

THE SENATE

Monday, Dec. 2, 1867.

The Speaker took the Chair at three o'clock.

After routine

Hon. Mr. Macpherson gave notice that on Wednesday next he will move that a select committee be appointed to inquire into, and report upon, the causes of the recent financial crisis in the Province of Ontario, with power to send for persons and papers.

MARINE AND FISHERIES DEPARTMENT

Hon. Mr. Mitchell moved that the Bill to organize a Marine and Fisheries Department be now read a second time.

Hon. Mr. Dickey said he begged to call the attention of the Hon. Minister of the Marine and Fisheries Department, and of the House, to certain characteristics of the measure now submitted. He did not rise for the purpose of opposing the second reading of the Bill, but to draw attention to what he conceived to be some extraordinary features therein. It was both short and sweet, concise and comprehensive, but at the same time he felt as if it went very far indeed. The last clause gave powers to the Minister of Marine with regard to all matters therein mentioned, and he alone would have authority to regulate and supervise these very important interests. Now in Nova Scotia these interests were matters of separate legislation, but by the Bill they were handed to the Minister—harbours, ports, the appointment of harbour-masters, and all things appertaining to this class of subjects, were given over to this Minister. In Nova Scotia the appointments of Harbour Masters were in the hands of the Commissioners of Pilots, as were the charge of wharves, buoys, beacons, etc. Then in the same Province there was an appeal from the Commissioners to Superior Courts when parties felt themselves aggrieved, but by this Bill the whole control and final decision upon the questions which might arise were left to the Minister. Then as to Shipping Officers and Shipping Masters he (Mr. Dickey) feared the bill would be found to conflict with the Imperial Shipping Act of 1854. He would not go on remarking upon the other classes of subjects to which the Bill applied, but would say he thought that any legislation which might be deemed necessary, should be in strict analogy to the laws now in

existence in the several Colonies. Then before these subjects were handed over to the Department of Marine and Fisheries this House should know what the regulations were to be. Then there should be an opportunity of appeal from the decision of the Department.

Hon. Mr. Locke thought that the Bill would throw too much work upon one Department, and he thought it was quite possible for the Government to interfere too much with private interests. Then the sea coast and inland fisheries were of themselves very large and important interests, and it was quite possible that an Act for the one class would conflict with the prosperity of the other class.

Hon. Mr. Allan thought that if the Minister of Fisheries would give explanations of the Bill, the objections named might be found not to exist.

Hon. Mr. Locke thought it was quite proper in any honourable member to question the propriety of any clause in the measure which might seem to him to be going too far. He feared, indeed, that under the Bill there would be too much opportunity for setting up a huge political machinery. If the Government, for instance, obtained the power to classify ships, and to appoint inspectors and deputies for that purpose, it could be seen how easy it would be to make political use of the measure. Perhaps when the explanations of the hon. minister were given the objections which appeared to exist would be removed.

Honourable Mr. Mitchell said he would be most happy not only to give any explanations honourable members desired, but moreover be quite ready to consider any suggestions which honourable members might have to offer for the improvement of the measure. He was, indeed, glad to find that the House was so disposed to inquire into the hearings of the Bill, as it was a guarantee to the country that it would jealously guard its legislation. An honourable member (Mr. Dickey) had expressed a fear that the Bill was too comprehensive and conferred too great powers upon the Minister of Marine. Well, in his (Mr. Mitchell's) opinion it would be of little use to have a Department of Marine and Fisheries unless the subjects the Bill embraced were brought under the supervision of such a department. It was also feared that the action which might be taken under it in respect to one part of the fisheries would conflict with the fisheries in another part of the Dominion. Now he conceived that it was quite possible to deal with the inland

fisheries without doing damage to those of the coasts, and *vice versa*, and as to a division of the duties, he thought that altogether impracticable. He remembered that a leading paper in Ontario, not devoted to the Government, said that with regard to the Inland Fisheries there would be little or nothing to do, and urged that as a reason against the organization of a Department of Marine and Fisheries. He, however, agreed with the honourable member (Mr. Dickey) that the fisheries did need the active and careful supervision of a Minister, though he did not agree with him in supposing that the duties that Minister would have to do, would be altogether beyond the capacity of one man. The Honourable Minister then read, section by section, and having reached the 5th said this was the one to which special objection was made. The clause was to the following effect.

