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1 2 3
3 2 1
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DEBATE
ON THE
FISHERIES BILL,
of the
HON. ALEX. CAMPBELL,
Commissioner of Crown Lands,
in the
LEGISLATIVE COUNCIL, ON THE 9th AND 10TH MARCH,
1865.

Reported for the "Daily News."

QUEBEC:
PRINTED AT THE "DAILY NEWS" OFFICE, ST. ANTOINE ST., L. T.
1865.
Hon. Mr. reading of the Bill, said that it might be more perfect and of the second reading of the Bill since it was improbable to attain this purpose before it became possible to provide the Fisheries to the extent of the sum which it desirous of this source of revenue. the House is now in its 20th year, and the returns exhibit.

Canadian Fishery caught in 1859 $1,407,976, that Canada lost $500,000 worth of fish in 1860 and 1862. Lower Canada lost comparatively $73,000.
DEBATE ON THE
FISHERIES BILL.

LEGISLATIVE COUNCIL,
THURSDAY, 9th March, 1865.

Hon. Mr. CAMPBELL moved the second reading of the bill to make better provision for the protection of the Fisheries. This bill, said the honorable Commissioner, has been deferred from time to time to afford opportunities to persons interested in the subject to make such suggestions as they might deem expedient for rendering the measure more perfect; and now in rising to move for its second reading, I do not do so with the expectation that it will pass in the current session, but I think it would be wise to have it discussed and printed, so that the people may have the means during the recess of acquainting themselves with its provisions; then at the next session hon. members can come prepared to deal with it to greater advantage. Several important modifications have indeed been made in the bill since it was introduced, and it is not improbable that others shall be made to good purpose before it becomes law. It is hardly possible to over-rate the importance of the Fisheries to this country, and hence it is necessary that the subject should receive the best attention the House can give it. This very valuable interest has been confided to the supervision of the Crown Lands Department, but it does not yet seem to have received the attention which it deserves. In proof of the value of this source of industrial products, the notice of the House is called to the returns made in past years, and to the satisfactory increase those returns exhibit.

Canadian Fisheries.—The value of the fish caught in 1850 was $146,084; 1852 $207,848; 1859 $1,406,288. The report of 1859 shows that Canada West caught the value of $380,000 worth; and the official reports for 1861 and 1862 show the value of the fish caught in Lower Canada, in those years, to be respectively $730,019 and $708,895.

The census reports of Canada for 1861 show the quantities caught to be:

<table>
<thead>
<tr>
<th>Source</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>In Canada East</td>
<td>230,453 quintals. 2,517 quintals. 139,558 barrels. 413,482 pounds.</td>
</tr>
<tr>
<td>In Canada West</td>
<td>1,013 barrels. 175,744 pounds.</td>
</tr>
</tbody>
</table>

The following statistics are for Lower Canada for 1862:

- Number of fishing boats: 2,535
- Value: $75,959
- Number of herring: 5,044
- Quantity of cod taken: 1,086
  - Haddock taken: 709
  - Haddock taken: 809
- Barrels herring: 6,721
- Mackerel: 1,099
- Salmon: 2,321
- Gallons cod oil: 97,832

The next table shows the number of vessels, &c., with their products obtained for Canada East:

<table>
<thead>
<tr>
<th>Product</th>
<th>Number of vessels</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vessels</td>
<td>176</td>
</tr>
<tr>
<td>Tonnage</td>
<td>11,672</td>
</tr>
<tr>
<td>Number of seamen</td>
<td>1,165</td>
</tr>
<tr>
<td>Quinlals of codfish</td>
<td>14,168</td>
</tr>
<tr>
<td>Gallons of oil</td>
<td>63,753</td>
</tr>
<tr>
<td>Seals</td>
<td>23,385</td>
</tr>
</tbody>
</table>

The Magdalen Islands (which belong to Canada) in 1861 owned 33 schooners, and 233 fishing boats. The products of their fisheries were 104,000 barrels of pickled fish, 16,000 quintals of dried fish, and 39,990 gallons of oil. Their population in the latter year was only 2,651 souls. These statements are taken from the blue Books. I have just said that this important subject had not secured all the attention to which it was entitled, and this is no doubt due to the other multitudinous duties which the Commissioner of Crown Lands is required to attend to.

Yet I am happy to say that the subject is now in charge of a gentleman making the Fisheries branch of this Department, whose special efforts are directed to the best modes of dealing,
with it, and I feel much pleasure in bearing testimony to the great zeal, intelligence and efficiency of that officer, as well as to his thorough acquaintance with the duties of the office under his management. In order to enable the House to judge fairly, in the case, it seems necessary that it should be made aware of the rights of parties whose fisheries are likely to be affected by the bill. Some misconceptions exist in relation to these rights, but it was in no wise the intention of the Government to interfere with them. This is stated at the outset because my hon. friend opposite (Hon. Mr. Delahanty) has manifested some apprehension that the bill might in some way prejudice the rights of the Seignoires and Conquistators, and in order to effectually quiet such fears it is proposed to make a further slight alteration which will entirely remove any such danger. This alteration is noted in the 3rd clause, and provides that only where no exclusive rights of fishing exist by law in favor of private persons, shall the Commissioner of Crown Lands issue leases.

Hon. Mr. LETELLIER De ST. JUST.—This does not now appear in the bill.

Hon. Mr. CAMPBELL.—No, I have just said that I propose making the alteration in Committee as already noted in the bill. I believe that there is some misapprehension abroad as to the position of the Seignoires in regard of fishing rights, which it would be well to dispel. Upon referring to the patents or grants issued to the Seignoires, or to the parties from whom the Seignoires have been purchased, it is found that there has been a conveyance of fishing rights which ought not to be disregarded; and to enable the House to judge of the unquestionable character of these rights, I will quote from a few of the patents or grants. Among numerous other deeds, more or less similar, may be instanced those of the seignoires of Îlet du Portage, Verbois, River du Loup, Isle Verte, Grand Pabois, Soulange, St. Sulpec, Boucherville, Îles Bouchard, Kamouraska, Sillery, Gaudaville, &c., &c. In some of these grants there is conveyed, besides the express and exclusive right of fishing, the liberty to fish "with all sorts of tackle on the beach as far as low water mark," or in any manner the grantee "may deem convenient," or "as he may think fit." Others grant "a sedentary (or fixed) fishery," "Nan convey the right of soil in bays, inlets, batters and shoals, some with and without fishing. Not a few grants stipulate the right of exclusive fishery "as far as the middle of the St. Lawrence," opposite the lands described. Judicial decisions have been had confirming certain fishing rights. The action also of the Commission appointed under the Seignorial Act has further established many such claims. This shows sufficiently clear that not only was the right to fish fully conveyed, but also the privilege offishing in any way that seemed best to the Owners.

