

**Hon. Mr. Macpherson** then moved that the following members do compose the said committee, viz: Hon. Messrs. Allan, Anderson, Christie, Hamilton (of Inkerman), Robertson, Seymour, Simpson, Tessier, and the mover.

The Speaker announced a Message from the House of Commons with a

Bill to authorize the apprehension and detention of persons suspected of acts of hostility, or of conspiring against Her Majesty's person and Government.

On motion of **Hon. Mr. Campbell**, seconded by **Hon. Mr. Blair**, the said Bill, after having been read a first time, was ordered for a second reading to-morrow. Also

Bill respecting the Statutes of Canada which was likewise read and ordered for a second reading to-morrow.

#### PRINTING.

**Hon. Mr. Simpson** brought up the 4th report of the Joint Committee on Printing, and expressed the hope that it would receive the best attention of hon. members. Consideration ordered for Monday next.

#### MARINE AND FISHERY DEPARTMENT.

Pursuant to order the House resolved itself into Committee of the Whole on the Bill to organize the Department of Marine and Fisheries, **Hon. Mr. Hamilton** (of Kingston) in the Chair.

First clause read and carried.

Second clause read.

**Hon. Mr. Robertson** begged to inquire of the hon. Minister of Marine and Fisheries, whether he intended to appoint one Secretary (Deputy) or one in each of the Provinces.

**Hon. Mr. Mitchell** replied that if the hon. member turned to the 4th Clause he would see that one Deputy only was intended.

The Second, Third, and Fourth Clauses were then read and carried without debate.

Fifth Clause.

**Hon. Mr. Mitchell** said that he had adopted the suggestion of the hon. member for Montreal (**Mr. Ryan**), and in order to avoid misapprehension he would now move that the following words be added after the word "Supervision" in the 5th Clause, and the words after "Supervision" expunged. The Clause would then read thus:

"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 the Act, of which the Department shall have the control, regulation, management, and supervision, so far as the same may be, or might be, or have been had or exercised by any Public Department under and in accordance with the provisions of Acts of the Parliament of the United Kingdom, or of any Provincial Parliament or Legislature now in force in Canada, in relation to such subjects, boards, and other public bodies, officers, and other persons, services and properties of the Crown, or any of them, or without violating the provisions of any such Act or Acts, save and except such as may vest any such control, regulation, management, or supervision in any other Public Department."

**Hon. Mr. Dickey** said he confessed to a difficulty of catching the exact purport of the amendment, but as he (**Mr. Dickey**) was the member who initiated the discussion, he desired to say a few words. He had been prevented from doing this when the bill was up for a second reading, from a wish not to break the rule which precluded members from speaking more than once on the same question, though he observed the practice of doing so was growing common. He admitted that the Minister of Marine had received his suggestion most courteously, but nevertheless had thought his objections of no particular force, yet he (the Minister) had discovered that some such provision as that now proposed would have to be made before the bill could pass. He had been told that the bill conferred no legislative, but merely an administrative, power, which he (**Mr. Dickey**) admitted, but then the bill itself legislated upon important subjects. He had been told that the bill was only to organize, but having referred to the 129th clause of the Union Act, where it was declared that all the laws in existence would continue in force, he found that the same clause gave power to amend and repeal, and the bill gave the same powers. Take the 5th section and connect with it any of the matters mentioned in the schedule and it would read—"Said Department shall have the control, regulation, management and supervision of Harbours, Ports, Piers, and Wharves &c." In his remarks upon the former occasion he had referred to Nova Scotia, and said that the Courts of Sessions had the care of Harbours and the appointment of Harbour Masters, not the Commissioners of Pilots, as stated in the report of the debate. Now there was cogency in the argument of the hon. member

from Montreal (Mr. Ryan) that the Bill gave power to the Department to interfere with Boards which had the supervision in Canada and in Nova Scotia with the Sessions. Surely these were good reasons why the attention of the Minister of Marine should be called to the subject. He had no doubt that the intention of the Minister of Marine was not to assume such powers, but only to organize and to vest in the Department such authority as belonged of right to the Government, or which hereafter might be assigned to it. An hon. member (Mr. Miller) had suggested that words to the effect "that only such powers as were possessed by the Government under existing law" should be added by way of amendment to the 5th clause. He (Mr. Dickey) had stated two objections, first, that the bill took away existing rights from various bodies by whatever names known, and secondly, conferred upon the Department of Marine powers, usually set forth in a special bill, and gave the Minister the management and control of them. He must now express a doubt whether the amendment proposed by the Hon. Minister would meet the requirement, and he would be glad to hear him explain it. The Hon. Minister knew that he (Mr. Dickey) would be the last man to object to the present Minister being entrusted with them, for as respected his ability and his good intentions, he had his fullest confidence, and no doubt that hon. gentleman would make such amendments to the measure as will best convey to his Department the powers at present exercised by the Executive, or which might hereafter be confided to them.