The duties, powers and functions of the said Department shall extend and apply to the subjects and Boards and other public bodies, officers and other persons, services and properties of the Crown, enumerated in the Schedule to this Act, of which the said Department shall have the control, regulation, management and supervision; and the said department shall have, exercise and discharge, such other duties, powers and functions as may from time to time be assigned to or vested in or conferred upon it by order of the Governor in Council.

The Schedule to which it referred read thus:

1. Sea, Coast and Inland Fisheries and the management, regulation and protection thereof, and anything relating thereto.
2. Trinity Houses and Trinity Boards, pilots and pilotage, and decayed pilots' funds.
3. Beacons, buoys, lights and lighthouses, and their construction and maintenance.
4. Harbours, ports, piers and wharves, steamers and vessels belonging to the Government of Canada.
5. Harbour Commissioners and Harbour Masters.
6. Classification of vessels, and examination and granting of certificates of masters and mates, and others in the merchant service.
7. Shipping masters and shipping offices.
8. Inspection of steamboats and boards of steamboat inspection.
9. Enquiries into causes of shipwrecks.
10. Establishment, regulation and maintenance of Marine and Seamen's Hospitals and care of distressed seamen, and generally such

matters as refer to the Marine and Navigation of Canada.

Now reverting to the argument that these duties were too extensive for one Department, he (Mr. Mitchell) said they would have to be attended to, and he would ask upon what other Department they could, with any propriety, be affiliated. Could any of them be properly devolved upon the Department of the Board of Works, the Excise, or the Post Office? He rather thought they would not be congruous with the functions of any of those Departments. The Department of Marine and Fisheries had been called into existence for the express purpose of managing and supervising the interests named in the Bill, and was, as he thought, the only one which could properly be charged with them. When the Government had determined upon forming this Department, and placing it under his charge, he had found that it was in many respects different from those already in existence. There was not, as in the other Departments, any basis upon which to erect the superstructure, but that he would have to give it shape and form. He felt, indeed, when looking at all the duties which devolved upon such a Department, that it would be a very important one, particularly in its relations with the Lower Provinces, whose interests have in great part connected with fisheries and navigation. Besides the fisheries, there were the lighthouses, the harbours, the classification of ships, the manner of conducting shipping offices, and shipping seamen, the proper management of sailor's hospitals, the care of shipwrecked seamen, and other kindred subjects, but still they were all matters which properly came under the charge of such a Department, and it would have been very difficult, if not quite impossible, to separate them and assign portions to the charge of other parties. Now he thought their considerations would dispose of the objection to the extent and diversity of the interests placed under his charge. Then the honourable member (Mr. Dickey) had stated that the management of the harbours and wharves in Nova Scotia were committed by law to local Commissioners, but the Bill did not propose to interfere with these arrangements. They would continue as they were now, in so far at least, as the Bill before the House was concerned. The Government did not propose by this measure to assume the control of these interests. It simply proposed that the ports and properties of various kinds belonging to the State should be brought under the care of

his Department, but it was in no wise their intention to interfere with the properties owned by municipalities or individuals. All that was transferred by the Bill to his charge was the property of Canada, of the Government of Canada. In a word it vested in the Department of Marine and Fisheries the public property enumerated and none other.

Hon. Mr. Steeves begged to ask if, for instance, the harbour of Saint John, N.B., would come under the control of that Department?

Hon. Mr. Mitchell said that no harbour would come under its control, but such as was legislated upon by both Houses of Parliament, and the Department would only possess the power which might in that way be conferred upon it. The honourable member had evidently misapprehended the object and purport of the Bill. He would, as he had already several times stated, bring in a measure in the next part of the session, making regulations for the management of the fisheries and other of the subjects which come under the provision of his Department, and then it would be quite proper to discuss the merits of such proposed legislation. For instance, at present, the expense for lighthouses was defrayed in different portions of the Dominion in different ways. In New Brunswick by a tax on the tonnage, while in Canada there was no such charge. The Bill he would bring in would give the opportunity of deciding whether it was better to adopt the New Brunswick mode, or that which obtained in Canada. But the Bill before the House did not give him power to deal with these subjects, nor did it abrogate any power now possessed by local authorities anywhere.

