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No. 155.

4th Session, 6th Parliament, 24 Victoria, 1861.

BILL.

**An Act to incorporate the Stevedores of the
Port of Quebec.**

(PRIVATE BILL.)

Received and read first time, Thursday, 11th
April, 1861.

Second reading, Monday, 15th April, 1861.

Mr. HUOT.

QUEBEC:

**PRINTED BY THOMPSON, HUNTER & CO.,
ST. URSULE STREET.**

An Act for the Incorporation of the Stevedores of the Port of Quebec.

WHEREAS the magnitude and increasing importance of the Canada Preamble.

Timber Trade render it expedient that legislative provision should be made in order to insure the better qualification of persons exercising the trade of Stevedores, or Ship Stowers, at the Port of Quebec, and the more secure and advantageous loading of the cargoes of ships at the said port, and in order to prevent persons unskilled in the said trade of Stevedore from practising the same, to the great injury and damage of such cargoes, and the endangering of the lives of Her Majesty's subjects; Therefore, Her Majesty, &c., enacts as follows:

- 10 I. The Stevedores for the Harbor of Quebec now having licenses as such, or who may hereafter obtain license as such, according to the provision of the Act in that behalf, shall be and constitute a body politic and corporate, by the name of "The Corporation of Stevedores for the Harbor of Quebec; and the said Corporation shall have and possess all the powers granted to bodies politic and corporate, by the Consolidated Statutes of Canada, chapter five, Section six, paragraph twenty-four. Corporation constituted.

- II. The affairs of the said Corporation shall be managed and administered by a Board of Directors, composed of seven members of the Corporation, five of whom shall form a quorum. The said Board of Directors to be also a Board of Examiners. Board of Directors.

- III. The first Board of Directors shall consist of the following person, namely: Michael O'Connell, J. B. Meinander, Thomas Burns, Thomas Reddy, John Ferguson, Michael Dunn and Louis Jarvis. The duties and functions of the Board of Directors or Examiners shall be, from time to time, to make, alter, modify and repeal, in whole or in part, By-laws for the management and administration of the property of the Corporation; for maintaining discipline among the Stevedores; for establishing from time to time the terms for which ships might be stowed; for prescribing the mode of filling up vacancies occurring among the Directors during their term of office; for regulating the mode of proceeding at the meetings of the Board of Directors or Examiners, and at the general meetings of the Corporation; for the division and distributing of the funds of the Corporation; for ordering the duties of the Secretary and of the Treasurer of the Corporation; and, lastly, concerning all matters and things necessary for the working of this Act. First Board.
Duties of the Board.
- 35 Provided that none of the said By-laws be contrary to the laws of this Province, or to the Provisions of this Act.

- IV. No By-law shall be binding until it has been published at least twice a week for three weeks, in French, in a newspaper published in the City of Quebec, in the French language, and at least twice a week during the same space of time, in English, in a newspaper published in the English language in the said City, and has been approved by the Publication of By-laws.

Board of Trade of Quebec, fifteen days at least after the last publication. The said Board of Trade of Quebec shall approve or reject every such By-law, in whole or in part, or modify it according as it may think just or reasonable.

By-laws to be printed. V. Every By-law thus approved shall be printed, and every person may obtain a copy on payment of the price which shall be fixed by the Board of Directors or Examiners. 5

Certified copies. VI. Every copy of a By-law, certified by the Secretary, and sealed with the seal of the Corporation, shall be evidence of its contents to all intents and purposes. 10

First Meeting of Board. VII. The first meeting of the Board of Directors or Examiners, after the passing of this Act, shall be called by the Board of Trade of Quebec, by notice given by them in writing to each of the Directors or Examiners, eight days at least before the day on which the meeting is to take place. 15

Notice thereof. VIII. This notice shall indicate the place, the day and the hour of the meeting.

Chairman. IX. The Directors or Examiners present, if they are sufficient in number to form the quorum required by this Act, shall, by a majority of votes, select one of themselves to be Chairman of the Board of Directors of the Corporation; the said Chairman elected shall be, to all intents and purposes, Chief Stevedore. 20

Secretary and Treasurer. X. They shall have a Secretary and Treasurer of the Corporation; or they may, if they deem it more advantageous, elect one and the same person to perform the duties of Secretary and of Treasurer; and in this case the person so elected shall be called the Secretary-Treasurer of the Corporation, and shall perform the duties of those two offices thus united. 25

Treasurer to give security. XI. In any case, the Treasurer or the Secretary Treasurer shall give to the Corporation, before entering into office, good and sufficient security to the amount of the sum of two thousand pounds currency. 30

Case of absence of Chairman. XII. If at any meeting of the Board of Directors or Examiners, the Chairman is absent, the Directors or Examiners present shall choose one of themselves to preside.

Chairman to have a casting vote only. XIII. The Chairman, or the person filling his place in his absence, shall have a right to vote only in case of an equal division of the votes. 35

If Chairman be absent through illness. XIV. When the Chairman is hindered by illness, or any other lawful cause whatsoever, or by absence for more than fifteen days, from performing the duties of his office, the Board of Directors or Examiners shall choose one of its members to perform the duties of Chairman during the continuance of the hindrance, or of the absence of the said Chairman. 40

If absence continues. XV. If the hindrance or absence continues for more than three months, then the Board of Directors or Examiners shall proceed to elect another Chairman. 45

XVI. The said Board shall meet to test the skill, capacity and qualifications of all applicants to be licensed as Stevedores, and to grant licenses to such as are qualified to receive licenses, and for all and every the purpose of this Act, and each member of said Board, before acting
 5 as such, shall take the oath contained in the Schedules A and B herewith annexed, to be administered by one of Her Majesty's Justices of the Peace.

Board to grant licenses, etc.

XVII. The Board of Trade shall call a meeting of the Board of Directors or Examiners, by publishing in two newspapers in the City of
 10 Quebec, one in the French language, the other to be published in the English language; said meeting to be called to meet within fifteen days after the passing of this Act.

Meeting of Board of Directors.

XVIII. Within one calendar month after the first meeting of the said Board, it shall be lawful for them to recommend to be licensed
 15 as Stevedores all persons applying for the same, upon the said Board being satisfied, either from personal examination or otherwise, that said applicants have publicly practised the trade of Stevedore during, at least, three seasons of navigation, previous to the passing of this Act; and also of their fitness and capacity to exercise the said trade of Stevedore, and not afterward, except in the manner hereinafter specified.

Who may be recommended as Stevedores.

XIX. That within one calendar month after public notice by the said Board to that effect, it shall be lawful for all persons then or previously engaged in the trade or occupation of ship-stowing, and not practising
 25 as Stevedores, and who may be desirous of qualifying themselves thereafter as such, to enter their names as apprentices with some licensed Stevedore, who shall enquire into the time during which such person may have followed such occupation, and after the expiration of one calendar month, shall certify to the said Board what further period of apprenticeship will be necessary to entitle such person to apply for a
 30 license to practise as a Stevedore.

Apprenticeship required in certain cases.

XX. From and after the first meeting of the said Board, all persons desirous of acquiring the trade of Stevedore, and obtaining a license to practise as such, shall be held to enter into and perform an apprenticeship of five consecutive years or seasons of navigation with
 35 some licensed Stevedore, and at the expiration of that period to undergo an examination by the said Board, previously to their obtaining a certificate of qualification.

Duration of regular apprenticeship.

XXI. It shall be lawful for the Board of Examiners to grant licenses
 40 which shall be issued by the Chief Stevedore to all persons duly qualified to practise the trade of a Stevedore.

Granting of Licenses.

XXII. From and after the expiration of the said period of one month next after the day of the first meeting of the said Board, any person who shall stow or commence the stowing of the cargo of any ship or vessel, in the capacity of Stevedore, or who shall have bargained or
 45 contracted for the stowing of any such cargo in such capacity, or who shall, directly or indirectly, practise the trade of Stevedore, without being thereto duly licensed, shall, upon being duly convicted thereof, forfeit and incur a penalty not exceeding currency; but nothing in this Act contained shall restrict any Master of a Vessel,
 50 Shipowner, Agent or other persons, as to the choice of a Stevedore having the qualification to stow or contract for the stowing of any vessel.

Penalty on practising as a Stevedore without license.

Penalty on
employing
unlicensed
persons.

XXIII. It shall not be lawful for any Shipmaster, Shipowner, Agent or any other person, to employ or allow any person to stow his vessel, except a licensed Stevedore, under a penalty of currency.

Penalty on
Stevedores
stowing more
than one ves-
sel at the
same time.