Hon. Mr. DEBOIL.—Was there anything said and confirm that there was nothing implied in the words "fisher" or "fishing," that the fishing might be prosecuted in consequence thereof. Hon. Mr. CAMPBELL.—Between Quebec and Cacouna and in some other places it seems that fishing was then carried on by means of large vessels. It had been seen from the words of a patent, he had quoted, that it might be done in any manner, by any kind of tackle or appliances whatsoever, and though the word rendered "tackle" in English, might be presumed to mean some other mode, yet it did not appear that the mode was, although it is sufficiently evident that the fish were taken in common use. Moreover the language of the patents is as follows: "Note done a tout poêle, a tout et a harnais-ógineer." Hon. Mr. DeBOIL.—The manner of fishing was determined by law just as the manner of mining, and could be easily ascertained.

Hon. Mr. CAMPBELL.—The question of possessive ownership in these fisheries had been raised when the former Administration was in power, and the then Attorney General for Canada, Mr. Dunstan, had delivered an opinion on the subject. This question arose in consequence of an advertisement of the Sheriff that he would proceed on a certain day to sell a certain fishing right at Rivière Ouillé, taken under expropriation. The official conducting the fishing rights finding that no express grant of fisheries was made by the main grant, was anxious to establish that the supplementary deed could not amount to such an omission. It was then suggested that the right to the fishery resided in the Crown and that it could not be sold, but the opinion of the proprietors
The Attorney General was adverse to such a

The Commission of Green Landes letter respecting

Quebec, 13th Feb. 1864.

On the 29th October, 1872, the Sieur de la Bontalierie was granted a titre de jet, two leagues of land in front by one and a half in depth, to be taken at the River St. Lawrence, with one league above and one league below the River Odelle, including the same.

On the 29th October, 1870, another grant was made to Mlle. Delancey, widow of Sieur Dehierbe, of two leagues in front by two leagues in depth; to be taken at the whole extent of the said grant; without being bound, for all that, to pay to his Majesty or his successors, any money or indemnity, of such remittance, with the stipulation to leave the beach free for all fishermen, with the exception of those necessary to the said Dame De Bontalierie for her fishery.

The deed of ratification has given to the Sieur of a Bontalierie the right of fishing, not only in the augmentation of the seigniority, and also on the whole extent of the first grant, comprising the into this part of the River St. Lawrence where it is bounded.

This right is not restricted by the charter or serve to leave the beach free to every fishery, but this reserve not applying to the fisheries, only to those parts of the beach not being claimed by the same owners by the proprietors of the Siegny ; up to the time of the abolition of the Seigniorial Tenure, this right of fishery shall be conceded, and the grantees have a right to enjoy it conformably to the grants made, and in the parts of the seigniority where shall not have been granted, it belongs, since the abolition of the Seigniorial Tenure, to the said proprietors.

Therefore, of opinion that the Crown could not sustenance on the Crown as

The said proprietors were necessary, but the opinion that

This opinion has further confirmed me in the view taken of the matter, and I was glad to find myself so supported, not professing to be intimately conversant with Lower Canada law. The subject also came in a special manner before the Seigniorial Tenure Commissioners, and there I my friend (Hon. Mr. De Beausj) presented a claim for indemnification for the loss of his fishing rights, when the Commissioners decided he had not lost them, but that they continued to vest in him as fully and perfectly as ever, and that consequently he had no claim to compensation. Such being the case with that hon. member's rights, it of course followed that it was likewise the case with all other persons similarly situated—at least with all seignior who had not been compensated for the surrender of rights of this kind. I believe that in some cases compensation was made, and the Commissioners determined the amount, the effect of which, however, was simply to confirm the"caveatua"in the cession of fishing rights made to them by the Seigniors by virtue of their special grants. But the rights thus paid for had not reverted to the Crown, and it was not proposed by the bill to interfere with them otherwise than to regulate the manner in which they should be exercised, so that they would not prejudice those of other parties who had obtained grants from the Crown, nor injure the public.

Hon. Mr. RYAN begged to ask if the Patients indicated the times or seasons when the rights to fish might be exercised, for if not, and the Government desired to protect a most valuable branch of our industry, they would find it necessary to interfere in this particular.

Hon. Mr. LETELLIER—It would be necessary in such a case to compensate the parties.

