

follow the vessel although she had been sold two or three times.

Mr. McCALLUM. At this time, the spring of the year, you will not find many wages remaining unpaid since last year.

On clause 2,

Mr. BLAKE. "Recover their wages." That is recovering their wages otherwise than *in rem*.

Mr. McLELAN. Yes.

Mr. BLAKE. Is it intended, then, that the seamen shall have a remedy to recover their wages in a Maritime Court and also in another Court?

Mr. McLELAN. It is intended they shall have the same remedies as provided in the Seamen's Act of 1873, and they shall have the remedy *in rem*, as well.

On clause 4,

Mr. McCALLUM. This was not in the first Act. It is giving the preference to mortgagees in case of accidents or collision. I think it would be much better if this clause were struck out. Supposing a vessel is shipwrecked on the lake shore, and a man goes to her assistance and saves her, if the vessel is mortgaged that man will not get his pay.

Mr. McLELAN. This alteration I found in the other Bill, and it was agreed to by the shipowners of Ontario. I would have preferred to drop the clause.

Mr. BLAKE. The shipowners of Ontario may have an interest different from that of the mortgagees. It is well we should consider what the real foundation of the clause is.

Mr. McLELAN. I was about to say that, looking at the clause as it stands, I should think it was but just, in the interest of the shipping itself, that the clause should be thrown out. As the shipowners and those interested in Ontario have suggested that it be dropped now, I move that it be struck out.

Mr. McCALLUM. I would say that no honest man can have anything against the interests of the shipowners. If a vessel gets into trouble, and the master calls for assistance, of course the men who render that assistance know that they can collect their pay.

Mr. BLAKE. I agree with the hon. gentleman that there can be no justification in putting any claims above those of the nature of salvage claims. Of course, it is in the interest of the mortgagee that the vessel should be saved, and therefore I would have no reluctance in saying that the salvage claims should stand uppermost. What saves the ship must be to the advantage of all interests.

Bill reported, and read the third time and passed.

HARBOR AND RIVER POLICE.

Mr. McLELAN moved the second reading of Bill (No. 107) respecting the Harbor and River Police of Canada. He said: The object of the Bill is to establish harbor and river police at Montreal and Quebec. This force has existed for a number of years, but doubts have existed as to the authority for establishing that force. It was originally appointed by the Governor General in Council, and legislation that has been had in respect to it has proceeded on the supposition that authority had been given; but as the force became more important it was necessary to define clearly the authority to appoint it, and to place that authority in the hands of the Governor in Council. It is also proposed that the authority under which the force was acting should be increased, and that a Judge of the Superior Court should have power to try cases brought before them by the police, either at Montreal or Quebec. At present the Police Magistrate and Judge of Sessions and Stipendiary Magistrate are all

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represented by one person at the port of Quebec, so that in case he is absent there is no person to try cases, and in order to avoid this difficulty it is proposed to add a Superior Court Judge.

Bill read the second time; and House resolved itself into Committee.

(In the Committee.)

Mr. McLELAN. With regard to the first clause, I may say that it is intended that the operations of the Bill may be extended to other ports in Canada, and that it is done in order that the force may be sent down the Lower St. Lawrence in case disturbances should occur. That power has been rendered necessary by the fact that mutinies have occurred on vessels outside of the port of Quebec.

Mr. BLAKE. I suppose the Bill was merely designed to place in more regular form the votes which have been passed for the support of this force ever since Confederation. The hon. gentleman uses the words in the Bill "Harbor and River Police of Canada." Now, Sir, we have consented time after time under protest, to the establishment of a harbor and river police force at Montreal and Quebec, but it seems to me that if we are to have such a force they should be confined to these places, and possibly to the River and Gulf of St. Lawrence. We are now proposing, however unnecessarily, to establish a harbor and river police force, which shall have an indefinite jurisdiction over the whole of Canada. The hon. gentleman says that he asks for that power, but he does not intend to use it; but I think it is a power objectionable to be asked for. It is beyond the scope of the hon. gentleman's necessities as he explained them. If the hon. gentleman wants to give this force jurisdiction over the Gulf of St. Lawrence let him say "such parts of the River and Gulf of St. Lawrence as may be defined by the Governor in Council."

Mr. McLELAN. The hon. gentleman complains that the ground covered by the Bill is too much, but the intention is to confine the exercise of that power to the St. Lawrence and the navigable rivers flowing into it. It might be desirable to send the force a long distance below Quebec, and it is well, therefore, that we should have the power to send them there, or to some of the navigable rivers flowing into the St. Lawrence.