**Hon. Mr. McCully** certainly thought the amendment might be put more concisely.

**Hon. Mr. Mitchell** said he must admit he had failed to see the force of the objections raised to the bill, but as several hon. members had thought they discovered some, he had deemed it more judicious to give way. He had then gone to the hon. member opposite (Mr. Miller), and had taken the words of the amendment he had proposed, afterward adding a few of his own. But when he had shown the alterations to the hon. member from Montreal (Mr. Ryan), he was not quite satisfied, and another amendment had been prepared, which, however, he must say he did not think more explicit, still in order to make the matter satisfactory, he had consented to accept that, and let it enter in and form part of the bill. No doubt the objections of the hon. member (Mr. McCully), would be got satisfactorily over. The object he had in view was

simply to make the Department effective, and not to obtain powers which properly ought not to belong to it.

**Hon. Mr. Cauchon**—The chief dissatisfaction was, he conceived, with the wording of the bill rather than in any principle involved. All appointments were made through the Governor in Council, and Boards of every kind, other than simple Boards of Trade, really affecting commercial or maritime affairs, were not now exempt from such influence and control. The only difference in the way of supervision proposed, was that such control should come through another channel—the Marine and Fisheries Department. Certain work must be done by the Government, and must be executed by somebody, and in this case he supposed by the Minister of Marine. There was no question of law involved, and he would merely suggest that such control over certain public institutions and bodies as had previously been exercised by any other Department of the Government, or by any other authority emanating from Government, should now be vested in the Minister of Marine. He thought such an amendment would obviate all difficulty.

**Hon. Mr. Miller** had stated on the second reading of the bill that he differed from some hon. members of the House, as to the interpretation which one of the clauses of the bill was susceptible of, and had offered an amendment, looking on the bill only as a means of organizing a Department, and not as giving any legislative powers whatever to the Minister of Marine. Another hon. gentleman had substituted other words which he thought were still more comprehensive than those which he himself had proposed to insert, and, as he understood the alterations were made with the concurrence of the Hon. Minister of Marine, and would better answer the purpose than the alteration he had proposed, with the permission of the Senate he would withdraw his amendment.

**Hon. Mr. Ryan**—This amendment covers all the objections which have been made with regard to Harbour Masters, Commissions, Trusts, and Boards, and is most comprehensive. It had been proposed and written in language which, except in a legal point of view, might seem rather intricate, and it would be, perhaps, difficult for members by the mere hearing of it read, to comprehend it, and that the meaning of it might be fully understood, he would suggest, and, perhaps, the Hon. Minister of Marine would consent to

have it printed before the third reading of the bill came up, and it might be so adapted as to apply and extend to the officers enumerated in the schedule to this Act of which the Minister of Marine shall have control, management, and supervision. He might mention that the Minister of Marine had consented to leave out the words, "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 supervision was to be the same as is exercised by any head of any public Department, and so preserving the laws which circumscribe the powers of all public Departments soever. All that was necessary to be had by the Act was a transfer of the power of supervision over existing bodies or institutions, and with that view the Minister of Marine had now confined himself in the schedule of Acts made or to be hereafter made for the extension of his authority as the head of a Department; and as the sense of the country with regard to the classification of ships by a Canadian Board of Control could now easily be had, the Minister of Marine not intending to do anything in that matter this session, he should accept the Bill as amended.

**Hon. Mr. Mitchell** consented to the printing of the 5th clause, embracing Mr. Ryan's amendment, previous to the third reading of the bill.

**Hon. Mr. Robertson** thought that if several words in the amendment were thrown out, the same effect as was intended would be provided.

**Hon. Mr. Dickey** consented to the amendment, but thought something more simple might have been written to express the same idea.