Hon. Mr. CAMPBELL—There was no purpose or intention whatever to take away any right really owned, but to regulate its use, and that only to subserve the general interest. The Legislature had, on one or two occasions, interfered with such rights, but the law passed with that view was found not to be practicable, and not being observed, had been repealed. The act in question was the 18th Vict., which forbade the use of self-acting machines, and made some special provisions respecting the salmon, trout and mackinaw fisheries. The brush weirs mentioned were fixed engines, but the bill now before the House did not propose to interfere with them to the extent of putting them aside, but to bring them under wholesome regulations, so as to prevent their injuring the rights of other parties and the public. In every
I never dealt with such a merit, and if it was found that the original patent authorized the use of a brush, and that the fishery had been pursued in that way, the right would be continued to the possessor. It appeared that the excellent method of catching fish, known as the use of nets, is widely employed in the Province for catching fish. In Lower Canada there were several kinds of nets used, especially for the taking of salmon, which was a fishery of considerable importance, since in the year 1863, the value of this fish caught was estimated at $20,000. These nets, when not in use, are kept in the water, to be used when needed. The nets used in catching salmon appear to be of three kinds, channel, barrier net, and sea net. The mesh of the channel and barrier nets is very much larger than that of the sea net. When the season opens, the nets are dragged, as it is called, to obtain all fixed engines for the catching of fish, maintained that this had been done in England; but in this respect they were not quite correct, as would be presently shown. It appeared that the engines of whatever kind, should be so arranged as to permit the fish to pass up to their breeding grounds. If engines were not so arranged, that the whole length of the river might be blocked, that the Committee had been struck to examine closely into it; that the amateur fishermen had strongly pressed their views, but that another class of witnesses, being practical men, perfectly competent, to give reliable opinions had been heard. Among these witnesses there was an opinion that the use of nets, as a substitute for other modes of fishing, is impracticable in the main St. Lawrence, and it would be destructive to allow seines in the fresh waters as done in Britain. Other persons also engaged in the trade had been heard, and had deplored to the same effect. It was clear that salmon were chiefly caught in this manner, the brush was being used also for taking other kinds of fish. In Upper Canada they use three kinds of nets, seine nets, gill nets, and pound nets. These last, it appeared, were sometimes stretched across the whole way, from mouth of creeks or rivers and so prevented the fish from passing, and this practice was regarded as very injurious ; but gill nets set at proper times did not seem to be more objectionable than other nets. As to the accounts which had been published in the newspapers of the immense increase in the value of fish in Great Britain consequent as was alleged upon the abolishment of fixed engines, it was impossible to say what effect these measures would have on the proprietors, for, although many fixed engines had been abolished by law, they had not all been, but the use of those that remained had been regulated as was proposed to be done in Canada by this bill. It was well known that in England, in former times, the means used to catch fish had been much more objectionable than those employed in Canada, but the recent enactments which had set aside the ancient objectionable engines had respected the old and ancient modes as vested rights, and confined itself to regulating the manner and extent of their alteration. The manner and extent of this alteration are fully detailed in the reports made to the Imperial Parliament on the subject. In respect of the salmon fisheries of the United States, now the enacting clause in the law of England which had been appealed to so confidently by the amateurs in this country as abolishing all fixed engines had, on the contrary, expressly reserved existing rights. I will read it for the information of the House.

It is section 11 of the 24 and 25 Vic., cap. 109: "No fixed engine of any description shall be placed or used for catching salmon in any in-land or tidal waters; and any engine placed or used in contravention of this section may be removed without notice and as much damage to it as shall be deemed to be a fixed engine so placed or used, and any salmon taken by such engine, shall be forfeited, and, in addition thereto, the owner of any engine placed or used in contravention of this section shall, for each day of so placing or using the same, incur a penalty not exceeding ten pounds; and for the purposes of this section as a net that is secured by anchors, or otherwise temporarily fixed to the soil, shall be deemed to be a fixed engine, but this section shall not affect any ancient right or mode of fishing as lawfully exercised by any person, by virtue of any grant or charter or similar usage; provided always, that nothing in this section contained shall be deemed to apply to applying fishing weirs or fishing mills at high water slack, provided, always, that nothing in this section contained shall be deemed to apply to applying fishing weirs or fishing mills.

This clause establishes conclusively, I think, that even in Britain where so many such advanced improvements have been made in respect of salmon fishery legislation, they have not yet given fixed methods of service a very recent particular reference will read the exception, because it was a matter, and certain persons are advancement of the fisheries. The 4th of February, 1835, was no fisher for such persons, and the measures of legislation to give the salmon would be the best.

To abolish all such as we did as such, and the same, it is evident that the claim to prevent the damage of art, as they are, and the same, an arbitrary of such a character, and such as if the law is such, it is therefore impossible. In the case of the fisheries, in the case of the same, if the same, not weight, if the same, not weight, and such as if the law is such, it is therefore possible. In the case of the fisheries, in the case of the same, if the same, not weight, if the same, not weight, and such as if the law is such, it is therefore possible.
have not yet gone to the extent of abolishing fixed methods of fishing. Indeed, I find, that a very recent number of the London Field, particular reference is made to this question, and you will find the extract from the editorial columns because it has a peculiar bearing on this discussion, and comes from a journal devoted to be advancement of protective measures affecting the fisheries. I read from The Field of 12th February, 1865:—A letter from A Salmon-fisher for the last 'fifty-years,' which we publish below, purports some very sweeping measures of legislation. No doubt they would save the salmon question, though the process would be the well-known Copland one.

To abolish all fixed nets, weirs, culverts, etc., such as we dislike them, would in many instances, be to abolish property of a thousand year's title, and would be wholesale confiscation. We cannot agree with our correspondent thinking that these details would be found at the easy manner, and doubt if any such bill would be likely to obtain even a hearing in Parliament. We are going full fast in the career of salmon legislation as it is, be the measures proposed by our correspondent, though excellent, they are such too strong for the weak stomachs which would be called on to digest it.

Hon. Mr. LETELLIER De ST. JUST—Who were the parties that pressed for the abolition of the fixed engines, the amateur fishermen or the fishermen who professed fishing as a business?

