

Hon. Mr. LOUGHEED—No, but I would point out to my hon. friend that if that be the amendment and the penalty is not mentioned—

Hon. Sir RICHARD CARTWRIGHT—It is mentioned in the clause to which this is attached; I move the insertion of that clause.

The motion was adopted.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend opposite called attention to section 35. This is the explanation which the department has submitted. They say that the wreck commissioner deals with certificates only if the case be removed from his court; if he is prohibited from giving judgment, an incompetent or careless master, mate, pilot or engineer may go on exercising his calling, until a suit for damages in the Admiralty Court is determined very likely months afterwards. That clause is intended to prevent the interference by certiorari or otherwise; but then I call my hon. friend's attention to it. It does not prevent suits for damages being entered in the Admiralty Court. The wreck commissioner has no power to try suits. Perhaps my hon. friend will waive further objection now, and if he finds anything seriously wrong, his objection can be renewed in the Commons. The only other clause that was in doubt was clause 3. I referred to the minister on that subject, and the explanation he gave was that this clause need not be exercised of necessity, but that he desires to have the power in case it may be necessary to use it for the protection of our citizens who might be interfered with by the action of the United States authorities. The minister desires, however, to have that clause passed.

Hon. Mr. POWER—I quite understand the position, but, after all, the view of the minister, when you come to interpret a statute, may not prevail. It may be held that the minister's interpretation is not the correct one, and I think this provision is of so much importance that there should be no doubt as to the power of the minister to limit the prohibition, so to say. I pointed out, I think on two occasions, and my view was sustained by other hon. gentle-

man from the lower provinces—that the exercise of this power would be very injurious to business in the lower provinces where we have a shortage of persons qualified to act as masters and mates; and in order to remove a doubt which I think may exist as to the power of the minister to limit his refusal only to certain parts of the country, I move that this be added as a subclause to 75A:

Such refusal may apply to all Canada, or may apply to one or more provinces, ports or places, at the discretion of the minister.

That is a provision that can do no harm, and it will remove all doubt as to the minister's power to exempt the lower province from the operation of this clause.

Hon. Sir RICHARD CARTWRIGHT—I may say I called the minister's special attention to the hon. gentleman's suggestion, but, after full consideration, the department were of opinion that it would not be advisable to limit the restriction to certain provinces. Any such procedure, they say, would render the prohibition practically inoperative, inasmuch as it would be possible, if a man were refused an examination in Ontario, to go to some other province and get one. I would suggest to my hon. friend that he will allow this to pass, and he could have the matter brought up, and perhaps more fully discussed, in the lower Chamber. I am not able to accept the amendment.

Hon. Mr. LOUGHEED—I cannot see any possible reason for my hon. friend's amendment. It seems to give the widest possible power to the minister. I presume my hon. friend has the greatest possible confidence in the ministers of the present day, at any rate.

Hon. Sir MACKENZIE BOWELL—But they may not continue.

Hon. Mr. POWER—I move the adoption of the amendment, and it can be voted down.

The amendment was declared lost on a division and the clause was adopted.

Hon. Mr. WILSON, from the committee, reported the Bill with amendments which were concurred in.