XXIV. It shall not be lawful for any licensed Stevedore to be engaged, directly or indirectly, in the stowing of more than one ship or vessel at one and the same time, under a penalty of currency, for every ship or vessel (more than one) which he shall have, or be occupied in stowing, or shall have undertaken to stow: Provided always, that in the event of the unavoidable interruption or suspension of the stowing of any vessel in which such Stevedore may be so engaged, or whenever he shall be within three days of the completion of the stowing of any such vessel, he may commence the stowing, either by himself or through a licensed Stevedore, of a second ship; and in the event of the Stevedore not being able to attend to the stowing of the second ship so commenced, after the expiration of three days, it shall be lawful for the Stevedore so sent to continue the stowing of such ship or vessel until the final completion of the stowing of such ship or vessel.

Fees and Sal-
aries.

XXV. The Stevedores shall be paid for the stowing of the cargo of any ship or vessel at the following rates, namely:—For a ship or vessel of one hundred tons per register, the sum of 20.

The Chief Stevedore shall be paid out of the funds of the Corporation the sum of annually.

The Secretary-Treasurer shall be paid out of the funds of the Corporation the sum of annually.

Alteration of
rates.

XXVI. It shall be the duty of the Board to increase or diminish the said rates payable by Stevedores to such an amount as the said Board may deem necessary. 25

Term of Office
of Directors.

XXVII. The Board of Directors shall be elected every year; no Board of Directors shall hold office for more than one year, unless re-elected.

Report by
Board of Di-
rectors.

XXVIII. At a general meeting which shall be held on the Fifth day of December, or on the following day if that day be an obligatory holiday, the Board of Directors or Examiners shall render an account of their management and administration, during the year ending on the said day; and the Treasurer shall submit a detailed statement of the financial affairs of the Corporation, and of the monies received by him, with vouchers. 30 35

Audit of Ac-
counts.

XXIX. The meeting, if it thinks necessary, shall appoint one or more competent persons to examine and audit the Treasurer's accounts.

Monies to be
paid to Sec.
Treas.

XXX. All money arising from the stowing of any ship or vessel must be paid to the Secretary-Treasurer. 40

Payments to
Stevedores.

It shall be the duty of the Secretary-Treasurer to pay to the Stevedore, within twenty-four hours after its reception, all moneys left in his hands for such Stevedore; deducting such sums as the law provides.

In case of in-
sufficiency of
funds.

XXXI. In the event of the funds of the Corporation being inadequate to defray the expense thereof, and to afford a reasonable and sufficient sum for the relief of sick and disabled Stevedores, their wives and children, it shall be competent to the said Board to make such By-law as they may think reasonable in such case. 45

XXXII. It shall be the duty of the Secretary-Treasurer to cause a list of all licensed Stevedores to be suspended in some conspicuous place in the office of the said Board, and it shall be the duty of every licensed Stevedore, immediately upon his having contracted for the stowing of any vessel, to report the same, together with the name of such vessel, to the Secretary-Treasurer, who shall keep a list of all Stevedores so employed, to which, as well as to said list, all persons desiring the same shall have reference; and in the event, at any time, of all licensed Stevedores being engaged in stowing ships, it shall be competent to any licensed Stevedore already engaged to undertake the stowing of any vessel for which no disengaged Stevedore can be procured, and to commence the stowing thereof by one of his most skilful apprentices, but which apprentice shall be removed at the instance of and replaced by the licensed Stevedore who shall first report himself as disengaged at the office of the said Board; and the work performed by any such apprentice shall be estimated by the said Chief Stevedore, and the value thereof shall accrue to the licensed Stevedore in whose employment he may be.

List of Licensed Stevedores to be kept posted up.