Hon. Mr. CAMPBELL—The former chiefly, as had been shown, the very English law, which they opposed did not bear them out, since it recognized old rights, and newly regulated the manner of exercising them in future. It would be seen, however, that the English law provided one important change in the mills dam, which extended right across the stream. There was to be a gate in such dam for the express purpose of allowing the fish to pass up the stream. This gate is required to be of dimensions suited to the size of the stream, the kind of fish, the construction of the dam, and the demand of water power for the mill. Instead of being, as it has been in Canada, under the old law, an arbitrary structure, open at all times, and such as it, many places was inefficient, and so in some cases, to build it will be necessary to serve a practical purpose; it is desirable, in this respect, to take the law as easy and as little burdensome as possible. Instead of having one fixed size of fishways, involving in many cases, a great waste of water, and a large outlay of money, what is being practically effective, it is provided in this bill, that they shall not be of one variable pattern—but it is intended that they will be kept open at all times. But, that they will be kept open at essential periods only, and even then they shall not waste an unnecessary quantity of water. When the salmon or other fish are running up, these passes will of course have to be opened, at other times there is no reason whatever, why they should not be closed. (Hear.) The proper times will be fixed by the local overseers. It is also proposed that, as the public are interested in these fisheries, which are not for the benefit of any single individual, and as it would be somewhat unfair to impose on the owners of mill-dams the sole expense of making them, the public, through the Commissioner of Crown Lands, shall bear half the expense of constructing them. This expense can not be considerable at any of the mill-dams, and it is proposed to share it between the Government and the proprietors. This seems to have been the plan which observation has shown to be the most likely to attain the required end. The rule in England is that which has hitherto been in force in this country—it does not say with respect to all streams, that there shall be a fish-way so many yards wide, and so long, or deep, but that there shall be a fish-way of the size which will answer the purpose for which it is built—wide enough and large enough to allow the fish to pass, and that the proprietor of every mill-dam shall attach to it a fish-pass of such dimensions as the Home Office may prescribe. This is made imperative by the 23rd clause of the English Salmon Fisheries Act, but, no arbitrary model is prescribed, and the passage of fish is thus accomplished without injury to the milling power. This plan has been found by experience to be the best in England for accomplishing a much desired purpose without doing unnecessary injury to the owner of the mill, and this is the plan now intended to be adopted by the present bill. (Hear.) Doubtless in this, as in many other respects, the old law has been very defective; but being the first essay, so much could not be expected but that the proper measure, as I desire to mention that the Fishery Superintendents are entitled to every praise as the author of the new act, it is, in the next place, proposed to change to a considerable extent the close season, that is, the seasons when no fishing shall be carried on. I am of course aware that varieties of opinion exist on this point, and that views differ as to the best periods for prohibiting fishing. During the preparation of this bill, I have heard a number of different opinions expressed by persons from various parts of the country; it being nevertheless almost impossible to get any very strong expression of opinion from any considerable number of persons in any direction. Although there are diverse opinions upon the exact close time, there is a general concurrence in the need of some close periods. We have thought it best to make the close time a moderate one—not to give it any undue extension, but to go so far only as is absolutely necessary for the protection of fish when spawning; and I will read to the House a table showing in contrast the close periods under the old bill and those proposed to be adopted under the new one.
Mr. CAMPBELL:—I am very glad to hear of that opinion. The House is well aware of the experience which has led to the adoption of the period of spawning season, and the effect which it has had on the fish. The result of the experiment, as far as it has gone, has been satisfactory.

Mr. SMITH—That will do. But I think, in proceeding with this business, we should not be too hasty, and that we should consider the best interests of the fish and fishermen. I think the House should be satisfied with the results of the present season, and that we should wait until next year before making any further regulations.

Mr. MURPHY—That will do. But I think the House should be satisfied with the results of the present season, and that we should wait until next year before making any further regulations.

Mr. SMITH—That will do. But I think the House should be satisfied with the results of the present season, and that we should wait until next year before making any further regulations.

Mr. MURPHY—That will do. But I think the House should be satisfied with the results of the present season, and that we should wait until next year before making any further regulations.
white fish is most valuable. The great destruction of these fish and the destruction of salmon, and it is now proposed—

-That won't do.

L.-My hon. friend, in gill nets at any rate.

-That will do.

L.—So that they get from seine fishing, but seine fishing with gill nets will have to be done in deeper and colder water in good condition. It has been announced, which comprises the entire spawning season.

-That will do. I propose to have the date fixed at any rate, and the only question which I am one of the finest fisheries in November, at the end of which, they go to the lower nutritive zone and get upon the surface. I think my hon. friend, I am very glad my hon. friend from Victoria (Hon. Mr. Letellier) with reference to trout. The knowledge is not sufficient. The House of the King will be referred to a committee, composed of those who think have most accurate information. I have, however, much experience which has led me to the conclusion given, for it is not only, or even of a single species, interested in fishing from the various opinions and classes, and I am afraid I had better not depart from it. (Laughter.) That part of the table which relates to the different fisheries of Upper Canada.

### Upper Canada

<table>
<thead>
<tr>
<th>Date</th>
<th>White Fish</th>
<th>Salmon Fish</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st May to 15th May</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st June to 25th June</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st July to 15th July</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The fry of these fish not to be killed at any time.

Hon. Mr. Letellier De St. Just.—How will you do in cases where people have standing fisheries? Will you oblige a man who has a salmon fishery, which he wishes to continue in the fall, not for salmon but for other fish, to take it away?

Hon. Mr. Ryan.—Let the salmon go, after they are taken.

Hon. Mr. Letellier.—It is very hard to let them go. I don't believe any member of the House who had taken a fine salmon would want it go, especially if the next day happened to be a Friday. (Laughter.) Well, these fisheries are dry twice a day—they are set in the spring, to continue for the whole season—and their owners are always exposed to kill salmon, because the salmon is out of the water for a few minutes, it is sure to die. Now I ask, and the question deserves great consideration on the part of the Hon. Commissioner of Crown Lands, whose measure, as far as I can judge, is very much better than that we now have, is the killing of salmon in the fisheries to be a punishable offence? I know the facts, and feel that the law cannot be applied in this respect without gross injustice to the section of country between, I may say, Berthier or Beaumont and the District of Rimouski, and further, that of Bonaventure, for, in all parts of that coast line, the fisheries are fixed in the spring and summer, during all which time there is a chance that salmon may come into them.

Hon. Mr. Campbell.—In such cases it will be the duty of the owners of the fisheries to set the salmon that may accidentally come into the net at liberty, as is provided for by one of the clauses of the Bill. I know of no other course. If the fish should be killed, it will be for the overseer to take the facts into consideration when complaint is made. It is, however, impossible to say, on the one hand, that there shall be a close season for salmon, during which they shall not be taken, and on the other, that in certain cases they may nevertheless be caught. I suppose any man, who might kill fish in the way described by my hon. friend, might, under this Bill, plead the facts and practice of bona fide in extinction.

Hon. Mr. Letellier.—I know that under the present law people have been obliged in some cases to open their fisheries altogether, for the overseers have said, "If you don't open them you will be sued," so that they not only did not take salmon but lost the opportunity of catching the other fish they had a right to take under the concession of their fishery from the French Government. The date fixed for herrings will prevent their being caught in the St. Lawrence at the best season.