Mr. BLAKE. Well, that might be defined in so many words without giving the general power.

Mr. McLELAN. I have no objection to making the amendment.

Sir HECTOR LANGEVIN. I fear that the words suggested by the hon. gentleman will not be sufficient, because these sailors may go upon the shore, into villages, or into country ports, or upon the wharves of cities. It is necessary, too, that they should be able to arrest persons and take them to port.

Mr. BLAKE. Perhaps those words will not cover the ground, but I took the words suggested by the Minister. The difficulty might be obviated by saying "at towns and cities and the shores thereof."

Sir HECTOR LANGEVIN. I do not think that we should limit the power when the intention is expressed in the Bill, and the exact power must be defined by the Governor in Council. An Order in Council may be brought down next Session to hon. members and laid on the Table, so that they may see how far the power has been used. I think it would be better to leave the Bill as it is.

Mr. BLAKE. The hon. gentleman's suggestion comports with his general view of leaving everything to the Governor in Council. He says the Governor in Council will define it. Cannot we define it? Is there any greater difficulty in this

Parliament defining it, than the Governor in Council defining it? Is not the Council here? What I object to is that the Governor in Council shall be given an unnecessary power, a power infinitely larger than the necessities of the case could possibly require, and that we should place on the Statute-book a law creating a force with authority and jurisdiction from one end of the Dominion to the other. That should not be possible under the law. It is not required by the necessities of the case. Whatever way in which you define the territories in a day or two, it is as easy to define them now.

Sir HECTOR LANGEVIN. So far as the powers of the Governor in Council are concerned, I agree, and I have always agreed with the hon. gentleman, that we should do here as much of the legislation of the country as we can; but the hon. gentleman knows that we cannot attend to all the details of our legislation—that a great many of these details have to be afterwards defined by Order in Council, because cases will sometimes arise requiring an immediate change.

Mr. BLAKE. I would suggest that you should say "such territories adjacent thereto as may be defined by the Governor in Council."

Mr. McLELAN. I think it is better, as the Bill says, to let the Governor in Council define the jurisdiction of the police after full enquiry. These men are sometimes obliged to pursue criminals in the Gulf of the St. Lawrence and elsewhere, and if the hon. gentleman's proposition were adopted, they would be prevented from doing that.

Mr. CARON. It has become necessary on more than one occasion for the river and water police to follow and arrest prisoners entirely outside of the territory adjacent to Montreal or Quebec. I have known cases in which they had to go to Toronto or Hamilton to arrest prisoners. I can readily understand how inconvenient it would be to give them jurisdiction beyond a reasonable limit. They are specially appointed for the harbor of Montreal and the harbor of Quebec; but to carry out their duty they are sometimes required to go elsewhere, and I think it is necessary to leave the Bill as it stands. I cannot see how the expression, "territories adjacent thereto," could meet the case I have mentioned.

Mr. BLAKE. I quite admit that the words do not meet the case of an arrest in Toronto or Hamilton. I do not want that they should. I object emphatically to such an extension of the functions of this Government as that they should be able to send these harbor police to arrest criminals at such a distance. This whole provision for harbor police for Montreal and Quebec is an excrescence; it is exceptional legislation which has been objected to from time to time; but, as I have said, I do not intend to object to putting on the Statute-book a provision which has been carried out since Confederation. But to give the Government power to send their police to arrest criminals in the Province of Ontario would be largely to subvert our Constitution, which gives the administration of criminal law to the Provinces. If a sailor is to be arrested in Toronto or Hamilton, or at any other port so remote from the scene of the labors of this police force, let it be done by the ordinary machinery of the Province just as a murderer or a thief is arrested.

Mr. McLELAN. If you insert the phrase, "and territories adjacent thereto," the question would arise: Where is the territory adjacent thereto? The River St. Lawrence extends into the Province of Ontario. I think it is better to leave the clause as it stands. I think that under this Bill, which provides that the territory in which the police shall have jurisdiction will be defined by Order in Council, the force will work more satisfactorily than at present.

Mr. KILLAM. No doubt it would be more satisfactory to have everything done by Order in Council than by Act of Parliament. When this law was introduced it was owing to the exceptional circumstances of the harbors of Montreal and Quebec, and I hold very strongly that the jurisdiction of the force should be limited strictly to what was intended when the provision was first passed for establishing this force.