XXXIII. If any dispute or difficulty shall arise between the Master, Agent, or any person interested in the stowing of the cargo of any ship or vessel, and the Stevedore hired or engaged to stow the same, in regard to the proper stowing of such cargo, or in regard to any other matter or thing connected therewith, it shall be competent to the said Master, Agent, or other persons so interested therein, and to the said Stevedore, by application to the said Chief Stevedore, in writing, to demand an enquiry into the said difficulty, or a survey of the work performed, and thereupon it shall be lawful for the Chief Stevedore to name and appoint any one of the members of the said Board, as arbitrator on behalf of such Stevedore, to repair along with a Shipmaster or other competent person, to be appointed as arbitrator on behalf of the said Master, Agent, or other person, in order to investigate such dispute or difficulty and to hold such survey; and such arbitrators shall make such order in the premises for the remedying of the evil complained of, by suspending for a limited time such Stevedore, or otherwise, as to them may seem just and reasonable; and the reasonable expenses consequent upon such arbitration shall be borne by that one of the said parties against whom the said arbitrators may award; Provided always that, in the event of any difference of opinion arising between the said arbitrators in relation to the said enquiry or survey, they shall call in as umpire the said Chief Stevedore to decide the same, and that no such Stevedore shall be suspended, unless the determination of the said arbitrators to that effect be duly reported to the said Boards, and conceded by them. And provided, also, that it shall at all times be competent to the said Chief Stevedore, upon his being thereto required by any of the parties interested therein, to repair on board of any vessel engaged in shipping her cargo, and to inspect the same, and thereupon to report his doings to the said Board, if he shall deem the same necessary.

In case of disputes between Stevedores and Masters of vessels.

Proviso.

Proviso.

XXXIV. It shall be the duty of the Chief Stevedore to have an office in a central and convenient place for the transaction of the business of the said Board and its Officers, which office shall be kept open by him, or the said Secretary-Treasurer, on every day, Sunday excepted, from the hour of six in the morning until the hour of six in the evening, during the season of Navigation; and during ordinary office hours at other seasons of the year; and the reasonable expenses of such office shall be paid out of the monies at the disposal of the said Board, under the provisions of this Act.

Office of Chief Stevedore.

Fund for sick
and disabled
Stevedores.

XXXV. And whereas it is expedient and desirable to provide a fund to defray the necessary expenses of the said Board, and also for the relief of sick or disabled Stevedores, and their wives and children, who may stand in need of the same : each and every licensed Stevedore shall pay unto the Treasurer of said Board at the rate of for every 5 pound by him received, or which he may be entitled to receive, for stowing the cargo of each Ship or Vessel as aforesaid.

Recovery of
penalties.

XXXVI. All the penalties imposed by this Act may be prosecuted and recovered, with costs, before two or more Justices of the Peace for the District of Quebec.

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Refusal to act
by Directors:

XXXVII. Should the said Board of Examiners, or any one of them, refuse to act, they or he, on conviction, to pay a fine of a sum not less than Ten Pounds, currency.

SCHEDULE A.

I, A. B., do solemnly swear that I will faithfully and impartially, and to the best of my skill and capacity, discharge my duty as a member of the Quebec Board of Examiners for Stevedores, according to the true intent and meaning of the Act of the Parliament of Canada, intituled "An Act for the Incorporation of the Stevedores of the Port of Quebec," and that I will not either directly or indirectly receive any fee, reward, gratuity or favour for or by reason of my duty as such member : So help me God.

SCHEDULE B.

I, A. B., do solemnly swear that I will faithfully and impartially, and to the best of my skill and capacity, execute, perform and fulfil the office and duty of Chief Stevedore for the Port of Quebec, and Chairman of the Quebec Board of Examiners for Stevedores, according to the true intent and meaning of the Act of the Parliament of Canada, intituled "An Act for the Incorporation of the Stevedores of the Port of Quebec," that I will not either directly or indirectly receive any fee, reward, gratuity, or favour whatever, for or by reason of my duty as such member : So help me God.

TARIFF OF PRICES PROPOSED FOR STOWING SHIPS.

For a Vessel of 100 tons to 150 tons per Register,				15 cents per load of 50 cubic feet.			
"	150	"	200	"	14	"	"
"	200	"	250	"	13	"	"
"	250	"	300	"	11	"	"
"	300	"	350	"	11	"	"
"	350	"	400	"	10	"	"
"	400	"	450	"	10	"	"
"	450	"	500	"	9	"	"
"	500	"	550	"	8	"	"
"	550	"	600	"	8	"	"
"	600	"	650	"	8	"	"
"	650	"	700	"	8	"	"
"	700	"	750	"	8	"	"
"	750	"	800	"	8	"	"
"	800	"	850	"	8	"	"
"	850	"	900	"	8	"	"
"	900	"	950	"	7	"	"
"	950	"	1000	"	7	"	"

Vessels of 1000 tons to 1150 tons, to pay 7½ cents per load.

Vessels of 1150 tons to pay 7 cents per load.