Hon. Mr. Moore.—The only way will be to impose a penalty on the salmon for going into the net. (Laughter.)

Hon. Mr. Campbell.—The close season for herring in Lower Canada applies only to the fishing of the inland lakes.

Hon. Mr. Letellier.—That will do.

Hon. Mr. Campbell.—Then I propose to introduce a system I find in use in England and Scotland, which is attended there with the most satisfactory results. It is new to this country, but I hope it will receive the assent of this House and of the Legislature. I propose that there shall be a weekly close season. (Hear.) In England and Scotland, for 36 hours, commencing on Saturday night and terminating on Monday morning, the salmon nets are lifted, or some measure is taken to allow the fish to pass the nets. I think it is desirable, in the interest of the fishery, that there should occasionally
be a free run for the fish, and I believe the restriction now proposed will be a wholesome one, and be beneficial as well to the fishermen themselves as to the public. It will not do to put the fishermen to any great inconvenience to observe such a restriction, but I apprehend that by the means suggested in the bill it can be done without much inconvenience. In most instances the stake nets for salmon are connected with the shore by a "leader" or "guide," and the fish on their way up the stream meeting with this obstruction, finding it bars their passage, swim down along the "leader" and get into the "pound," where they are captured, or are meshed in the gill or float nets. A free run can consequently be given them by simply lifting the "guides," and the bill provides that they shall be lifted or lowered for 36 hours, from low tide on Saturday to low tide on Monday.

Hon. Mr. LETHBELL—So the fishermen will not be able to work on Sunday.

Hon. Mr. CAMPBELL—I take Sunday as probably the most convenient, because many people do not fish on that day, but what I want is the 36 hours free run, whether on Sunday or any other day of the week. (Hear, hear.)

Hon. Mr. MOORE—in small streams, in which we now find nets fixed across the whole breadth, it should be provided that they shall be fixed across half the width of the stream only.

Hon. Mr. CAMPBELL—Provision is made in the bill against the main channel of streams being obstructed, and the clause is as follows:

"The main channel or course of any stream shall not be obstructed by any nets or other fishing apparatus; and on, third of the course of any river or stream, and not less than two-thirds of the main channel at low tide, in every tidal stream, shall be always left open: Provided that weirs used exclusively for catching eels, and the usage of mill-dams for catching eels, shall be subject to interference only in cases where, and at times when, they injure other fisheries, or by completely barring any passage, shall deprive other weirs of a share in the run of eels; and such place, time, and circumstance, may be determined by any fishing officer."

I speak now, however, in reference to those nets which are connected with the shore. In large streams, as my honourable friend well knows, the fish do not go to any great extent up the middle—they go up at the sides; and if you desire to do what is fair to those who have fishing rights up the rivers, it is only reasonable to give thirty-six hours of an open period during which the fish can run up. (Hear.) A further alteration I propose to make affecting the stationary fisheries for salmon, is to prohibit gill or float nets being placed as extension of the chandler nets outside of the pound.

Hon. Mr. MOORE—I would give them even more than that, sir—I would give them half the time open, would have the nets lifted either by night or day.

Hon. Mr. CAMPBELL—The nets, it will be observed, are not to be lifted altogether, but a part is to be removed or drawn aside like a curtain, to give the fish free way. An objection seems to have been taken that this would be impossible in practice, but that is met by the Fishery Commissioners in England, in language sufficiently strong to show that these nets which are connected with the shore by "guides," can very easily be lifted in this partial manner. It is said in their report:

"Many witnesses contended that if fixed nets and engines are not to be wholly prohibited, there is no sound reason why the weekly close time should not be extended to them, so that there should be enlarged as to last 38 hours instead of 36. It has been said that there would be great difficulty in the observance of a very close time with regard to bag nets, which are entirely in the sea below low water mark, on account of storms, in which it would be impossible to take up the chamber of the net, but such occasions would probably not be of frequent occurrence, and no great difficulty is now found in enforcing a weekly close time in the case of bag nets in Ireland, although it was not observed when first established. In the case of stake nets, which are placed on the shore between high and low water marks, and are dry at low water, it is not suggested that there would be any difficulty in the observation of a close time."

There is thus no difficulty there, although it is quite as stormy on the British and Irish coasts as it is in the St. Lawrence, and I do not apprehend that after a fair trial any difficulty would be found here either. I look on this restriction as a point of very great importance, and likely to enhance the value of the fisheries to a great extent. (Hear, hear.) I have also heard an objection made to the clause of the bill under which the fisher-men must be closed for 36 hours. It is proposed to close them in this way: that there shall be gates at the entrances of these pounds, made of the same kind of wicker work as the rest of the weir, which are to be closed for the 36 hours mentioned, to prevent the fish from entering the enclosure and thus allow them pass up the streams. This can be done without much expense, and is a very desirable measure.

Hon. Mr. MOORE—The difficulty will be in enforcing the closing of these gates.