Hon. Mr. Allan said if he understood the matter right, the Bill would vest in the Department of Marine and Fisheries all the powers heretofore possessed and exercised by the Local Governments in respect of these particular interests.

Hon. Mr. Mitchell—Yes, that was precisely the object of the measure.

Hon. Mr. Allan—Nor did the Government intend to make any changes without previous legislation?

Hon. Mr. Mitchell—They did not. Things remained as they were. In New Brunswick the maintenance of the lighthouses, for instance, remained as formerly, and in Ontario and Quebec, in the Trinity Houses.

Hon. Mr. McCully called attention to the 129 clause of the Union Act, which provided that these matters should continue as they were at the time of Union until legislated upon by the Parliament of the Dominion.

Hon. Mr. Mitchell, the Bill gave the Government no new power, but left it to execute the existing laws. The duties and charges in respect of several of the subjects named, were as he had said different in the several Provinces, and before an Act to assimilate the practice could be prepared with any hope of establishing a uniform system much thought and labor would be necessary. There were three different modes of conducting shipping offices and of shipping seamen, and he did not know which of the three he would select. The Quebec system made the officers responsible to the Government instead of to Local Boards, but he did not know yet which would be adopted, and so of the pilots. At present in Canada they were under the supervision he believed of the Secretary of State, but by this Bill they would come under that of the Department of Marine. It was said the Bill was very short, but that it gave the Minister very large powers. Well, it was short and comprehensive, and it had to define the powers it entrusted to the Head of the Department, or if not to confide to him general powers. He had, however, thought it more fair to specify or enumerate the powers to be exercised so that if any were deemed inconsistent they might be pointed out and considered.

Hon. Mr. Botsford—But besides the powers enumerated the Bill conferred other powers not named.

Hon. Mr. Mitchell—He was glad the hon. member had referred to that point. The Department, as he had already stated, was an entirely new one. It had never existed as a separate Department, but it was intrusted with the supervision and administration of vast and important interests, and moreover it was in the very nature of things that it should continue to expand, yet as it was quite new it had been thought desirable in case subjects not contemplated should supervene, and require to be dealt with some measure of discretion should be given to the Minister in charge. Now there was a question with respect to seamen's hospitals. In Quebec the Marine Hospital was also an hospital for immigrants, and it had not been brought under the operation of the Bill, though if it were deemed desirable by the House, it might be so placed. Certain questions had been submitted to the

Boards of Trade at Quebec and Montreal, as to whether it was desirable to have seamen and immigrant hospitals in common, or if it would be better to keep them separate. The discretionary power given by the Bill to the Minister of Marine would enable him to do in relation to this question what might after due consideration and advice be thought for the best.

Hon. Mr. Tessier said that in regard to the classification of vessels, he was not aware that there was any law to prevent it, but would not the Bill give power under Orders in Council to do this? If it did not, where was the necessity of introducing the subject in this measure, or until legislation had taken place? He (Mr. Tessier) was satisfied in relation to the other subjects named, for there were laws relating to them, and all the bill did was to take them from under the control of the Board of Works, or some other Department to place them under that of the Department of Fisheries. But when there was no law regulating a matter, such as the classification of vessels, would not the 5th clause give the Department that power? And would not an order in Council in that case be equivalent to a law? It would be useful to classify our ships, but he doubted whether it would be right to make it compulsory. If instead of Orders in Council it was said "according to the laws in force, or hereafter to be enacted," he thought it would be better.

Hon. Mr. Christie said he thought the Bill was liable to two objections. From the 2nd clause it imposed, or tended to impose, charges upon the people, for it established an office which would involve an expenditure of money, and he inclined to the opinion that for this reason such a Bill could not properly originate in this Chamber. Then secondly, if it could properly originate here, it should have been introduced by resolutions in Committee of the whole House, for although it did not expressly refer to trade, yet it did so incidentally. The rule in this point, as laid down in "May," was as follows: "That no Bill relating to religion, or trade, or the alteration of the laws concerning religion or trade, be brought into this House, until the proposition shall have first been considered in a Committee of the whole House, and agreed unto by the House." In Hansard, at page 724, it is reported as follows: "Mr. Spooner moved for leave to bring in a bill to regulate the business of marine store dealers, when Mr. Speaker said, that as it was a bill relating to trade it must be moved for in a Committee of the whole

House." Now he (Mr. Christie) held that as the Bill before the House imposed changes on the people, it should have originated in the House of Commons, and if it might properly originate in this House, it should, as relating to trade, and possibly involving new legislation, have first been submitted in the form of resolutions to a Committee of the whole.

