

(Enclosure No. 1).  
Copy of the  
Preamble and of the  
41st Section of the  
Act 33 Vict. c. 65.

33 Vict. c. 65, as will be seen by reference to the preamble and the 41st section of the Act, refers only to steamboats navigating the waters of the Dominion of Canada, or owned or registered in the Dominion of Canada, and departing from or arriving at any port or place in the Dominion of Canada, and only applies to such vessels when trading in Canadian waters. The Act will consequently not apply to British ships or foreign ships trading between Canada and the United Kingdom, or between Canada and foreign countries; but where British or foreign ships engage in the passenger coasting trade of Canada, such vessels will come under the operation of the Act, in order that due protection may be afforded to the lives of Canadians sailing in such vessels. The undersigned would also observe that the original Act, of which the Act objected to by the Board of Trade is only an amendment, was sanctioned a number of years since by Her Majesty, and has been found to work well, and without subjecting British or foreign vessels to inconvenience and hardship, and no complaints against the Act have been made by the owners or agents of such vessels. A copy of the original Act, with amendments thereto, is annexed hereto.

With reference to the objections made to the Act for providing for the appointment of port wardens, the undersigned would observe that the Act in question was taken from the Canadian Acts, 26 Vict. c. 52, 29 Vict. c. 59, and 36 Vict. c. 11, relating to the office of Port Warden at Montreal, which Acts were sanctioned by Her Majesty some years since, and have been found to be of great service in saving life and property, not only as respects Canadian vessels, but also as respects British ships. Previous to 1873, vessels laden with grain at Montreal could clear and go to sea without a certificate from the Port Warden by payment of a penalty of 40 dollars; but as several English steamers, laden with grain, which escaped by the payment of the small penalty referred to without a proper certificate, foundered at sea, and many lives were lost thereby, an amendment to the Act was prepared in 1873 by his department, submitted to Parliament, and became law, by which the clearing of vessels without a certificate from the Port Warden that the vessel had been properly loaded and stowed was prohibited, and a penalty of 800 dollars imposed on vessels sailing without such certificate. This Act was sanctioned by Her Majesty, and it has been productive of the greatest benefit, not only to shippers, but also to shipowners, underwriters, and crews of vessels, as no vessels loaded with grain, so far as his department is aware, have foundered or disappeared since the passing of the Act. The undersigned has been informed that a similar law is in operation at the port of New York and other grain-loading ports in the United States, and has been attended with like beneficial results to vessels engaged in the trade. It is probable that Imperial legislation of a similar character to that objected to in the present instance has not hitherto been required in the United Kingdom with reference to inspection of vessels loaded with grain, as that country, as a rule, is a consumer and not an exporter of grain. The undersigned would observe that the Act complained of is as nearly as possible a copy of the Montreal Act, which has been found to work so well, and he is of opinion that it is the duty of the Parliament of Canada, in the interests of humanity, to protect as far as possible the lives not only of Canadian mariners, but also of British and foreign seamen engaged in the grain-carrying trade of Canada, which requires much care and supervision in respect of stowage, and that it would be impracticable to make laws and restrictions in Canada for the safety of life and property at sea, as in the case of the Act objected to, and the deck-load law, to apply only to Canadian ships, while British and foreign vessels were exempted, as such a policy would have the effect of transferring the carrying trade of Canada from Canadian ships to British and foreign ships. If such vessels visit Canada to compete with Canadian vessels in the carrying trade, it would appear to be only reasonable that they should be required to submit to the same laws as Canadian vessels engaged in such trade, more especially as such laws are framed in the cause of humanity and for the benefit of all vessels alike.

The undersigned would also observe that the Acts and amendments relating to the Port Warden at Montreal, from which the Act 37 Vict. c. 32, was taken, were passed before the Report of the Commission on Unseaworthy Ships referred to in the letter of the Board of Trade was known here, and as the principles of the Act have been well tested by the Montreal Act on the subject, which was approved by Her Majesty, the undersigned is of opinion that the Act is in the interests of trade and commerce, and will conduce to the protection of life and property at sea. A copy of the rules and bye-laws of the office of Port Warden at Montreal, containing the substance of Acts and amendments relating to that office is annexed hereto for transmission to Her Majesty's Government.

Respectfully submitted,  
(signed) *A. J. Smith*,  
Minister of Marine and Fisheries.

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EXTRACTS from Act 33 Vict. c. 65.

Preamble.

For the greater security of life and property on board steamboats navigating the waters of the Dominion of Canada, or owned or registered in the Dominion of Canada, and departing from or arriving at any port or place in the Dominion of Canada, Her Majesty,