Hon. Mr. CAMPBELL.—For that we must depend, to a great extent, on the overseers, but to a greater extent on the spread of the impression that to give the fish this free period will enhance the value of the fisheries to everybody. I hope and trust that when the people
The nets, it will be noted altogether, but a
seen aside like a curv-
way. An objection
that this would be
tack that is met by
England, in language
which is the top
entire branch of the
Mr. Joseph Pierson,
the branch of Hillier, and many others
in Prince Edward county, where the very
extensive and highly remunerative white fish fisheries
once carried on are now nearly destroyed, say
that the gill nets cause this destruction.
Mr. Edward Brady, of Conesecon, and others, on
the other hand attribute the injuries done to the
white fish fisheries to springing. The same view
is expressed by Mr. Leslie, of Brighton, and also
by the Hon. Mr. Wilkins, of Carrying Place.
These opinions will demonstrate to the House
that as far as the expression of individual opinion
goes, persons are influenced, as it is natural,
some by their own interest and others by local
views. Each one in his way (the parties are actual
fishermen) desires to abolish that mode of fishing
which his neighbor or his opponent carries on.
(Here.) We propose in the bill to allow
seine fishing to be continued, but not during the summer months, while the fish are along
shore on their proper feeding grounds accompa-
nied by unnumberable fry, which drawing the
drain destroys, when, if caught they cannot be
beneath which, and when they are flabby and soft.
During these summer months, however, we pro-
pose to allow them to be caught with
the gill nets, which are set in deeper and
colder water when the fish are in
a better state, so that they can be sent to
market either in ice or some other way. (Here.)
During this time, also the salmon and salmon
fishing fisheries are being carried on. These
honorable gentlemen, are the principal changes
we propose in this bill. The system of fishing
bounties we propose to continue, allowing it to
remain as it is. After the bill shall have been
read a second time, I propose to refer it to a Spec-
ial Committee on which I will endeavour to
name those who will take most interest in the
matter, who will go through the measure carefull-
y, and suggest such alterations as may be found expedient or necessary. The House is aware that
I had another bill on the table. Tended to pro-
vide for the proper curing, packing and inspect-
ing of fish. I have hopes by these two measures
to effect what is most desirable in reference to
the whole subject, both as to the catching of
the fish and the preparation of them for market
after being caught. I have, in my own mind,
always laid much stress on this valuable trade,
and have carefully taken into consideration
myself fully in reference to it. And although we cannot
legislate on the subject this session, I hope the
remarks I have made will remove some misap-
prehensions that existed in the public mind—
that the impression will be removed, that in
England, Scotland and Ireland they have gone
to the extent of doing away with fixed engines
—and if we desire the 36 hours free run, it
is in the interest of those who use such fixed engines as well as of the public at large. I hope the ultimate result will be that this important trade will be much augmented, and that we shall eventually have the fisheries ranked among the most valuable resources of the Province. (Hear, hear.)

Hon. Mr. M'Crea—Has my hon. friend considered a difficulty which exists in the Detroit River, where the Americans fish with seines with smaller meshes than those mentioned in this bill? Is it plain that if they are allowed to use nets with smaller meshes than Canadians can use, our fishermen will be working at a disadvantage.

Hon. Mr. Campbell—The section which relates to this subject is as follows:— "Seines for catching whitefish shall have meshes of not less than three inches extension measure, and shall not exceed 125 feet in length; provided that in the rivers Niagara, Detroit and St. Clair, seines may be used not exceeding three hundred feet in length." Of course we can only regulate our own law—not that of a foreign country—but it will not be impossible to bring public opinion to bear in the State of Michigan, and so procure the adoption there of a law bound beneficial here.

Hon. Mr. Beaurepaire—We see that judgments have been rendered in favor of the owners; but I think it is evident that these fisheries must always be under the control of the laws of Canada, as they were when granted subject to regulation by the laws of France. The Legislature has, of course, the right to regulate the way in which fish shall be taken, and I, for my part, am very willing to submit to any regulations, provided they are regularly adopted. [Hear.] Where rights of fishing were granted to the Seigneur, the constitution could not have such rights unless under a concession from the Seigneur, and the Seigneurs were not in the habit of making concessions of this kind. They, therefore, in such cases are still proprietors of the fisheries granted to them originally. The judgments of the Courts have declared that where conceded to them, the constitution have the same rights of fishing as the Seigneurs had.

Hon. Sir J. F. Belleau—Before the question was put on the second reading of the Bill of his hon. friend, the Commissioner of Crown Lands, he desired to offer a few observations on the highly important subject which it brought so prominently under the notice of Parliament and the country. The desirability of affording to our fisheries more ample protection than they had hitherto received, had long commanded attention, and he thought when the very handsome amount which, without adequate protection, they had contributed last year to the revenue of the Province, came to be considered, it would be seen how important, how absolutely necessary in fact, it was to adopt prompt and efficient measures to foster this great branch of our natural resources and place it in a position to become a permanent and more valuable source of wealth to the country. Last year, from the codfishery alone, the tier, round sum of $780,000 had been derived, and while on this particular feature, he would refer to the report of the Select Committee appointed by the Legislative Assembly in 1865, to inquire into the fisheries of the Province and the best means to adopt to increase their productiveness. In this report, the Committee, in a leading to the cod, suggested the abolition of the use of the seine as being too destructive and of set lines which cause irreparable damage by taking the larger fish, supposed to be the mother codfish. He regretted that the Hon. Commissioner of Crown Lands had not adopted the suggestion of the Committee in this particular, but thought it was only necessary to call his attention to the matter to have him remedy the omission. The report of the Committee was based on the evidence of competent, practical men, who gave it as their opinion, founded on long experience of facts, that both those systems of taking the cod were ruinous and destructive to the fish and, as required to be remedied. The next feature of importance in the fisheries was the herring fishery. It was an incontrovertible fact that the herring, which, though a small fish, was still from the quantities which were annually captured on our shores, a very lucrative source of revenue, was decreasing more and more every year in our waters, from the want of adequate protection. As he had said, it was a small species of fish, but diminutive and small as it was, it yielded the handsome sum of $100,000 to the revenue. Next to the cod fishery, it was the most important feature in our fisheries, and the Committee had regarded it as such, for it had commanded a large amount of their attention on the occasion of their investigation. The nets or fixed engines used to catch the herring was one of the principal causes of the decrease of this valuable fish, as well as of other species. The Commissioner of Fisheries of New Brunswick, Mr. Perley, proved conclusively that these fixed engines were ruinous and destructive; when he said:—"It is not exclusively to the salmon, shad, herring and bass fisheries that these fixed engines are ruinous. It has been estimated that the brood weirs destroy the small fish, as well as the fry of the larger kinds. It is this small fish that serve as the natural food of the cod, and whenever this supply fails, then the cod fishery must also decline." At the Magdalen Islands, the practice was to take the herring in seines. Mr. Perley says:—"The mode of fishing for herring is by drift nets. In Scotland, the injunction character of the stike-net was tested on Lord Gray's and Sir Thomas Menzies's salmon fishings in the Tay. These fishers were worked for ten years by stike-nets; during that time the number of salmon captured was 91,312. The stike-nets were then removed, and the yield rose during the same period (ten years)
position to become a stable source of wealth, from the codfishery alone, $798,000 had been invested many years ago condemned by the late Sir W. Sanborn. As all Salmon and Salmonee are permitted to their native rivers, and took the course that the Salmons are supposed to be followed when they enter the sea, the coast, according to the report, says Sir Haughey, they are not always to the use of fixed engines. The practice followed by the fisheries, as to the use of such engines, is to destroy the fishery by the use of such engines, and, in the case of this valuable fish, the better proof could be had of the destructive use of fixed engines. It was a fact that the salmon had decreased even more than other species frequenting our waters, and that unless care were taken, it would soon disappear from them altogether, which would be a circumstance to be deeply regretted for many reasons. The salmon was a migratory fish, and it was of the utmost importance that all the precautionary measures possible, without injury to private interests, should be adapted to prevent its total extermination, which he contended would be soon brought about by continuing the use of fixed engines. The question, however, might be disposed of by the ideas of an amateur or a theorist, but the fact was patent to all that the fish were fast disappearing, and practical men, who had studied piscatorial habits not only in theory, but in practice, concurred in attributing the cause of this growing depredation of our waters to the use of fixed engines. In regard to the salmon, the Commissioner to which he had referred did not recommend the suppression of these engines, but held that a tw too stringent could not be adopted to regulate their use. He did not know whether the open period proposed by the mover of the bill was intended as a measure of severity on the fishermen or as a protection for the fish. (laughed) but, in his opinion, the salmon would not wait four or five days for this open period to come, and would, if the passage barred to them when they arrived at it, go off in disgust in search of other spawning grounds.