Hon. Mr. Blair said he did not agree with the hon. member, as it simply gave power to take an office already existing.

Hon. Mr. McCully said he thought the measure might very properly originate in the Senate. It was a bill merely to organize, and there was nothing in it giving powers which were not already in existence somewhere in one or other of the Provinces. It simply gathered together a number of particulars, not of an incongruous nature, and placed there under the charge of one special officer, accountable to the Legislature. These subjects must fall under some supervision, and the question to be determined, as he understood it was, have they been properly collected together, or has there been some incongruity in the arrangement, something which does not properly fall within the scope of the duties of the Minister of Marine. If there was anything which did not legitimately come under the purview of that officer, then it might be eliminated, but after all there were details which would be better considered in Committee of the whole. If the Committee should feel disposed to limit the fifth clause, well, but at present the House was only properly concerned with the principle of the measure. He could well understand why the Government should assign duties of the nature proposed, to the Department in question, for a limited time, and he might suggest an amendment, limiting these powers until the end of the next part of the session. It was necessary to have a bill to organize the Department, and if hon. members would turn to the Act of Union they would find it dissipated the fears of the honourable member for Cumberland. So far as the Bill was concerned there was no interference whatever with the laws of the several Provinces. Clause 129 of the Union Act declared that all the laws and all the courts of justice in existence at the time of its enactment, would remain in all the Provinces the same as if the Union had not taken place. The bill in effect only created a head of a Department, and this was, he thought, the simple question to be considered, was it necessary to do this. The 29th sub-section of the 91st clause, gave the necessary

powers. In his opinion the Parliament had all the requisite power to do what it was proposed to do but to discuss the details, was like leaping before you came to the stile.

Hon. Mr. Blair was satisfied that the objections of an hon. member (Mr. Christie) were not valid, but if they were, they should have been adduced before the first reading.

Hon. Mr. Christie said it was only when the Bill came up that members could state such objections. The bill created an office, incidentally creating charges upon the people, and when this was the case the measure should come first from the Commons, then secondly, it proposed to deal with trade, and for that reason should have come through a Committee of the Whole.

Hon. Mr. Steeves said that already two or three speeches had been made since the point of order was raised. He had proposed saying a few words, but when the question of order was stated, he had refrained.

Hon. Mr. McCully had not understood that the hon. member (Mr. Christie) had formally raised the point.

Hon. Mr. Christie said he had quoted May, and given a precedent from Hansard, in support of his objections.

Hon. Mr. Botsford said that if the points raised were correct, and applied to the bill, they would necessarily be fatal, but he did not attach much weight to them. The bill did not impose any distinct change on the people. It did not impose restrictions on trade, and it created no salary, and he therefore thought that the course followed was correct.

Hon. Mr. Tessier admitted that if the Bill was for the regulation of trade it could not originate here.

Hon. Mr. Christie—Why the hon. member himself had said that the classification of vessels was something in the nature of regulating trade.

Hon. Mr. Tessier—The bill only provided for the organization of a Department distinct from all others, and if it went further than this, it could not be amended. Then, as there were no salaries attached to the offices, it could not be said to impose charges. Bills had often been brought into the Legislative Council affecting trade, and even specifying salaries, but the salaries were left in blank, to be filled in by the other branch of the Legislature. If all such Bills were excluded there

would be very little left which this House could do, and such a course would deprive the Senate of the importance it ought to possess.

Hon. Mr. McCully—Why the very Union Bill, under which this Parliament existed, was introduced into the House of Lords.

Hon. Mr. Macpherson really hoped that his hon. friend would not press his point of order. Whether the hon. gentleman was right or wrong in the stand he had taken was to him a matter of much less consequence, than the attitude of the House with regard to matters of legislation. To him it certainly appeared far from prudent to take any step, which in the slightest degree tended to circumscribe the powers of the Senate as a legislative body. Setting that, however, aside, if he understood the Bill, its object was to organize a department, and not by any means to regulate a trade, and this he had learned, if he understood him rightly, from the Hon. Minister of Marine himself. This being the case the powers of the Senate could neither be doubted nor disputed. He thought nevertheless that the power sought for might have been put in a more distinct form than as it was now set forth in the Bill.