Mr. McDOUGALL. I join entirely with the view expressed by the hon. member for West Durham, that this is an encroachment, an assertion of power, for the first time under my notice, and I think it might be well to insert the words: "such parts of the Province of Quebec," which would confine the jurisdiction to that Province. The harbors of Montreal and Quebec are great national harbors, and ever since Confederation they have been dealt with exceptionally, and I see no objection to regulating the jurisdiction of this police force by the authority of an Act; but I have very strong objections to our asserting in an Act of Parliament that we are extending it all over Canada.

Mr. McLELAN. I think the hon. gentleman's proposed amendment will meet all the objections—jurisdiction over such parts of the Province of Quebec as may be defined by the Governor in Council.

Mr. OUMET. This proposal is as objectionable to Quebec as it would be to Ontario. If you limit the jurisdiction of the superintendent of police, it might be all right. We in Quebec have no more love for the interference of Dominion authorities than has Ontario, and as we have our own means of carrying out the Criminal Law, it would be unfair to leave the House to think that we want some extra jurisdiction, which is resisted by the other Provinces. We wish to be treated as well as the other Provinces. I object to Quebec being placed under the jurisdiction of the Privy Council, and to its being enabled to send its police everywhere through the Province to arrest criminals, whom our own police can capture as well.

Sir CHARLES TUPPER. I think my hon. friend has lost sight of the fact that those Boards of Police are in the Province of Quebec, in the harbors of Montreal and Quebec; and it is not proposed, nor will the Act empower the authorities at Ottawa to order the police to go over the whole Province, but only to such parts as the Governor in Council may decide as necessary for the purposes of the law. There is a reason for applying this Bill to the Province of Quebec, which does not exist as regards Ontario. The harbors of Montreal and Quebec are within that Province; and a force has been required and provided to sustain the law at those ports.

Mr. OUMET. The Governor in Council will be empowered to use their police to arrest a man in any part of our Province if they think proper to do so. We do not want such a power; but only that the power be limited to those ports for the maintenance of the peace and the arrest of criminals within their limits. If a criminal flee from those ports and the jurisdiction of their police, our local police officer may be empowered to arrest them. I protest against singling out the Province of Quebec for this legislation.

Mr. McLELAN. There is no other Province in the Dominion visited by so much shipping, and the Bill is for the regulation, not of the inhabitants of Quebec, but of the foreigners visiting those ports—for the preservation of peace and order among the large body of sailors. As the force is specially for Montreal and Quebec, it should have jurisdiction over such adjacent territories as may be defined by the Governor in Council.

Mr. BLAKE. I should like to know whether it is intended to make the harbor and river police of Montreal and Quebec one force, or to have the force at each port a distinct organ-

ization; whether it is intended to have a separate superintendent for each, or one superintendent with jurisdiction at one port, with an assistant at the other port, and how many officers it has proposed to appoint?

Mr. McLELAN. At present there is a superintendent at each port, though the police are considered one force. It a difficulty occurs at Montreal or Quebec, the whole of the men may be concentrated at either port to preserve order.

Mr. BLAKE. How many men are there?

Mr. McLELAN. About seventy; forty at Quebec, and thirty at Montreal.

Mr. BLAKE. Is not that number increased?

Mr. McLELAN. No.

Mr. CARON. There is a reduction.

Mr. McLELAN. There is a superintendent at Montreal and another at Quebec, which arrangement is to be continued.

Mr. BLAKE. Is each to have independent authority?

Mr. McLELAN. Each superintendent has authority over the men with him.

Mr. MACKENZIE. Were there no temporary additions made to the force last year, in consequence of the labor troubles?

Mr. McLELAN. I think eight or ten men were added to the Montreal force; eight or ten of the Quebec men have been ordered up to Montreal during the last few days. The same number are engaged at Montreal as in former years.

Mr. ANGLIN. I have often contended that we should wash our hands clear of this business; that it is entirely out of our province to take charge of the domestic affairs of the Montreal or Quebec harbors. We should relegate this duty either to the municipal or provincial authorities.

Mr. AMYOT. Why does not the member for Gloucester ask the ports of Montreal and Quebec to pay the Custom house officers and all the expenses necessary for the commerce of those cities? It is a strange statement that the payment for the public services at those harbors is a domestic affair. If we do the country any immense service by those harbors, I think it is the first duty of the country to pay such expenses.

Mr. ANGLIN. I think the hon. gentleman is mistaken; they are paid now differently from what he supposes.

Mr. BLAKE. The clause was to be amended.

Mr. McLELAN. Yes; I move it be amended so as to include those words—"jurisdiction over such part or parts of the Province of Quebec as may be defined."

