sanction of Governor.

XXXVI. And be it enacted, That such price and prices as aforesaid, to be agreed upon, fixed and determined as aforesaid, may be paid from and out of the sum and sums of money appropriated for the purposes of this Act, but no such price or prices shall be agreed for or paid by the 50

said Corporation for a site for the purpose of erecting and for erecting a suitable house for the said Corporation, without the sanction and approval of the Governor, Lieutenant Governor or Person Administering the Government.

- 5 XXXVII. And be it enacted, That any person wilfully removing or destroying, or maliciously procuring to be removed or destroyed, any buoy, floating light, beacon or landmark placed for the purpose of navigation, in the river, or on the shores of the River St. Lawrence, or on other
 10 rivers and shores within the jurisdiction of the Trinity House of Montreal, (Lake St. Peter inclusive,) every such person, for every such offence, upon conviction by one competent witness before the Trinity House of Montreal, shall forfeit and pay a penalty not exceeding £20.
 15 currency, with costs of suit, and be committed to the Common Gaol of the District of Montreal, for a time not exceeding 12.
 by a warrant under the hand of the Master, Deputy Master, and Wardens, or any three of them of whom the
 20 Master or Deputy Master shall be one, and of the Registrar and the seal of the Corporation; and that if any floating-light, light-house, buoy, beacon or other mark, placed or to be placed in any part of the said Port of Montreal, or on the land within the jurisdiction, and under the au-
 25 thority of the Corporation, shall be by accident or otherwise, removed, carried away or destroyed, by any vessel or raft or by any vehicle whatsoever, the master or person in charge of such vessel, raft, or vehicle, shall within forty-eight hours replace the same at his proper cost and
 30 charges, and shall incur a penalty not exceeding £20
 currency.

Destroying
Buoys or Bea-
cons.

Lights, Buoys,
&c. removed
or destroyed
by any vessel
or vehicle, to
be replaced
within 48
hours.

- XXXVIII. And be it enacted, That from and after the passing of this Act, it shall not be lawful to navigate any river craft not being registered within the limits of the
 35 Port of Montreal, and pass the lights erected or to be erected by the said Corporation or any of them, unless the Owner or Master or Commander of such river craft as aforesaid shall first have obtained a License in that behalf under the seal of the said Corporation, which said
 40 License the said Master or Deputy Master of the Trinity House of Montreal is hereby authorized and required to grant, and for which License the Owner or Master or Commander of such river craft as aforesaid, shall pay to the Treasurer of the said Corporation for the time being,
 45 the sum of 6d.
 currency for each and every foot the vessel or craft aforesaid shall measure from the after part of the stem to the fore part of the stern post, aloft, according to the ad-
 measurement thereof, which said sums of money the said
 50 Treasurer is hereby authorized and required to demand and receive therefor; and all sums so received by him shall be applied to and for the improvement of the navigation of the River Saint Lawrence within the limits of

River craft
passing lights
to take licen-
ses.

the Port of Montreal in the manner mentioned and provided in this Act; Provided always, that such License so obtained as aforesaid, shall only be valid for the vessel, and for the period of navigation of the year for which the same shall be issued, and shall and may be in the form in the Schedule to this Act annexed. 5

Penalty on river craft passing lights without having taken licenses. XXXIX. And be it enacted, That from and after the passing of this Act, if any river craft not being registered, shall on any voyage within the limits of the Port of Montreal, pass any of the lights erected or to be erected by the said Corporation of the Trinity House of Montreal, without a License having been first obtained for such river craft as hereinbefore provided, the Master or Commander of such river craft shall incur a penalty not exceeding lawful current money of this Province. 15

£10.

Craft to be enrolled. XL. And be it enacted, That the owner of every river craft, not registered, navigating within the limits of the Port of Montreal, shall annually enrol or cause to be enrolled in the office of the Registrar of the Trinity House of Montreal, a description of such craft, with his name, addition and place of residence, for which purpose the said Registrar shall keep a book in his said office, in which shall be entered the particulars aforesaid, and in which book shall be assigned a number to each and every such craft, and thereupon the said Registrar shall deliver a certificate of such enrollment containing the same particulars, and also the number so assigned to such craft as aforesaid, which number the owner of such craft shall cause to be painted in large and distinct figures, at least six inches in length on each side of the bows thereof; 25

Provido. Provided always, that such certificate shall only be valid for the term to elapse from the period of enrollment to the first day of May then next following, and for the owner named therein; and if any such craft shall be at any time employed within the limits aforesaid without having been enrolled as aforesaid, or without its having the number so assigned to it painted as aforesaid on each side of the bows thereof, or if it shall have been so employed after the owner thereof shall have been changed, and before the new owner shall have enrolled the same, and taken out another certificate containing his name and addition and place of residence, or at any time when from any cause whatsoever the true name, addition, and place of residence of the owner shall not be inserted in the certificate of enrollment, the owner of such craft shall for every such offence incur a penalty not exceeding current money of this Province. 45

£10.