Hon. Mr. TELLEK—They often wait as many as fifteen days to leap.
Hon. Mr. CAMPBELL said the power necessary for the purpose to which the hon. gentleman alluded, was included in the Bill.

Hon. Sir N. F. BELLARDO said he desired also to call the attention of the Government to the subject of the distribution of the fishing bounties. He thought those bounties more frequently went to other parties than those to whom the law intended they should go, and expressed a hope, then in conclusion, that attention would be given to this matter as well as to others already mentioned, in the perfecting of the Bill.

Hon. Mr. LETELLIER DE ST. JUST followed. The hon. gentleman said he was free to admit that the Bill seemed to him to be a decided improvement on the actual law, but he thought it might be modified to render it protective at the same time of existing rights and the public interests to a greater extent than was proposed. There were certain rights in regard to fishing, which had existed from time immemorial, and he held it would not be just nor right to deprive the present claimants of those rights without compensating them for their loss. Changes in this respect could not be effected without proper indemnity to the parties. [Hear, hear.] In relation to what had been said in regard to the destruction of the fish by fixed engines, he remarked that he thought the decrease of the fish could be traced to other and truer causes, such as the increase in the navigation of the river, which frightened away the fish, the construction of mills, the obstruction offered by mill-dams to the ascent of the rivers, and the throwing of foreign substances into the water injurious to the fish.

It being then six o'clock, the debate was adjourned, and the House rose.

FRIDAY, 10th March, 1865.

DEBATE ON THE FISHERIES ACT (RESUMED.)

Hon. Mr. LETELLIER—I approve to a certain extent of the views of my hon. friend (Mr. Belleau.) I think the disappearance of fish from certain parts of the St. Lawrence is to be accounted for by the increasing number of ships and steamers that ply on its waters. A company was formed many years ago at River Ouelle for the purpose of carrying on the porpoise fishery. When the fishermen saw porpoises about the fishing grounds and inside the stakes, which are placed so that the tops project a few yards out of the water, they said "the fish are ours;" but if a boat with oars happened to pass the fish disappeared before the recession of the tide had caused them to become enclosed and stranded. Now, I do not say that the steamers and other vessels drive the fish from our waters altogether, but they drive them from their old feeding grounds near the shoals. The salmon meets with a different class of trials—various substances floating in the rivers, drains turned into them which change the character of the water, &c. If the fishes do not find the same water to which they were accustomed, they do not thrive. All the Indians know that the fish of one river are not like the fish of another; and they can tell by the different appearances of salmon in what streams they belong. Well, one method has been devised for re-stocking these rivers, consisting in the building of a species of pass. This is a very right up to a certain point, but in certain cases it would be unjust to compel these fish ways to be erected. On one of our rivers we have two or three flour mills, and during the time the passes were required to be open, the farm would have to wait for their flour to be ground. The fact is, the Government have formal laws in the hands of the local officers who do not know their duty—who have not sufficient knowledge to make the distinctions necessary. At St. Thomas, for instance, where there is considerable fall. I don't exactly know how high it is—

Hon. Sir E. P. TACHIE—Twenty-five feet at low tide, and five or six at high water.

Hon. Mr. LETELLIER—Well, it would be very desirable that there should be salmon in the river, but it would be a disadvantageous thing to the proprietor of the mills to have the uselessness of his dam destroyed. The proprietors of the dams only make use of a right conveyed to them in their patents, but in some cases the officers spoken of have obliged the owners to let a certain quantity of water over the dam to let salmon pass, and the consequence was that the mills were stopped in the dry season and the people had to wait before they could get flour. It is a good thing to have fish one's bread, but it is better to have bread without fish than fish without bread. (Hear, hear. laughter.) We have also seen the proprietor of nets for herring sued because they happened to catch a salmon. Now when a railroad opened, we do not take the land for it from the private proprietors, but provide that a reasonable compensation shall be given therefor, so it should be with the mill-dams and pass. Instead of having overseers at $50 per annum salary, we should have more important officers. Some rule is necessary for the protection of fisheries, but unfortunately all these measures are devised not by the Legislature itself, but by those to whom the Legislature in some way delegates its powers. I have no doubt that those who have tried to make rules have tried to make them for the public advantage, but we are not expected to have rules made which cannot be applied—for instance, the rules for the cod and herring fisheries do not apply equally to the sections of the country. We have seen people in one part of the country obliged to make inroads in their nets big enough to let the salmon pass through. Well, the sardine and the herrings naturally followed the salmon and so nothing was left for the herring.
and so nothing was caught, and the fishermen lost the profit they had a right to expect from the investment of their capital. We have seen a river leased to the Government to a gentleman, for fine fishing, although the right of fishing was retained by the French Government to the seignior of that district.