The Speaker—That is not a question of order. The objection taken is that the Bill provides for a charge upon the people, and that it affected a branch of trade and industry. As regards the question of trade originating in a department, and a Bill being introduced in this House to enable a department to deal with matters of industry—if it were a matter of trade with any foreign government, or even any special legislation with regard to any particular trade, the objections made by the hon. member (Mr. Christie) might hold good. This Bill, however, neither relates to money matters (which must originate in the Commons) nor to the operations of trade, general or particular, and therefore the question of order does not here actually arise.

Hon. Mr. Steeves—It did not appear to him that there was any objection made to the principle of the Bill, but merely to its details, and it therefore occurred to him that any discussion on the clauses of the Bill should be deferred until the Bill itself had been brought up in Committee of the Whole. On the second reading all discussion should have been confined to general principles—to a desire to ascertain whether the country either needed or wanted such a Bill at all. The power sought for was such as no government of any country in the world had ever had given to it. The

power which the bill proposed to give to the Government as shown by the schedule of classifying ships, was one of a most extraordinary nature, and deserving particular attention and the most serious consideration. He hoped that before any such power should be conferred the expediency as well as the necessity of doing so would be well weighed.

Hon. Mr. Letellier de St. Just—If on the second reading of a Bill explanations may not be given, it was somewhat odd that the Hon. Minister of Marine had been called on for explanations now. He believed, however, that the second reading of a bill presented the most opportune time for discussing not only the general principles of a bill, but some of its most striking details. A willingness to suffer a Bill to go into Committee of the Whole was yielding or conceding the principle of it, and, indeed, admitting the necessity for it so far as its general features are concerned. That principle in legislation he could not admit. Looking at this bill particularly, he considered it only as an Administration measure, setting forth that the Government may have certain powers and no more. It does not set forth how ships shall be classified, pilots regulated, or fees collected. It confers simply administrative power, assigning duties to a particular Minister, that Minister being bound to govern himself by existing laws, which cannot be interfered with without special legislation. Nevertheless the bill may go a little too far in conferring, as some allege it does, legislative powers upon the Governor in Council. The House must not incautiously, too readily as it were, yield up their own power in favor of Ministers. It might be well to be a little lenient in this matter, but he admired the prudence of an hon. member (Mr. McCully) in recommending that the exercise of the power proposed to be given to His Excellency in Council should be limited to the end of next Session.

Hon. Mr. Wark—The bill has simply a two-fold character, that of erecting a Department and that of defining the duties and powers of the officer at the head of it. Could it bear the construction alleged with regard to it of classifying ships, it would at least be necessary to examine very closely its details. One part of the 5th clause appeared to him as being possible of bearing a construction which possibly was not designed, that which stated that the Department shall have, exercise, and discharge such other duties as may from time to time be assigned to, or vested, in or conferred upon it by order of the Governor in Council, as the question might arise whether a Min-

ister by a mere Order in Council might not be required, not only to have, but to exercise certain duties, the exercise of which by him were not contemplated when the bill became law.

Hon. Mr. Ryan saw more than one new feature in the Bill. It was a new one, that of transferring to a Minister duties which hitherto had been discharged by public bodies. He may have interpreted the bill incorrectly, but he thought that the wording of the bill in this particular should be most distinct, and leave room for neither cavil nor doubt. A transfer of certain powers hitherto belonging to incorporated bodies was by this bill virtually made to the Government. The right of classifying ships, a function which does not belong to any Government in the world, claimed in the Bill for the Minister of Marine, seemed to him extraordinary. So far, the classifying of ships has rested with a Board of Merchants. It is well known that in London an institution has grown up called Lloyds, which gives character to ships, and which has its agents at every seaport of any note all the world over, and there is a French Lloyds and an American Lloyds, and the Government apparently design to interfere with this old and long recognized institution, and become classifiers themselves. He looked upon it as very unsafe to put such a power into the hands of the Government, as it was decidedly a bad principle to take out of the hands of the people the powers which they had exercised almost from time immemorial. At every port, he would repeat, Lloyds' agents were to be found superintending the building of and classifying ships, and he would respectfully ask whether it really came within the functions of a Minister of Marine to act as Lloyds' agent, classifying vessels in Saint John, N.B., Quebec, Halifax or Montreal; and if it were, would the certificates of the agents of the Hon. Minister of Marine stand so high in the commercial world as those of Lloyds' agents? He might further remark that certain Acts had been passed regulating Harbour Trusts, and he desired to know whether these Trusts are still to be administered under such Acts or ignored by the passing of this bill. It certainly did appear to him that if the Government had the control, regulation and management of harbours, and Harbour Trusts, the Harbour Commissioners could not do a single act without at least consulting the Government. Would it be prudent, he would ask, so to take away the powers of these Commissioners, as this Bill, if it becomes law, assuredly will do? The lan-

