

treaties were to be considered, and when we insisted that these were not only our rights, but that we had maintained them, and permitted no exception to be made nor waiver to occur. He had all of that before him, yet he hastened to allow that vessel to depart on making a settlement, and he insinuates a personal reason for that conduct. He does not give as a reason want of force to carry the law into effect, but that the amount was made up by people of the locality. This popular officer, for whom a thousand on both sides of politics, as the hon. gentleman said, made representations to the Government to stay their hand and leave him in office; this popular officer no doubt obtained some of that popularity from the fact that in the discharge of his duties he considered all these circumstances on the part of his neighbours and the people of that locality. He has put forward several excuses, and each of these excuses makes the offence more serious than it appeared to be at first sight. The hon. gentleman (Mr. Fraser) complains bitterly that we did not dismiss him last year, but the facts in reference to the delay are these: The moment this office heard that he had, without any reference to the department, even by telegram, allowed this ship to go on the imposition of a penalty for the infraction of the Customs law, and no imposition of any penalty for the violation of the Fisheries Act, the department set about obtaining the full facts. The two departments whose officer obtained these full facts just about the time that the Cabinet breaks up in the summer, and the Council was not in a position to fully consider the case until later on. The hon. gentleman knows that the fishing season being over, there was no necessity, so far as the point to which I have alluded was concerned, for any quicker action to be taken. The main thing was that we did take action soon enough to prevent that officer holding that responsible position before the fishing season opened, and care was taken that we were in a position to say, that we have not waived our rights under the Treaty of 1818 in this respect; that there was no case where we allowed any officer to use a discretion of that kind and permit a vessel to come in contrary to the provisions of that treaty and of our Act, and that wherever it was the case, that officer was dismissed or his services dispensed with before the succeeding fishing season. Our position would be weakened and impaired greatly in connection with this subject, if we tolerated such loose conduct on the part of an officer of the department. The hon. gentleman will see, therefore, that the case of the Government has been most fair, that we laid down the principle in the case of Mr. Ross and we carried out the same principle in the case of an old supporter of the Government; a life-long supporter of the Government, as the hon. gentleman says, and a man who is yet in hearty sympathy with the policy of the Government, according to the hon. gentleman. The pretension which the hon. gentleman set up that this was done because it was desired to give his defeated opponent an office, is preposterous. That is entirely wrong. There is no foundation in fact for that, except the opinion which Mr. Torey has entertained, and which he has expressed in a letter addressed to myself. This matter did not sleep, as the hon. gentleman says; it could not have been considered until the full facts were obtained. Mr. Torey was told the impropriety

of his conduct, and had every reason to believe, if he was half so intelligent as the hon. gentleman says he was, that his conduct was under consideration and that his case was not finally dealt with. Mr. Torey is an old man, he was long in the service, he had been a good officer, he had been in his earliest years a vigorous officer, he never sent such an excuse as that, he had not the power to enforce the laws over which he was appointed officer and guardian, and his age was considered, his past services were considered, and he was treated as Mr. Ross was treated in being given the benefit of the Superannuation Act. I mentioned before to the hon. gentleman, that this officer knew that an offence was committed against the Fisheries Act as well as against the Customs Act, and he stated so succinctly. He never said that it was on account of his weakness, or on account of insufficient force that he acted as he did, but his own excuse, before he was dismissed, was as follows:—

“I beg to say that the seizure was made principally for a violation of the Customs laws, although no doubt the offence was also a violation of the Fisheries Act.”

That was incorrect. But he said:

“I dealt with the seizure under the Customs law, and when the amount of \$800 was paid to cover the fine that the several parties were liable for under that law, I got under the impression that it was my duty to set the vessel free.”

The hon. gentleman knows that that excuse is inconsistent with the statement he gives to-day, to the effect that his reason for letting her free was that he had not force to detain her. The officer himself says:

“I set her free because I believed it was my duty to do so.”

The excuse of the officer, I venture to say, if understood in the light it now presents, would have caused the officer to have been dealt with in a different way, and the argument of the hon. gentleman goes to show that the only mistake was, in giving this officer the benefit of the Superannuation Act. An officer who will report to the Government that his act was under the fisheries law and not under the Customs law; an officer who was in the service of the Fisheries Department for twenty years, the commander of a cutter, knowing that the punishment for violation of the Fishery Act in that regard was confiscation, and who writes in reference to the seizure of the vessel for the violation of that law, that he thought all he could impose was a fine of \$800, and then after action was taken on that report, states that the reason he did not hold the vessel for confiscation was that he had insufficient force,—an officer who did all that was in the service a sufficiently long time. He puts forward an excuse on the 28th of June, and now he puts in the hon. gentleman's hands a statement that he had not a sufficient force to detain the vessel. On the 28th of June, a year ago, he says: “If I have done wrong, it was for the want of knowing better,” and then he gives the excuse which I mentioned before, that the amount of the fine had been made up by the people of the locality. I know that has no relevancy at all; it is for the purpose of showing that he had exercised a discretion not vested in him, and had taken into consideration those mitigating circumstances, but not in the slightest way connected with the commission of the offence or with the offenders. Now, the hon. gentleman must remember, and the House should be informed, that