On clause 2,

Mr. BLAKE. This gives unlimited power to the Governor in Council to appoint harbor and river police. Such a thing was never done before. When the Mounted Police were appointed the number was limited, and when an increase was proposed the maximum was made 500.

Mr. McLELAN. We do not know what the emergency may be. We may at any time find it necessary to increase the force temporarily for a few days.

Mr. BLAKE. A maximum number should then be fixed in case of an emergency. I do not see why we should depart from the rule adopted with regard to the Civil Service and the Mounted Police. Why should unlimited powers be given to the Government on water any more than on land?

Sir CHARLES TUPPER. The hon. gentleman's premises are entirely unsound. The hon. gentleman fails to see a distinction between this force and the ordinary Civil Service.

Mr. BLAKE. I spoke of the Mounted Police.

Mr. BLAKE.

Sir CHARLES TUPPER. The hon. gentleman said he did not see why this was different from the Civil Service. There is a great difference between the two as there is also between the Mounted Police force and this force. The course the hon. gentleman proposes would be a mischievous one. What you want is the smallest police force with which to perform the ordinary service. If provision is made that only so many men may be appointed to the harbor police force, you will enable persons to organize strikes in sufficient force so as to overwhelm this maximum of police force, which cannot be exceeded; while, on the other hand, if the number is left unlimited it may be at any time made sufficiently strong to quell any disturbance they may be able to make.

It being Six o'clock the Speaker left the Chair.

After Recess.

Mr. BLAKE. I was observing, when the House rose, that the force in question, has been in existence since a date before Confederation, and that, therefore, the nominal strength of the force necessary for the attainment of its ordinary objects, has been well ascertained by the experience of the years that have elapsed since 1867. It is now well known what the existing state of the commerce in Quebec and Montreal requires should be the number of this force. I do not propose that the Minister should be authorized to arbitrarily state the exact number of the force, but that a certain amount of elasticity should be allowed. I suggested even as many as ten, in excess of what the hon. gentleman knows from the experience of the last few years, as the amount of the force required at this time—not that that would mean that ten should be appointed in excess to what are required, but that the increase might be made when the necessity arose. As to the extraordinary purposes of the force, the hon. Minister of Railways suggested that a limitation of temporary appointments would lead probably to the disturbers of the peace gathering together in force enough to overcome the maximum. That is easily got rid of by not establishing the maximum, but by leaving it to the discretion of the magistrates. I am of the opinion, and I think the Committee agree with the opinion, that if we are called upon to organize this force, its normal condition, its standing as an ordinary and permanent police force, its officers and the salaries, ought to be fixed by the Bill, as in the case of the Mounted Police—I do not mean the exact salaries, but the maximum salaries. The present clauses leave everything, in all these particulars of organization, as vague as they are left to-day, although the hon. gentleman justifies the introduction of the Bill upon the ground that it is expedient to put formally in the shape of a Statute the opinion of Parliament as to the constitutional force.

Mr. McLELAN. The force has been in existence for forty years, and I think no person will contend that the power to appoint has been abused. The strength has always been required according to the requirements of the time, and I think we should leave it where it is, in the discretion of the Minister. The extent of territory over which they have to operate is increasing, and perhaps the number may require to be slightly increased.

Mr. DESJARDINS (in French). Mr. Speaker, if any complaint has come from Montreal, it is to the effect that Montreal has not, in comparison with its extent, a sufficient police force to protect its wharves. I do not think that the water police's position can be compared to that of the mounted police. It is well known that at a given time an organized body of laborers can put to flight the small body of police now existing, and if the Government has not the power to increase it at once in a reasonable proportion, it

might as well be abolished at once, for in many instances it will be really inefficient. I think that the latitude asked for by the Government is reasonable and that it should be granted.

Mr. McLENNAN. I think it is a mistake to suppose that this police force bears any resemblance to the Mounted Police or any other system of preserving the peace that we ordinarily use. This is a special service for the protection of a special interest, and that object can only be attained by placing the fullest powers in the hands of the Government to apply this force in any measure and at any time when it happens to be required, to determine on some fixed body that we would be able to incite into an active and efficient force. Parliament would destroy that efficiency and it would fail to meet the very pressing necessities for which this force is brought into use, that is to preserve the peace in the harbor of Montreal at a time when a Ship-laborers' Union is creating a disturbance and requires to be dealt with promptly. It is not a charge upon the public; the special object of the Act is to legalize and bring within the operation of the law this necessary provision for the protection of this interest, and unless it is applied as it is proposed, and in which it has been proposed by the hon. Minister after advising with the parties concerned, it will simply fail of its effect.