guage of the Bill involves a principle amounting to this, whether the people shall be permitted to manage their own commercial affairs, or the despotic principle of a Government managing such matters for them, be admitted.

Hon. Mr. Sanborn thought the second reading assuredly the proper time for discussing, not the principles only, but the details of a Bill. If in this case they had confined themselves to a discussion of the abstract principle of the bill, they would simply have affirmed that they approved of the creation of a Minister of Marine. He conceived that if the object of the bill was merely to aggregate the powers heretofore exercised by the several previously existing Governments, the duties being only thrown together and made to devolve upon one Minister, there could be no objection whatever to the present Bill. He looked upon it, however, as a vague statement of powers intended to be given to a particular Department. There was an indistinctness about details, and indeed nothing sufficiently clear. If reference were made to Public Works Act, all power was there most specifically set forth—the power and manner of exercise are clearly laid down, while here by this Act we are merely, it is alleged, required to declare the duties of a Minister of Marine, duties which had previously been exercised by other officers of the Government.

Hon. Mr. Mitchell said the discussion had elicited some valuable opinions, and he was much obliged to hon. members for the attention they had given to the subject. It was only by sifting such questions that anything approaching to perfection was reached. As for classification of vessels, he thought the policy advocated by some hon. members was wrong, but the hon. member for Saint John would have done better to have waited before he assumed that he (Mr. Mitchell) was going to undertake that business. All the bill intended was to obtain power to organize the mode of classification. He was procuring information on the subject, and he did not say whether or not it would be dealt with by the Government. The Government had not as yet determined the point, but if it did, the House would have full opportunity to discuss the subject. Now, notwithstanding the opinion of the hon. member for Montreal (Mr. Ryan) he (Mr. Mitchell) thought that this was a very proper subject for Parliament to deal with. The honourable member had said that neither England, France or the United States had dealt

with it, but even so it did not follow that the Government of the Dominion should not do so.

Hon. Mr. Ryan—If it were not the intention of the Government to deal with it now, why take the power in this bill?

Hon. Mr. Mitchell repeated that the bill did not give the Government, or his Department, power to classify vessels, but that the officers whose duty it was to do so, would come under the supervision of the Government.

Hon. Mr. Allan—Suppose the bill passes, will not the Department of Marine have the power to classify vessels?

Hon. Mr. Mitchell again begged distinctly to assert that the bill gave him no such power. The honourable member here read again the 5th Section, and claimed that its wording could not be so construed; all that it gave the Marine Department was supervision. It prescribed the particular class of duties to be performed, or which came properly under the provision of the Minister. If when it came into committee honourable members desired to submit any proposition to make the matter better understood he would be happy to receive it, and give it his best attention. The honourable member (Mr. Ryan) had said, that the Bill proposed to take matters out of the hands of the local Trusts, by which they had hitherto been administered, but this was an error; and in point of fact the very Trusts in question were now subject to the Government, and the sole object now was to bring them under a particular Department. Again referring to the classification of vessels, he said, that a country such as Canada now was, the 3rd or 4th Maritime power in the world, and with a large population, employed as it was to a large extent in ship building, it was too much to say that such a subject should not be regulated by its Parliament, and that because early in the history of England a co-operation had been formed for the classification of vessels, which had worked well, it followed that we, the germ of a future great nation, should not deal with the same subject, but must for all time to come defer to a body of men in London. The honourable member (Mr. Ryan,) had expressed a doubt whether we could mature a measure which would give character to our vessels. Did not the honourable member know that the French Lloyds, or "Bureau Veritas," as it was called was quite a modern concern, and that the rules of Lloyds (English) were considered by many persons versed in the subject as not quite what the

age demanded, and that in point of fact their defects had called the Veritas and other similar institutions into existence? Surely the honourable member (Hon. Mr. Ryan) will hardly assert that the fourth Maritime power in the world should leave one of its greatest interests to be controlled by Boards in New York, Paris, or London. So important did the Germans think it to be to protect their own shipping, that within a twelvemonth they had established an institution not of the exact character of Lloyds, but one which they deemed would answer the people.