**Hon. Mr. McCully** said that a more limited phraseology might be desirable, such as the supervision of the duties, powers, and functions of so and so shall extend and apply to the bodies, boards, and other public offices mentioned in this Act. He did not intend even to take credit for this suggestion, inasmuch as it belonged to his hon. friend the Speaker.

**Hon. Mr. Botsford** thought the Department of Marine & Fisheries ought to have the supervision of all Harbour Trusts, of which there were many of a peculiar kind in the Lower Provinces, and see that the officers perform their duties. It was hardly to be expected that the Minister of Marine, however

able he might be as an administrative officer, could personally direct and govern all the Trusts, Boards, and public bodies now existing, nor would it be well to put it in his power to do so. He thought the suggestion of His Honour the Speaker met the whole case, which was virtually that the Minister of Marine, as the chief of a particular Department, should see that persons, who had certain trusts reposed in them and duties to perform, did their duty faithfully and well, and if it should afterwards be found that notwithstanding this kind of supervision, the local or resident authorities did not properly discharge their duties the matter might be easily remedied by an Act of the Dominion Parliament, formed with a view to make them do so. Then would be the time to give the Minister of Marine power to take the direct management of these public bodies out of incompetent hands.

(Here **Mr. Speaker** assumed the Chair and the Mace was laid upon the table, a message being announced from the House of Commons; and the Hon. Sir John A. Macdonald, accompanied by the Hon. Mr. Langevin and Mr. Morris, stood at the Bar, when Mr. Speaker went to receive them. Sir John delivered his message, and having returned to the Chair and the messengers having withdrawn,

**Mr. Speaker** announced the receipt of a message from the House of Commons, stating that a Select Committee to assist Mr. Speaker, so far as the interests of the House of Commons were concerned; to consist of Messrs. Cartier, J. S. Macdonald, McDougall, Dorion, Fisher, Smith, Tupper, Morris, Blanchet, Chamberlin, Mills, and the mover, had been appointed to assist Mr. Speaker in the direction of the Library of Parliament, and again left the chair.)

**Hon. Mr. Mitchell** thought the proposed amendment to which he had assented might be cleared of much ambiguity which might be avoided, he believed, by not repeating twice words to the same effect, but nevertheless he considered it clear enough, and perhaps it would be better that it should remain just as it was written. An hon. friend seemed to be desirous of taking from Government the preparation of this bill; but he thought it better, on the whole, to adopt the suggested amendment of his hon. friend from Montreal, and retain the bill otherwise, as it was.

**Hon. Mr. Sanborn** would move an amendment to the amendment.

**Hon. Mr. Steeves**—When people do not themselves understand the meaning of what they write, and when hon. members do not understand the true meaning of their own motions, it seemed unfair to ask mere plain, common sense, legally unskilled members of the House to find out the true meaning and purport of such amendments, and ask simple-minded members of the House like himself to agree to amendments, the meaning of which hon. gentlemen learned in the laws were divided in opinion about.

**Hon. Mr. Sanborn**—It had been suggested that the object of the amendment should be stated in general terms, and he was not adverse to the suggestion. All that he designed to say now was, that in his opinion the word "administration" might be substituted for "supervision," as being more explicit and comprehensive in its import.

**Hon. Mr. Speaker** said, that in Quebec the administration of the laws rested with the judges, and if they exercised administrative power the Government could not also do so.

**Hon. Mr. Sanborn** meant Departmental, not judicial, administration, and thought the objection to the word supervision held good.

**Hon. Mr. Bossé** feared that incorporated pilots might be injured if the Minister of Marine had the power of supervising them.

**Hon. Mr. Sanborn** withdrew his amendment; and **Hon. Mr. McCully** having stated that the time had not been ill-spent in discussing so important a measure; and **Hon. Mr. Cauchon** having stated that the Quebec Pilots Incorporation Act, which only concerned pilots themselves, personally and pecuniarily, would not be at all affected by the bill; and **Hon. Mr. Mitchell** having stated that there would be no clashing between his Department and the Department of Public Works, the committee rose and reported, and the **Speaker** taking the chair,

The third reading of the bill was fixed for to-morrow.

The last annual Report of the Commissioner of Crown Lands of the late Province of Canada was laid on the table.

The Senate then adjourned.

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