Governor to determine what officers to employ, and their salaries. XLI. And be it enacted, That the Governor of this Province, in Council, shall determine what officers and persons it shall be necessary to employ in carrying into effect the provisions of this Act, and grant to such officers or persons such salaries or pay for their labor and 50

responsibility in performing their respective duties, as shall be deemed reasonable and proper, in lieu of all fees and charges upon moneys received by them; and the said officers and persons shall give such security for the 5 due performance of the duties of their respective offices, as the Governor in Council shall from time to time direct.

XLIII. And be it enacted, That it shall be lawful for the Registrar and Treasurer of the Trinity House of Montreal, and for the Captain of the Port and Harbour 10 Master of Montreal appointed under the authority of this Act, by an instrument in writing under their hands and seals, by and with the approval of the Master, Deputy Master and Wardens of the said Trinity House, to appoint each some fit and proper person to be their Deputy, and 15 in case of the illness or necessary absence of the said Registrar and Treasurer, or Captain of the Port and Harbour Master, such Deputy shall be vested with, and may exercise all and every the powers and authorities which are by law vested in the said Registrar and Treasurer, or 20 Captain of the Port and Harbour Master.

Registrar and Treasurer and Captain of the Port may appoint Deputies.

XLIII. Whereas by the Act and the Ordinance re- 25 pealed by this Act, moneys were raised from and levied upon ships and other vessels arriving from places beyond the eastern limits of the Province, proceeding to the Port of Montreal, to be applied to the improvement of the navigation of the River St. Lawrence and other rivers within the limits of the Port of Montreal, and for other purposes according to the provisions of the Act and the Ordinance repealed as aforesaid, and it being expedient and neces- 30 sary to continue to raise from and levy upon all ships and other vessels coming to the Port of Montreal, the moneys required for improving the navigation aforesaid and for the other purposes aforesaid: Be it enacted, That from and after the passing of this Act it shall be lawful 35 for the Collector of Her Majesty's Customs in the Port of Montreal, and he is hereby authorized and required to ask, demand and receive from the Master or Commander of every ship, steamer or other vessel, entering the Port of Montreal from any port or place without the eastern 40 limits of this Province, including hired ships and transports in Her Majesty's service, and passing any light, buoy or beacon placed under the control of the Trinity House of Montreal, the sum of current money of this Province, per ton, for every ton of the burden of such 45 ship, steamer or other vessel, according to the admeasurement thereof; and the like sum of money aforesaid, for every ton of the burden of every ship, steamer or other vessel aforesaid, departing from the Port of Montreal for any port or place without the eastern 50 limits of the Province, and passing any light, buoy or beacon placed under the control of the Trinity House of Montreal; and it shall not be lawful for the Collector of the Port of Montreal or the Collector of the

Recital.

Tonnage duty imposed on ships, steamers, or other vessels from sea, entering or departing from the Port of Montreal.

d.

d.

Vessels departing from the Port of Montreal to pay Collector at Montreal.

No clearance to be granted until dues are paid.

Port of Quebec or any other Officer of Her Majesty's Customs, to grant to any such ship, steamer or other vessel a clearance outwards unless and until the Master or Commander of such ship, steamer or other vessel, shall have paid unto the said Collector of the Port of Montreal, as well the said tonnage duties as the poundage of the Montreal Decayed Pilots' Fund, payable to him under and by virtue of this Act; And provided also, that if any Master or Commander of any hired ship or transport in Her Majesty's service or of any other ship, steamer or other vessel as aforesaid, not requiring a clearance, shall leave the Port of Montreal on such voyage aforesaid, without having first duly paid to the Collector of Her Majesty's Customs at the Port of Montreal, as well the amount of the tonnage duties aforesaid as the poundage aforesaid, payable by such Master or Commander to the said Collector under the provisions of this Act, every such Master or Commander shall for every such offence forfeit and pay not exceeding the sum of current money of this Province.

Proviso.

Penalty on Masters or Commanders of hired ships or Transports in H. M. service, leaving the Port without paying dues.