Hon. Mr. Ryan—Was the German institution constituted under a Government Department, or was it not as Lloyds, a private enterprise?

Hon. Mr. Mitchell could not exactly say. He rather thought that it was a private enterprise, but under Government supervision, though of this he could not positively speak. Now, with regard to the bill now before this House, he thought it would be quite time to discuss the details when it came before the Committee. The real question was, however, whether or not it were desirable for the Dominion to protect its large floating property. He assumed that no one would take the ground that it should not, or that we should not attempt to give our vessels a classification and character. The hon. member for Sherbrooke had taken exception to the fifth clause, but he (Mr. Mitchell) thought that hon. members had failed to apprehend the object and purport of the whole bill. It was only descriptive of the class of duties which would come under the Department, and gave to it no power of legislation or control outside of the laws already in existence.

Hon. Mr. Miller begged to ask the hon. Minister of Marine whether he would be willing to amend the fifth section, by adding the words "under the existing laws of New Brunswick, Ontario, and Quebec."

Hon. Mr. Mitchell had not the slightest objection.

Hon. Mr. Wilmot thought there would be no doubt that as the bill now stood the Government would have power to legislate by Orders in Council. It was he thought quite desirable to establish some mode of classification among ourselves for Canadian vessels, and not to leave the matter to Lloyd's in London, or anywhere else. The marine interests of the Dominion were very large, and it was well known that the vessels built on the north bank of the St. Croix River in New

Brunswick, were superior to those built on the South or American side, yet they were classed with a difference of two or three years' inferiority. He trusted that proper attention would be given to this important subject, and that something effectual would be done. The Saint John built vessels had proved themselves in every respect of the highest character upon the longest voyages, and had made some of the finest passages from the East Indies. As to the fisheries he thought there could be no doubt that they should be placed under the control of the Central Government. Indeed there was a most urgent necessity that something should be done, for they had almost been destroyed for want of supervision, but as to the harbours he feared it would be a dangerous experiment to take them out of the hands of the local authorities. The control of the Harbour of Saint John, New Brunswick, was in the hands of the Mayor and corporation, and local dues were imposed to make the necessary improvements. It would be unfortunate that any change should be made there, but then the Hon. Minister of Marine said it was not intended, which was so far satisfactory.

Hon. Mr. Locke desired particularly to know if, as asserted no power was given to the Minister of Marine and Fisheries by the Bill, what the intention of Ministers was in introducing such a bill. It was surely important that they should know what power in relation to the exercise, management and control of marine affairs, Government really wanted. Assuredly if a Canadian Lloyds were established to be exclusively under the control of the Government, the effect would be most mischievous rather than in any degree beneficial. He admitted the desirability and usefulness of a Canadian Lloyds under proper management and control. It would be indisputably a most useful association, but it would be pernicious in the extreme, he would repeat, if Government had any control whatever over such an association. There would be a forced classification here in all probability and necessary classification in England as well. Merchants and shipbuilders would have to resort to two classifications to sell their vessels, the one arbitrary, the other on absolute necessity, if they would sell at all. The question of whether it is the intention by this bill to create a Canadian Lloyds for the purposes of rating and classifying ships, or not should, however, at once be settled, and he trusted it would be so.

