

Mr. TAYLOR. I think that papers are only granted to men who are citizens of that country.

Mr. LISTER. Not at all.

Mr. TAYLOR. I think I am correct. I have been so informed by vessel men, and I think I am right if I accept the statements of American gentlemen sailing vessels into our own ports. I think the statement of the hon. gentleman is not correct. The applicant must first be a citizen of that country.

Mr. LISTER. I can say to the hon. gentleman, that I speak of what I know when I say that sailors who go over to the other side can take charge of steam or sailing vessels upon a declaration of intention, and they are entitled to receive a certificate upon doing so.

Mr. CHARLTON. The statement I made was based upon an actual occurrence. I know a case where a Canadian captain, who the previous year had sailed a Canadian vessel, and for many years had sailed Canadian vessels, went to the city of Detroit to take the mastership of an American vessel, and after having declared his intention of becoming a citizen he sailed an American vessel as master for the last season, and then came back to Canada this year, wishing to resume his position as a Canadian captain, and he had the difficulties that I referred to. I recited this as an actual occurrence under the American law.

Mr. LISTER. In addition, I know a master who went from the County of Bruce, having sailed a Canadian steamer last year, and, upon going to the States, declared his intention, and he is sailing an American vessel there this year.

Mr. SPROULE. Will the member for North Norfolk give the name of the gentleman he refers to?

Mr. TUPPER. There seems to be a considerable difference of opinion on a very important point. My recollection of the United States law is that a man wishing to obtain a certificate as master has to sign a declaration of his intention to become a citizen. I am not positive, however, on that point, and I would suggest that this clause be allowed to stand over, and I will obtain information.

Mr. LISTER. That has no bearing upon this clause, because it is of no consequence whether it be declaration of intention, or whether papers for naturalization are actually issued.

Mr. TUPPER. It is the basis of the argument.

Mr. LISTER. Your Bill provides that the man shall be a British subject; there is no declaration of intention. The law itself prescribes that the man shall be a British subject. It is only a question of residence here.

Mr. TUPPER. I will ask that that clause be allowed to stand.

Mr. BURDETT. I think the suggestion of the Minister of Marine ought to be adopted, as there seems to be a difference of opinion as to what the law is on the other side. I would ask him if he proposes to consider the two amendments I sent across the floor to him. I think they are just, and at least would do no harm. Cases have occurred in the County of Hastings that would be met by these amendments. Of course, it leaves power absolutely in the hands of the Minister. I understand that

this Bill does not make any radical change in the existing law, but you are simply taking power to issue certificates.

Mr. TUPPER. As we have all alluded several times to the practice in the United States, I would ask the Committee to allow that clause to stand until we obtain definite information. I will be very glad to consider the amendments the hon. member for Hastings (Mr. Burdett) has sent to me. However, I think the first one would not properly come into this Bill at all; that would come into the Steamboat Inspection Act. I will see whether any provision in that direction can be introduced as an amendment to the Steamboat Inspection Act, and on the Order paper now there is a proposed amendment to that Act. I think great objection can be taken to the other point taken by the hon. member. An extreme case was stated, and extreme cases can always be put in connection with the imposition of penalties. Perhaps a case may occur in which the offence may not be so severe as to come within the extreme provisions of the Act; but the political head of the Department of Marine would be greatly embarrassed if appeals from judicial decisions were permitted. Such an appeal would be made in every case, and great difficulty would be experienced in dealing with it. The court would have dealt with the case, judgment would have been pronounced, and suspicion would always attach to the Minister in dealing with those cases. Pressure of all kinds would be brought on him to remit the penalty imposed by the judge, and the action taken by the Minister would, at all events, in this country, be liable to suspicion. I do not think it is safe to adopt that course. Another objection to that course is, that it would be making a very large departure from the present system. We have endeavoured to follow the principles laid down and sanctioned by the Imperial Board of Trade. We have adopted the results of their experience, and they do not interfere with decisions given by the courts. While cases may occur in which the penalty may seem too severe, the better course to adopt is to adhere to the Bill as it stands, and to leave the infliction of penalties in the hands of the court, and not in the hands of the Department of Marine.

Mr. BURDETT. I suggest that certain discretion should be left with the department in regard to remitting penalties in cases where it was recommended by the judge.

Mr. TUPPER. I will consider that point.

Mr. BURDETT. Under the criminal law as it now stands there are many cases where the judge allows a prisoner to go under suspended sentence, but under this Bill the penalties are set out, and no discretion is left to the court.

Mr. EDGAR. I hope, in considering this matter, the Minister will not make an appeal to himself from the judge's opinion. I would rather leave in the hands of the judge some discretionary power.

Mr. TUPPER. The hon. gentleman has changed the proposition from the one I dealt with, and it is now suggested that where a judge recommends that special circumstances deserve consideration as regards the punishment to be imposed, in those cases fines might be remitted by the department.

Committee rose and reported progress.