Mr. McLELAN moved that clause 4 be struck out.

Mr. McLENNAN. Before this is done, I would expostulate with the Minister. Every word I have said applies generally to the character of the force and is an argument that the superintendent of this force should have some power of acting. I am told that when there are thirty men in the force on duty in the harbor of Montreal, taking from that number the men who are on duty at the station, and those required in other ways, there is about one man per mile left on active duty. The only way to increase the efficiency of this force and to overawe those who organize for evil is to give some magisterial authority to the superintendent of the force. I do not know that it is an extraordinary provision. I presume the arguments used when this clause was inserted in the Bill were sufficient to convince the Minister of its necessity; I think they exist still, although perhaps the power proposed to be given is perhaps too great, but some power should be given to the superintendent to act judicially.

Amendment agreed to.

On clause 8,

Mr. BLAKE. The Act 31 Victoria, respecting the Harbor Police, which is repealed by this Act, provides for further levying of a tonnage tax; but it provided further for the application of that tax towards the maintenance of the Harbor River Police. Now the hon. gentlemen proposes simply that these tonnage dues shall simply form part of the general revenue.

Mr. McLELAN. It is the same for the old Act.

Mr. BLAKE. That part of the old Act which provides that the tax shall be applied specifically for the keeping up of the Harbor and River Police is entirely struck out. My opinion is that the tax should be adequate to the maintenance of the force, and should apply to the maintenance of the force, and that a return should be brought down to Parliament every year, as at present, showing the amount of the tax, what the expenses of the force have been, and how the balance stands.

Mr. McLELAN. The old practice of allowing the money to be drawn from the Receiver-General by the proper officer no longer obtains, but money is voted in the usual way in the Estimates. The return made every year will show the amount of money received, and other transactions.

Mr. BLAKE. I do not advocate a return to the old custom of drawing the money from the Receiver-General's

hands; but what I object to is that the old plan of specifically applying that tax to the keeping up of the force is done away with by this Bill.

Mr. McLELAN. I have no objection to adding to the 10th clause, words to the effect that a return should be made to Parliament.

Amendment agreed to.

On clause 8,

Mr. McCUAIG. It often happens that the Upper Canada mail steamers arrive at Montreal about the time that the steamer for Quebec is leaving, and passengers and so forth are simply transferred from one boat to the other. I wish to know if the Upper Canadian boat has to pay the harbor dues in such a case.

Mr. McLELAN. There is no change affecting that point in the present Bill.

Bill reported, read the third time and passed.

HARBOR OF ST. JOHN, NEW BRUNSWICK:

Sir HECTOR LANGEVIN moved that the House resolve itself into Committee to consider certain proposed resolutions to provide for the appointment of certain Commissioners for the improvement and management of the harbor of St. John, New Brunswick.

Motion agreed to; and House resolved itself into Committee.

(In the Committee.)

Sir HECTOR LANGEVIN. These resolutions, except the name, are similar to the resolutions submitted to the House the other day respecting the Harbor Commission of Three Rivers, and the Bill which will follow the adoption of these resolutions is based on the Bill which was then passed. There will be five Commissioners, as in the other case: one will be appointed by the City Council of St. John, another by the Board of Trade of St. John, and the three others, including the chairman, by the Government.

Mr. ANGLIN. I, myself, have for a long time been opposed to the proposal to place the harbor of St. John under a Commission, because I do not believe such a change in the management of that harbor is either necessary or desirable. Our harbor is now very fairly managed. We have ample accommodation at present for all the trade of the port. There is no necessity for the erection of new wharves or for any very extensive improvements in order to enable us to do all the business we at present have or are likely to have for several years. This proposal, in different aspects, has been talked of in the city of St. John from time to time, but the talk has been confined usually to small circles. The Board of Trade is a very small body indeed, having on its list of members comparatively few of the merchants and business men of the city, and a yet smaller number attend its meetings. The largest number that ever attended its meetings could easily be accommodated in a very small room. The members of the Common Council, on the other hand, have had their own peculiar views on this subject. They have been desirous of disposing of a quantity of corporation property lying contiguous to the harbor, and of getting control of the money to be raised by selling this property to the Commissioners. Should this project be realized, it would be necessary to state that the moneys advanced by the Government shall really be appropriated to benefitting St. John—that the money shall not be left at the absolute disposal of the Common Council—that it shall not have discretionary power as to the manner in which the money so raised shall be invested. What the present project is, strange to say, the people of St. John do not know, never having been consulted. Only the few promoters of this scheme know anything of