

Mr. TUPPER. I would suggest that the hon. gentleman should wait until we get through the Bill and then present that as a substantive clause.

Mr. WELSH. Very well; but you see the position you are putting a ship owner and master in. He takes his cargo from one port and he arrives at another, where he is subject to another officer coming on board who says to him: "Give me \$5 or \$10, or I will report you."

Mr. O'BRIEN. There were a number of petitions presented to this House by the Knights of Labor from all parts of the country, in the early part of the Session, everyone of which contained a special request to Parliament on the subject of the safety of sailors on the inland waters, and special stress was laid on the load line and some other particulars. It shows how much interest is felt in the subject when this important body should have taken the matter up as they did. I think the trouble on the inland waters is not so much from bad loading as from the class of vessels employed, and I think the Marine Department will have to go further than this Bill goes before they will satisfy the public as to the condition of the inland marine. It is from the build of the vessels much more than from the stowage of the cargo that the great disasters have occurred. That has arisen from the class of vessels which have been employed in navigating the canals and are built expressly for that purpose. We know those vessels are unfit for navigating the large lakes, and some day or other, and the sooner the better, the Marine Department will have to consider very carefully whether something cannot be done to have a much more closer inspection of the hulls upon the inland waters and adopt some rule for the certifying of vessels for the different branches of trade in which they are engaged. It is evident to anyone who knows anything about navigation that the class of vessels built to pass through the locks in canals never can be made suitable for navigating our great lakes.

Mr. WILSON (Elgin). I think the attention of the hon. the Minister was drawn to the Plimsoll Bill defining what a vessel should contain.

Mr. TUPPER. May I ask the hon. gentleman to reserve that question for discussion after these clauses are passed, because that is a portion of the Bill which was eliminated altogether.

Mr. EDGAR. Those lines are not.

Mr. TUPPER. I will explain the reason why it is impossible for us to do what the hon. gentleman requires, unless we are able to guarantee to the shipowners that when a ship is retained improperly they will be refunded all the damages incurred in consequence of the detention.

Mr. WILSON (Elgin). This clause is loosely drawn. It may be in accordance with the English Act, but you leave undefined the expressions "overloading or unloading or unseaworthiness"—and those expressions convey very little definite idea as to the condition of the vessel. I fully agree that if we are to have that protection which is necessary on the inland lakes, we ought to have the clause made sufficiently compulsory. I sympathise with those who have been advocating the interests of shipowners and captains, but there are others who are equally interested. The Minister ought to explain what he means by "overloading or unloading or unseaworthy." Every class of the community is affected by this Bill. Our sailors are important to us, and they are as deeply interested as the owner or captain, and I hope the hon. gentleman will see that this clause is drawn so that it may be clearly understood.

Mr. DAVIES (P.E.I.) The object of the hon. gentleman no doubt we all approve, and the discussion is limited to the question whether or not the language of the section is

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too vague. If a vessel goes to sea in an unseaworthy condition, the owner, master, or agent is liable to be prosecuted for a misdemeanor, but who is to determine whether her condition was unseaworthy or not? The magistrate before whom the owner may be prosecuted may be a man who knows nothing at all of the subject.

Mr. TUPPER. This is not punishable by summary conviction.

Mr. DAVIES (P.E.I.) The hon. gentleman has already adopted a line of legislation which attains to a large extent the end he has in view, but by different machinery. The Port Warden's Act provides, in the 14th section, that vessels going to sea must previously be inspected by the port warden, who shall report as to whether she is in a fit state to proceed to sea or not.

Mr. TUPPER. That only applies to some ports.

Mr. DAVIES (P.E.I.) But if the hon. gentleman would extend the operation of this law to vessels not included in it, it seems to me he would meet the end he has in view of preventing any ship going to sea in an unseaworthy condition. The port warden would examine her, and if she were in a fit condition to leave he would give his certificate to that effect. If not, she would be compelled to remain in port. The enlargement of the existing law would therefore meet the hon. gentleman's view better perhaps than the transcript of the Plimsoll Act. The Plimsoll Act in England is worked along with the machinery of the Board of Trade; but under this Bill, although you provide that a man who sends a ship to sea in an unworthy condition is punishable as for a misdemeanor, you provide no machinery to prevent his sending her to sea in that state. You may prosecute him afterwards, but there would be difficulty in proving that the vessel was in an unseaworthy condition when she left port.

Mr. TUPPER. There is no necessity to touch that Act at present, the only object of the section to which I am alluding being to remove the vagueness that the hon. gentleman from Elgin (Mr. Wilson) has pointed out, and to meet difficulties that have arisen in prosecutions under that section. All I am doing is extending the word "unseaworthy" so as to include what I have said here is taken from the English Act in this regard:

"If it is unseaworthy so that the life of any person is likely to be endangered thereby or by reason of overloading or underloading or improper loading or by reason of being insufficiently manned or from any other cause, is guilty of a misdemeanor."

That is the only object of this section. It does not change the officers or appoint new ones or give the officers further powers, but removes the vagueness which exists as to when an infraction of the law occurs. With reference to the remarks of the hon. member for South Elgin (Mr. Wilson) it is impossible to state the exact circumstances when a ship is insufficiently manned or unseaworthy, because that will depend altogether on the circumstances in each case. That kind of case is left, as every other case is, to the criminal procedure, and evidence must be adduced that the crew is insufficient. That will have to be shown in the ordinary way by men competent to testify, but we could not lay down a hard and fast line in that respect for every ship.

Mr. WELDON (St. John). I agree with the Minister of Marine, that it is very difficult to lay down a general rule, and I observe that this section provides that no prosecution shall take place without the consent of the Minister of Marine, and that is to a certain extent a protection. In regard to the agent, section 6 of the old Act says that the agent must have taken all reasonable means to see that the ship was seaworthy, and was ignorant of the unseaworthiness.

Mr. TUPPER. That is in this Act in different language,