

Mr. McCUAIG. If a vessel should be stranded in a gale of wind, and there happens to be no Canadian tug at hand, will you permit an American tug to rescue her?

Mr. BOWELL. On every occasion, and under all circumstances, when application has been made to the department for the use of American tugs or pumps, when there has been no Canadian within reach, that permission has been given.

Mr. McCUAIG. I appreciate your liberality; but while such correspondence was corresponding with the department the ship property might be lost.

Mr. BOWELL. That might happen; but I have heard of no such case. But in case of any misapprehension, or danger of property being lost, the collectors have discretionary power to order any vessel within reach, or any tug, no matter where she may hail from, to render every assistance to save the vessel and property.

Mr. McCUAIG. Have collectors discretionary power?

Mr. BOWELL. On every occasion when life or property is in danger, and no Canadian tug is within reach, the collectors may allow other vessels to go to the aid of those in danger. We tell them, at the same time, however, that this privilege is not to be granted in any way to interfere with the rights, under the law, that the Canadian wrecking companies should exercise, and should possess the profits of.

Mr. McCUAIG. The collectors, though very good men, may be wholly unacquainted with maritime law, or may possess peculiar ideas as to how they should act in the case of endangered vessels; and while telegraphing to and awaiting instructions from Ottawa the vessel and property may be lost. I would like a solution of this difficulty.

Mr. BOWELL. If my hon. friend had waited till I read the circular of the 19th September, 1879, he would have found that any collector of ordinary intelligence could understand distinctly that, under such circumstances, the Government desire—that while they must insist on the enforcement of the wrecking, towing, and coasting laws of this country—nothing should be done to interfere with the saving of life and property. The circular thus reads:

“CUSTOMS DEPARTMENT,  
“OTTAWA, 19th Sept., 1879.

“SIR,—Referring to Departmental Circular No. 210-3, of 5th March, 1878, on the subject of wrecking by foreign vessels in Canadian waters, I am desired by the Minister of Customs to inform you that the Circular is not to be understood as having any application to cases wherein life may be in danger, or where property may be jeopardized by delay, such, for instance, as the grounding of a vessel in circumstances in which immediate assistance would prevent a wreck; nor is there any possible case in which vessels of any nationality should be prevented from going to the rescue of persons in peril of their lives, or of vessels in danger of being lost.

“You will understand the terms ‘wrecked vessels or property in Canadian waters’ as referring to vessels and cargoes cast upon the Canadian shores and stranded or wrecked, requiring apparatus for their removal, or the discharge of cargo into other vessels; and to goods which may have been discharged or floated off therefrom, and cast upon the coast; and in either case coming within the provision of the revenue laws.

“I am, Sir,  
“Your obedient servant,  
“J. JOHNSON.”

Mr. McCUAIG. May I ask the date of that circular?

Mr. BOWELL. It is dated 19th September, 1879.

Mr. McCUAIG. That circular does credit to your heart and to your department.

Mr. BOWELL. That is a plain interpretation of the Order issued, and which, I think, the late Government intended should be the construction put upon those Orders. My only reason for making that explanation was to prevent any of the Custom-house officers along the frontier putting a construction on the former circulars which had been issued similar to that which has been given by my hon.

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friend from Prince Edward and many of the Americans who are interested in this work. Our tug-owners and others interested in the trade complain that our Customs collectors put too broad an interpretation upon that Order. The case to which my hon. friends from Essex and Monck referred. I have under my hand. The complaint came to the office that the collector at Amherstburg had overstepped his duty in permitting American tugs to go to the assistance of an American schooner, on the ground that there was no Canadian tug present, when Canadian tugs could have been procured. After reading the papers I ordered a letter to be written to him approving of his conduct. The letter stated that while approving of his conduct, I had given, and would continue to give, the greatest attention possible to the interest of the wrecking companies of Canada, but could not disapprove of reasonable concessions to United States tugs when necessary to the rescue of human life or the saving of vessels from total wreck. In this case the vessel, according to these documents, which are the only data I had on which to form an opinion, had been thrown on some rocks. The collector informed the department that he was fearful, that the wind blowing from the west would lower the water in the River Detroit to such an extent as to break the vessel in two, unless she was taken off the rocks, and that there was only one small Canadian tug there, not sufficiently strong to rescue this vessel from probable destruction; he therefore allowed an American tug to come to the rescue. That is a case in which I think the collector exercised a wise discretion, a discretion which the department, with those facts before them, fully justified. It is stated now by the hon. members for Monck and Essex that there was a Canadian vessel, the *Prince Alfred*, lying at Windsor, that could have been obtained within an hour and a half at the outside. The collector informed the department that the accident occurred on a Sunday, that the telegraph offices were shut, and he was unable to telegraph to Windsor for assistance, or he would have done so.

Mr. PATTERSON. (Essex). How did he manage to communicate with Detroit on Sunday if he could not communicate with Windsor?

Mr. BOWELL. I understand from the papers before me that the American tug was lying ready to assist the vessel on the rocks, and only awaited permission to do so. In such a case the collector did quite right. If it be a fact, as stated by one of the hon. gentlemen who have just spoken, that some of the collectors in the west are in collusion with the American wrecking companies, and if the hon. gentleman will bring that under the notice of the department, I assure him that the complaint will be attended to at once, and if true we will endeavor to find other collectors who will attend to their own duties and not enter into understandings with American tug-owners. I have never heard, except from the American tug-owners who were interested in their own vessels, complaint of the want of power or the insufficiency of Canadian tugs. I may say, for the information of the hon. member for Prince Edward, that while he complains that one of these vessels draws too much water and cannot be used for the purpose for which she is equipped, a complaint has come to me from shipowners on the upper lakes that they do not draw sufficient water and have not the power when at full steam to draw a vessel off. My hon. friend must know that there are other vessels belonging to the wrecking and tugging companies in this country that do not draw so much water as that. There are tugs in the west that draw from six to eleven feet of water, hence the smaller ones can be used for the shallow water. It is absolutely necessary that we should have strong tugs of heavy draught to be used in assisting stranded vessels. I am very glad this question has come up, as it has given the Government an opportunity of hearing the opinions of hon. members representing the