

to look after these matters, or the officers of the Marine Department; but I do know as a matter of fact that great and unnecessary danger is run. I do not know whether any very great disasters have occurred in Canada, but the hon. gentleman knows that in other countries there has been great loss of human life on such excursions.

Mr. TUPPER. I quite agree with the hon. gentleman, and I have taken the most rigorous measures to enforce the provisions of the Act against overcrowding. The hon. gentleman will see, on glancing at the last report of the department, that we have undertaken not only to enforce the Act, but to prosecute every case of overcrowding brought to our notice.

Sir RICHARD CARTWRIGHT. How many prosecutions have taken place?

Mr. TUPPER. There are quite a number in progress now, and on page 45 the hon. gentleman will see a report of quite an amount of litigation in these cases. The officers of the Marine Department are required to enforce the Act, and the Customs officers have power to refuse clearance to vessels violating the provisions of the Act. For some years the law was not enforced, but distressing accidents caused the matter to be brought up, and for the last two years we have prosecuted every case brought to our attention, and I have given my officers instructions to enforce the law very strictly.

Mr. DAVIES (P.E.I.) I see that in nearly every instance the magistrates dismissed the case.

Mr. TUPPER. That is a difficulty we meet with in connection with a good deal of the legislation of this Parliament.

Mr. DAVIES (P.E.I.) I am not surprised that the hon. gentleman meets that difficulty, and I think it is worth his while to consider in another session whether he could not introduce some legislation enabling him to carry out the law more effectively, so that technical objections should not be allowed to interfere with its operation, in cases where boats carry more passengers than the law entitles them to carry, or undertake to carry passengers in the absence of those things which the law prescribes they should have for the protection of passengers. The safety of the passengers ought to be of paramount importance, and I think a few good wholesome fines on steamboats who violate the law in this respect would have a good effect.

Fisheries—Salaries, &c., Nova Scotia. \$23,000

Sir RICHARD CARTWRIGHT. There was a little misunderstanding on the part of some of my hon. friends. They thought that all that we were going to do was to pass the five per cent. of the items.

Mr. TUPPER. I am quite willing to agree that latitude will be allowed in the Supplementary Estimates to go back to these items.

Mr. FRASER. Is the west branch of the East River still under the operation of the Fishery Act?

Mr. TUPPER. Yes.

Mr. FRASER. My information is that the west branch of the East River was exempted from the operation of the Fishery Act some years ago.

Mr. TUPPER. Your information is wrong. There is no river in the County of Pictou exempted.

Mr. FRASER. I put a question on the Paper about the dismissal of Mr. Torey, fishery overseer in Guysborough, and the appointment of a man in his place, and I asked what were the reasons?

Mr. TUPPER. It was his duty as fishery officer and Customs officer to enforce the Fishery Act, particularly with regard to foreign vessels. This officer permitted an American fishing vessel, not having a license under the *modus vivendi*, to enter his port, obtain supplies, sell her cargo, and generally act as a trading vessel or as one of our own ships. He was an old officer, who had been employed at one time in command of one of our cruisers, and he knew the provisions of the law. Yet he allowed this vessel to go on the payment of a fine of \$800, although the penalty was confiscation. The case being of that serious nature, it was impossible to retain him any longer. The explanation of the facts showed that he was not fit to be retained in his position. The whole transaction was hurried, the vessel was off before his report reached the department, and although the vessel had been detained by him for open violation of the Customs and Fisheries Acts, she was permitted to depart on the payment of a fine of \$800, utterly disproportionate to the value of the vessel and against the law which imposes the penalty of confiscation.

Mr. FRASER. So far as Mr. Torey is concerned, I wish to bring the matter before the Committee. Mr. Torey has been an official in the County of Guysborough for over twenty years, and I am safe in saying that so far as ability and knowledge of the fishery law are concerned, and the performance of his duties both as a fishery and a Customs officer, no man in the Province of Nova Scotia has carried out the duties of his office better, if as well. Now, the seizure spoken of occurred last year, and Mr. Torey has written fully to the department about the matter. It was impossible for him to do anything more than he did. He took the \$800, which was all he could get at the time, and, not having a force sufficient to detain the vessel, he had to take that \$800 or allow the vessel to get away. That took place in 1890 and nothing was said in reference to it until after the general election. Mr. Torey has been in office for twenty years as chief collector of Customs for the county and has been in charge of the fisheries there. He had always performed his duty to the full satisfaction of the Government. He was not only a good official, but all his lifetime he was an ardent supporter of the Government. He ran for the county two or three times in the interest of the Government when it was a forlorn hope. As far as his relations with the people of the county were concerned, no one suggested that he was not an efficient officer, and nothing was said about this matter of the seizure.

Mr. TUPPER. The hon. gentleman is quite wrong.

Mr. FRASER. Mr. Torey's attention was called to the matter and he made explanations. I have the correspondence here. Here is a letter dated Guysborough, June 28, 1890, as follows:—

"SIR.—I beg to acknowledge the receipt of your letter of the 23rd instant, file 1891-90, in reference to my report of the schooner *Abbie M. Deering*. In reply, I beg to say that the seizure was made principally for violation of the Customs law although no doubt the offence was a violation of the Fisheries Act. I dealt with the seizure under the Customs law, and when the amount of \$800 was