Hon. Mr. McCully—The honourable gentleman surely does not suppose that anything

that may be done by Government will altogether supercede, interfere with, or prevent classification at Lloyds. If the Government of this country could be insane enough to enact that every vessel built in or belonging to the Dominion should be classed in their Lloyds, the object, said to be desired, would assuredly be altogether lost. A Canadian Lloyds—an association of men well acquainted with the qualities of Canadian woods and ship-building, and practically conversant with ship-building by means of their own agents and supervisors—could give a character to a vessel which would be respected in England, in France, and in the United States. The character given to be respected would depend much upon the character of the association which gave it—a character which no Government could arbitrarily impose. One great difficulty with which Canadian ship-builders had to contend was the difficulty of making people fully understand the qualities of wood. It was difficult for instance to persuade people in England that for the ship-building purposes, the wear and tear incident to oceanic navigation, hachmatac was nearly equal to the far-famed British oak. Yet there cannot be a doubt that we are as good judges in this as in any other country of shipping material. As the question was apparently to be discussed on the second reading he might as well mention with regard to Lloyd's agencies or superintendencies of shipbuilding in this country that that Association employed travelling agents to visit shipyards, and who actually classified vessels on the stocks as it were a secret. A merchant might be led to believe when his ship was completed that she was A 1 in point of excellence of material and workmanship, but find on going to London that his ship had not been classed at Lloyds, as he had had good reason to expect, and thus loss, for which he was quite unprepared, be suffered. A Canadian Lloyds will certainly do much to correct this rather serious drawback on ship-building, if it would do nothing else.

Hon. Mr. Mitchell—Before anything is done of such a nature, he might be permitted to assure the House that every detail would be submitted to Parliament; but it was not, in his opinion, the thing for a free people to submit to be at the mercy of any mere association of private individuals in remote countries.

Hon. Mr. Macpherson—If the Hon. Minister of Marine and Fisheries does not seek, or rather intend using, the power which the bill gives him, why is any such power mentioned in the bill?

Hon. Mr. Mitchell—It will enable me to take all the steps preliminary to the formation of such an association, and to the framing of measures having a tendency to advance and protect our maritime and commercial interests.

Hon. Mr. Macpherson did not certainly perceive that it was necessary to give the Minister of Marine and Fisheries any such power as he claimed the right to possess. In time, no doubt, a Canadian Lloyds would spring up, but he did not believe that at any time under the close and immediate, he might say direct, supervision of the Canadian Government, such an institution would prosper. One thing certainly occurred to him, and that was that the bill should be freed from all ambiguities. Already there was an Act which had been introduced by the Hon. Postmaster-General, then Commissioner of Crown Lands, regulating the fisheries, and this bill, it appeared to him, attempted to do precisely the same thing, and in fact would override the Act now in existence.

Hon. Mr. McCully—Not at all. The Union Act keeps all those things intact.

Hon. Mr. Mitchell had no objection whatever to the fullest possible discussion of every detail, as well as of the general principle of the bill, which as a matter of course, would be afforded when the bill came into Committee of the Whole, and he should indeed be most happy to receive any suggestion from hon. members, and would gladly weigh any recommendations which should then be made for its amendment and improvement.

Hon. Mr. Odell thanked the honourable mover of the bill for the explanations which he had offered, though he regretted that his duty required him to set aside from his mind those explanations altogether, and merely look to the wording of the bill itself. The explanations, no doubt, might be considered by many as very satisfactory, but whether they were or were not so, they did not alter the wording of the Act, nor give to that wording any different sense or interpretation than the words employed must necessarily convey. It is with the bill which the House has to do, and in that bill the Minister of Marine is to have powers which must inevitably clash with those of the Local Legislatures under the Act of Union, and he was not disposed to consent that any powers such as those sought for by the bill should be given to any Government, and he hoped that the ability to confer such duties as were specified in

the bill, upon one of their own officers, would never be conferred upon the Government by the Senate—would never, indeed, be entertained. Extraordinary powers have frequently been given to Governments to meet extraordinary emergencies, to meet some particular case that might arise, but he could not consent to confer any such extraordinary powers upon a Government, when the existing laws are sufficient to meet the alleged object sought to be attained. He contended that Harbour Commissionerships and Harbour Masters was a power vested by the Act of Union in the Local Legislatures, and which the Hon. Minister of Marine admits to be strictly correct,

and what then does the bill mean by requiring that the whole control, management, and supervision of these matters, the classification of vessels, and direction of trade, should be in the hands of the Minister of Marine. He certainly objected to the conferring of a power which the Minister of Marine himself states he is not prepared to exercise.

After some further discussion as to the propriety of delay, in view of an outside expression of opinion, the bill was read a second time and ordered for consideration in Committee of the whole on Wednesday next, and the House adjourned.
