

"I asked him why he held my papers. He replied he seized her because I had allowed my men to go ashore before reporting at the custom house; that all he could tell me was, he said he would telegraph to Ottawa and find out what to do with me, and he did telegraph immediately. About 5 o'clock p.m. the collector received an answer, and told me to deposit \$200, and the vessel would be released. The collector would not allow me to land this dead man's clothes until after I had paid the \$200 fine."

That is his allegation.

Mr. FOSTER. What day was that?

Mr. EDGAR. I suppose the 18th of September. Now, what does the report of the hon. Minister of Marine say:

"The Minister also submits that it is clear from Capt. Kemp's affidavit that he was guilty of an infraction of the customs regulations in allowing men to land from his vessel before she had been reported, and the Minister of Customs having favorably considered Capt. Kemp's representations as to his ignorance of the customs regulation, requiring that vessels should be reported before landing either men or cargoes therefrom, has remitted the fine of \$200 which had been imposed, in the case of the American schooner *Pearl Nelson*."

The enclosed shows that the report of Mr. Johnston, when the remission was made, was dated 22nd October, more than a month after the fine had been imposed. There is no contradiction to the allegation that this man was not allowed to land that dead man's clothes until he paid the \$200. He was fined for sending some men on shore with the dead man's clothes, I suppose.

Mr. FOSTER. No.

Mr. EDGAR. Well, without them. I do not care how it was, he was not allowed to send this dead man's clothes on shore until he paid the fine. Let us take a case of another class—a case in which a vessel was refused permission to buy a few trifling supplies. The captain says:

"On Tuesday, 5th October, we made Shelburne, N.S., and arrived in that harbor about 8 o'clock, p.m., on that day, short of provisions, water and oil to burn. On Wednesday, I sailed for the inner harbor of Shelburne, arriving at the town about 4 p.m. On going ashore I found the custom house closed, and hunted up the collector and entered my vessel, and asked permission from him to buy 7 lbs sugar, 3 lbs coffee, $\frac{1}{2}$ to 1 bushel potatoes, and 2 lbs butter or lard or pork, and oil enough to last us home, and was refused. I stated to him my situation, short of provisions and a voyage of 250 miles before, and pleaded with him for this slight privilege, but it was of no avail. I then visited the American consul and asked his assistance, and found him powerless to aid me in this matter. The collector of customs held my papers until the next morning, although I asked for him as soon as I found I could not buy any provisions, say about one and a half hours after I entered, but he refused to give them to me until the next morning. Immediately on receiving my papers on Thursday morning, I started for home, arriving on Sunday. I think the treatment I received harsh and cruel, driving myself and crew to sea with a scanty supply of provisions, we having but little flour and water, and liable to be buffeted for days before reaching home."

The answer of the collector of customs to that is that he had gone to an agricultural exhibition, and he went on:

"I had been on the grounds about 15 minutes when Captain Rose put in an appearance, and I at once came to the office, and he reported his vessel, stated that he was from the Bank bound home, and came in to fill water and wanted provisions as follows, viz., 7 lbs sugar, 3 lbs coffee, 1 bushel potatoes and 2 lbs butter. This was all. I took a memo, and attached it to his inward report, and oil is not mentioned. Stated that he had plenty of flour, fish and other provisions sufficient for voyage home. I gave him permission to fill water at once, but as the treaty made no provision for purchase of supplies I would telegraph to the Department at Ottawa, and no doubt it would be allowed."

Mr. BOWELL. Quite right.

Mr. EDGAR:

"Captain Rose expressed his willingness to remain until a reply was received. He called at the office next morning (Thursday) at 6.30 a.m. and not finding I had received a reply, said as the wind was fair and a good breeze, he would not wait longer, and would take a clearance, which I gave him."

The hon. Minister of Customs says the collector was quite right to telegraph to the grand panjandrum at Ottawa. I will quote to the hon. Minister of Customs the words of the hon. Finance Minister again:

"It is one thing to hold a technical construction, and it is another thing to enforce it."

Mr. EDGAR.

Perhaps the hon. Minister of Customs will tell us that the collector enforced these stringent regulations because the Americans did. I think I have heard that contention before, but the hon. Minister of Finance meets that very question in his speech, because he has surrendered rights of that kind; and as an excuse for doing that which I do not think required any excuse at all in this Parliament—he should rather have excused the previous acts of his administration—with reference to the concessions made in Article 10, he said:

"A great deal was made of the apparent injustice of subjecting vessels obliged to put in for humane purposes, such as vessels in distress and vessels under stress of weather to come under the clause of the treaty that allowed vessels to come in for those four purposes. A great deal was made of the difficulties that were thrown in their way, and the obstructions that were placed apparently by Canada, in the way of their exercising and enjoying those privileges that the treaty of 1818 clearly and distinctly provided they should enjoy. I think, Sir, that this House and the people of this country will agree with me that it was not undesirable in the interests of good neighborhood, in the interests of the good reputation of Canada for humane and friendly consideration to vessels in distress, obliged to put into our ports for shelter, and especially where they had under the treaty right a right to come in under such circumstances, that we should remove any obstructions or hindrances that lay in their way."

Then the hon. the Minister of Finance goes on to say:

"It was urged, on the other hand, that in the United States our fishing vessels were not treated with the same stringency that those vessels were which under treaty right are permitted to come into our waters for those four purposes, and evidence was placed before the commission to show that in the port of Portland the course pursued was a more liberal course than the stringent regulations which had been used in Canada. The collector of that port who had been collector for 10 years was examined and gave his testimony as to the treatment of the Dominion vessels in the United States waters. He was asked:

"During the time you have been deputy collector, whether or not, there have been numerous cases of Dominion vessels, including vessels engaged in fishing in that port, and if they failed to report, though lying more than twenty-four hours, have penalties been imposed for such failure during the term of your service?"

"His answer was, as I remember:

"If there were any instances of Dominion vessels failing to report when lying more than twenty-four hours, their presence has been overlooked by the port officers. I do not recall from memory a single instance when or where a penalty was imposed, and I find no record of any such payments in the accounts of this office."

So that our Customs Department had not even the miserable excuse that the others were doing it to, and if they had that excuse two wrongs would not make one right. What was the opinion about this harsh construction of the treaties of Mr. Chamberlain himself. In speaking at Mr. Wiman's banquet, he is reported in the *London Times* to have said:

"This interference, whether justified by law or not, inevitably provoked great irritation and ill-feeling in this country, and it is not too much to say that for some time peaceful relations between the two greatest free nations in the world—or, if not peaceful relations, at any rate, friendly intercourse between them was at the mercy of officials acting at a great distance from the central authority, who might be hot headed or indiscreet or unreasonable in the exercise of extremely delicate functions."

"Nations are often more apt to resent petty affronts and injuries than they are to resent serious invasions of natural rights."

Now I should think Mr. Chamberlain was right on that point at any rate. Let us see whether the Americans resented this or not. Let us see whether they quietly submitted to this interference. I will not say whether the Americans did not too hotly resent this; I will not say whether they were not too touchy on the subject. But I want to show that our Government should have understood the people they had to deal with, and should have known how sensitive the Americans are with regard to any interference of that kind with their commerce; they should have understood what would have been the results of that interference. What were the results? From the beginning to the end of all the correspondence in this book, we see that there was the strongest feeling created; we see that Mr. Bayard, who is not usually supposed to be an ill-tempered or unreasonable man, used language with reference to vessels, all through the unfortunate summer of 1886, of this kind. Speaking of the case of the *Novelty*, he said: