

inoperative, because it has never been approved by the Board of Trade in England and consequently not brought into force by the Governor in Council, as provided that it should be, in Canada. The Bill now before the House is to repeal that portion of the Imperial Act which imposes certain restrictions upon Canadian vessels in England. It may seem strange that the Canadian Parliament is asked to repeal any portion of an Imperial Act, but that power is given to the colonies by section 547 of the Merchant's Shipping Act of England. It reads as follows:—

“The legislative authority of any British possession shall have power, by any act or ordinance confirmed by Her Majesty in Council, to repeal wholly or in part any provisions of this Act relating to ships registered in such possession, but no such act or ordinance shall take effect until such approval has been proclaimed in such possession, or until such time thereafter as may be fixed by such act or ordinance for the purpose.”

By this Act Parliament has power to repeal any portion which affects their vessels in that particular. This Bill is an instance in which the Law Clerk thought he knew better how the clause should be worded than the officials of the Department of Marine and Fisheries. In this case it was the Law Clerk of the House of Commons. He struck out of the Bill as it was originally sent to the House of Commons the words “repealed so far as they relate to or affect the ships.” He added instead “declared not to apply to.” I desire to have this amended by striking out the words “declared not to apply to” in the first section and restoring the words “repealed so far as they relate to or affect ships registered in Canada.” That is adopting the words of the Imperial statute.

Hon. Mr. KAULBACH—What would be the effect of this? It is not only with regard to the depth which a ship should be loaded, but as to the height of the deck load. Our vessels going to the West Indies are not allowed under the Act to carry lumber on deck beyond a certain height above the rails, which is a very obnoxious measure, because the vessels constructed for that business are built to carry a deck load, and there is no danger to life or property in consequence of the lumber being piled higher than they are allowed to carry it. Will it affect the deck load as well as the depth of the load?

Hon. Mr. BOWELL—It virtually brings into force the Act as it now stands on the Statute-book as soon as it is proclaimed. As I explained just now, the Act is not in operation because the Imperial Load Line Act interferes with and restricts the trade in so far as it affects Canadian vessels, and the object of this Bill is to repeal that portion of the statute which affects our shipping, leaving the law as to deck loads and load lines precisely as it is now on the Statute-book. I have no doubt my hon. friend is better acquainted with it than I am.

Hon. Mr. POWER—Will the hon. gentleman be kind enough to read the two sections of the Imperial Act of 1890 which are repealed?

Hon. Mr. BOWELL—I have not the statute before me. If the hon. gentleman will let the matter stand until the third reading of the Bill, I will look into it. The only explanation I received was that it was desirable to repeal that portion which affected Canada. There is a difference of opinion on one point, and it is just as well to be frank with the House—it is questionable, in the minds of some who have studied this question, whether the repeal of this portion of the Imperial Statute would relieve Canadian vessels in English ports, or whether it should be confined exclusively to vessels registered in Canada within the waters of Canada, or any other waters not affected by the Imperial Act. I know it is contended by some that it would not relieve Canadian vessels in English ports. It is, however, I think the opinion of the Minister of Marine and Fisheries himself that the repeal of this Act would relieve them from the liability.

Hon. Mr. DEVER—The Minister of Trade and Commerce would not make this alteration without having the advice and support of the shipping interests of the country. No doubt they have asked the Government to make this change.

Hon. Mr. BOWELL—I think most people know, particularly those interested in shipping, that the whole shipping interest of Canada has been opposed to these very great restrictions that have been imposed upon them by what is generally known as the Plimsoll Act, and the object of this Bill is to relieve them from these restrictions.

The motion was agreed to.