Steamers, barges, and registered river craft subject to rules and regulations.

Shall pay one penny per ton each voyage or trip.

d.

Pilots, if branched or licensed, piloting steamers, &c., to contribute to the Pilot Fund.

XLIV. And be it enacted, That from and after the passing of this Act, all steamers, barges, and registered river craft, navigating the River St. Lawrence between Quebec and Montreal within the limits of the Port of Montreal, or any of the waters within the said limits, or any part thereof, shall, whilst within the said limits, be subject to the Rules and Regulations of the Trinity House of Montreal; and there shall be paid by the owner or owners thereof, the agent, master, or person in charge of any such steamer, barge, or registered river craft, for each and every voyage or trip which each and every such steamer, barge or registered river craft, shall perform from Quebec to Montreal or from Montreal to Quebec, or from either of the said places to any intermediate port or place, or to or from any place within the limits of the said port, and passing any light, buoy or beacon placed under the control of the Trinity House of Montreal, a tonnage duty of current money of this Province, for every ton of the burthen of such steamer, barge or registered river craft, according to the admeasurement thereof; and the Pilots, or persons, if branched or licensed, having charge of or piloting such steamers, barges and river craft, shall also respectively be liable for and contribute towards the Montreal Decayed Pilots' Fund, *one shilling* in the pound, upon the wages or hire they may respectively be entitled to have and receive for their service in such steamer, barge or registered river craft; all which duties hereby imposed shall be raised, leived upon and collected from the owner or owners thereof, the agent, master or person in charge thereof, by the Master, Deputy Master and Wardens of the Trinity House of Montreal, or the Registrar and Treasurer thereof.

XLV. Whereas, in the case of ships, steamers or other vessels or registered river craft, navigating or towing within the limits of the Port of Montreal, and not entering the Harbour of Montreal, the Master, Deputy Master and Warden of the Trinity House of Montreal, or the Treasurer and Registrar thereof, may be unable to collect the dues payable on them, under this Act; Be it therefore enacted, That the owner, agent, master or person in charge of every such ship, steamer, vessel or registered river craft, shall, within forty-eight hours after the return of the said ship, steamer, vessel or registered river craft, to the Port of Quebec from the Port of Montreal, on each voyage or trip, pay or cause to be paid to the Collector of Her Majesty's Customs of the Port of Quebec, the amount of such dues; and in default of such payment within forty-eight hours after the return of such ship, steamer, vessel or registered river craft, the said owner, agent, master or person in charge thereof, shall pay a penalty not exceeding pounds, current money of this Province; and the said Collector shall pay the amount of moneys so collected unto the Treasurer of the Trinity House of Montreal, in the manner directed in the section of this Act.

Ships, steamers, and other vessels, not entering the Harbour of Montreal to pay Collector of Customs of the Port of Quebec.

Penalty for not paying in 48 hours after return to Port of Quebec.

XLVI. And be it enacted, That all moneys that shall be levied and raised under and by authority of this Act, (excepting the poundage for the Montreal Decayed Pilot Fund,) shall be applied to the improvement of the navigation of the River St. Lawrence, and other waters within the limits of the Port of Montreal and for the other purposes and requirements of this Act under and by authority of the Corporation of the Trinity House of Montreal: and the said Corporation shall at all times render such accounts to such officer or person, and in such manner and form, and in such time as the Governor shall direct, and an account in detail of all moneys received and expended by the said Corporation, and of all matters connected with the said receipt and expenditure, shall be laid before each Branch of the Legislature, within fifteen days after the opening of each Session of the Provincial Parliament.

How all moneys collected are to be employed.

Corporation.

Corporation to render accounts annually to the Legislature.

XLVII. And be it enacted, That the Collectors of Her Majesty's Customs at the Port of Montreal and the Port of Quebec, shall respectively make monthly returns to the Treasurer of the Corporation of the Trinity House of Montreal, of all collections made by them on account of the said Corporation for the uses thereof, or on account of the Decayed Pilots' Fund of the said Corporation; and the said monthly returns shall be in detail, specifying the date of each collection, the name and tonnage of each ship, steamer or other vessel, and the name of the commander or master thereof.

Collectors of Customs to make monthly Returns of Collections.

Monies to be paid monthly and how to be applied.

XLVIII. And be it enacted, That all the moneys collected by and payable to the Collectors of Her Majesty's Customs at the Port of Montreal or the Port of Quebec, under and by authority of this Act, shall be paid by them monthly into the hands of the Treasurer of the Trinity House of Montreal, to be applied in the manner and for the purposes described and directed in the provisions of this Act. 5

How monies may be recovered.

XLIX. And be it enacted, That all moneys or duties to be collected under and by authority of this Act, shall or may be recovered from the owner, agent, master, commander or person in charge of any ship, steamer or other vessel or raft of lumber subject thereto, by the Collectors of Her Majesty's Customs at the Port of Montreal, or the Port of Quebec, or by the Master, Deputy Master and Wardens of the Trinity House of Montreal, (as the case may be,) in any manner by which duties are by law recoverable, and they may respectively seize any such ship, steamer, or vessel or raft, or any article or thing thereunto belonging, and detain it or them at the risk, costs and charges of the owner, master or person in charge of any such vessel or raft as aforesaid, until the sum due, and the costs and charges incurred in and about such seizure shall be paid in full. 10 15 20

May seize vessels. May seize such vessel or any article on board.

Pecuniary or business transactions with Members declared illegal.

L. And be it enacted, That it shall not be lawful for the Corporation of the Trinity House of Montreal, to have any transactions of a pecuniary nature, or in buying or selling with any Member or Members thereof, directly or indirectly. 25

Officers and Members exempt from serving as Jurors.

LI. And be it enacted, That the Members and Officers of the said Trinity House of Montreal shall be exempt from serving on any Juries or Inquests whatsoever, or as Assessors or Constables. 30

Fines to be paid to Corporation.

LII. And be it enacted, That all the fines and penalties recovered under this Act (excepting fines and penalties recovered from Branch Pilots) shall be paid to the Corporation of the Trinity House of Montreal, and shall be employed by the said Corporation for the improvement of the Navigation of the River St. Lawrence within the limits of the Port of Montreal and the general purposes of the Corporation, and all such moneys shall be accounted for in the same manner as other moneys at the disposal of the said Corporation. 35 40

Application thereof.

Not to affect the rights of Her Majesty.

LIII. And be it enacted, That nothing herein contained shall extend or be construed to extend to affect the rights of Her Majesty, Her Heirs and Successors. 45

Public Act.

LIV. And be it enacted, That this Act shall be deemed and taken to be a public Act.

LV. And be it enacted, That all prosecutions for Limitations of
 offences against this Act shall be brought within twelve prosecutions.
 months after the Commission thereof.

LVI. And be it enacted, That the words and expressions Interpretation
 5 hereinafter mentioned, which in their ordinary significa- of words and
 tion have a more confined or different meaning, shall in this expressions
 Act, except where the nature of the provision or the con- used in this
 text of the Act shall exclude such construction, be inter- Act.
 10 preted as follows, that is to say: the words "Her Majesty"
 shall mean also and include the Heirs and Successors of
 Her Majesty; the word "Governor" shall mean also and
 include the Lieutenant Governor or Person administering
 the Government of this Province for the time being; the
 words "Governor in Council" shall mean the Governor
 15 or person administering the Government of this Province,
 acting by and with the advice of the Executive Council
 thereof; and the word "Oath" shall include Affirmation
 where by law an affirmation is required or allowed to be
 taken in place of an oath; and every word importing the
 20 singular number only, shall extend and be applied to se-
 veral persons or things as well as one person or thing,
 and bodies corporate as well as individuals; and every
 word importing the plural number shall extend and be
 applied to one person or thing as well as several persons
 25 or things; and every word importing the masculine gen-
 der only, shall extend and be applied to a female as well
 as a male, and that this Act shall extend to aliens, deni-
 zens and women, both to make them subject thereto, and
 to entitle them to all the benefits given thereby.

30 VII. And be it enacted, That this Act may be altered
 or amended during this Session of Parliament.

SCHEDULE.

Form of License.

This is to certify that _____ Owner (or Master
 or Commander as the case may be) of the _____ called
 the _____ hath paid into the hands of the Treasurer
 of the Trinity House of Montreal, the sum of _____
 being at the rate of _____ per foot of the measurement
 of the said _____ from the after part of the stem to the
 fore part of the stern post, aloft, and the said _____
 the _____ is hereby licensed to navigate the River
 Saint Lawrence within the limits of the Port of Montreal, and
 pass the Lights erected by the said Corporation for the better navi-

gation thereof, during the period of navigation of the year-one thousand eight hundred and

Given at the City of Montreal, under the hand of
 Master (*or Deputy Master, as the case may be*)
 of the Trinity House of Montreal, and the seal of the said Corporation hereunto affixed, this day of in
 the year of Our Lord
 and in the year of Her Majesty's Reign.