I have known a place in which there were three dams, and it was a few years since proposed by the officer then charged with that duty to compel the owners to put a salmon pass on each of the dams, when it was well known that salmon bred in the river below the lowest of these dams and there the stream was always full of salmon fry. These owners suggested to the then Superintendent of Fisheries that in preference to passes there should be some barrier to prevent the salmon from going beyond good breeding places (fissies). The suggestion was, however, thrown aside and thus the experience of practical men who understood all about the fisheries was disregarded by men who thought they knew more by their theories than they could do by their practice.

The character of the shores changes and the fish go elsewhere to spawn. Near my residence, the sea is carried off a shoal, and there are now very few herrings caught on the shores of the parish of St. Denis or River Ouelle. In Rimouski, the fish are more abundant than they used to be. In Témiscouata they stay longer than formerly. The changes in the bed of the river, and the continual navigation of certain channels, are the chief causes of these differences.

Among the eggs of these fish, however, the herring containing 60,000 ova—that a kind Providence has rendered it almost impossible for them to be exterminated. I have here the Dictionary of Natural Science which says that sometimes for ten or even twenty years the fish disappear from their haunts, yet in European countries they do not adopt any restrictions so severe as those proposed here. As I said before, the means of reproduction of fish are so vast that it is almost impossible to exterminate them by mere human agency. The cod, for example, has from one to two millions of eggs, and only thirty-six million of codfish are taken on the Banks of Newfoundland, so that really thirty fish can produce eggs enough to breed all the fish taken there. Of course, when I speak of an enormous production of eggs, I know the means of destruction are greatly.
Hon. Mr. Scott; the next Commissioner of Crown Lands afterwards brought in another bill, which, as amended, is now on the Statute Book. This, however, has been found defective in many respects. The new measure, with a few amendments which I think can easily be made, will enable us to protect our fisheries effectually. There is no doubt that the working of our salmon and herring fisheries is of vast importance, and only requires improved legislation to make them appreciated and have their value better known. (Hear.) We have in the report of the English Fishery Commissioners sufficient evidence of the value of the fisheries in the English, Irish and Scottish waters. In old times salmon were so numerous that the people were hourly sick of them. When servants engaged with their masters they used to make a stipulation that they should not have salmon more than three times a week, and a similar clause was put into the indentures of apprentices. This abundance was brought about by a judicious system of protection. It was at one time a criminal offence to kill salmon by swimming or by torchlight. So far as this bill is concerned, it would much enhance its value if the Government would pass it at once, this very season, in order that we may have a fair trial of the next season. (Hear.) Up to the year 1812 the North Shore of the St. Lawrence was steadily teeming with salmon. The Hudson's Bay Company used to export thousands of barrels. For many a day salmon was not known to be larger than $8 or $9 a piece in the Quebec market, whereas latterly I think of three years ago, for owing the disturbed state of affairs over the border, it is not worth so much now as it was then—brought $18 per barrel of 2000 lbs. Last year, I believe, it fetched $10 or $11. As a proof of the value to which our salmon fisheries might be raised, I will state one case that has occurred in Ireland, with respect to the River Moy, in which no salmon formerly existed, but where a very high salt near its mouth which salmon could not ascend. Certain persons got a special lease of this river for a long term of years, and immediately cleared the stream of fish destructive to salmon. Their leases from the riparian proprietors contained a clause empowering them to kill all fish that injured the salmon, and the people were a little surprised when they saw the pike and trout almost destroyed. These gentlemen made several little brooks and spawning pools, and placed 200,000 ova in them. The consequence was that the fry went down the river which had been built at the falls, and came back again the next year to their native waters. The fifth year after the river had been leased to them they cleared $25,700 from the salmon which they caught. That is a sufficient proof that money can be made out of the fisheries of almost any river well managed and preserved. (Hear, hear.) There is no venture, hon. gentlemen, more tempting than this of restocking, and breeding fish—no investment more secure—no result more certain—because salmon always return to their native rivers like sheep to the fold. Up to 1812 the Hudson's Bay Company's claim killed 2,000 fish per annum in the Tadousac necessary fisheries alone. From the Missouri they used to take as many as 11,000. Before that year, the salmon used not to sell a pound of fishing wine to make nets with, and would not lay spears for the herring fish from the Indian, who therefore used to catch them. Another catch is this way only for their own consumption, when they happened to be present in large numbers on the rivers. After 1812, however, wags, so to speak, their exclusive lease of the King's tons Terminatory expired, the Hudson's Bay Company could not prevent others from settling, fishing, and carrying on the trade along the coast. Bills in all, therefore, began to be credited on the Statute Book. In 1813, the claim of which prevented the fishery. I have salmon from going up the streams, and away from the city and places where, when a boy, I used to feed upon them, and in some hundreds as to catch them with a stone-fish. To and have sometimes seen them, are now entirely practically deserted by the fish. Among rivers where salmon have been, they have been continually exterminated, have been under the mill-dam, I may mention the Sussex there was the same, the Pigeon, the Petrie, the Rideau, the St. John, the Grand Bay, and the Haliburton rivers. Some clause I put into the bill, I believe $500 a year, was introduced, that all proprietors of pollution, but there should have fish passes. Of course it is would and understood, that if the mill could not be worked in opposition, with the fishway open, it would have to be closed by the Government, excepting in three days in the week whereby yielded to the mill the fish was not running. I have seen it state-rate here; they are in the Encyclopedia Britannica that the oldest for his memory of the salmon remembering that certain fish for ten days were opened on Saturday night, have been who had the known to collect at the foot of them in thousands, the only waiting for the opportunity for going about $15, or a plot (Hear, Hear.) Hon. gentlemen, of course laugh, but I can quite believe that after full show that the attempts to get up on week days, that we believe my own instinct characteristic of the salmon being of the herring, the Petrie, the Rideau, the fish had a day when from the general quiet, and the absence of sawdust and disturbance in the water-stocked, of their instinct would recognize a chang refilled, and a chance to overcome the obstacle. [Heads the fish at all, hear.] I was about to say of the Hudson considerate Bay Company, that when their leases, while there was near expiring, they thought they would make as much out of it as possible, and a tremendous effort they made, they were no longer able to carry it over the rate. Since our present law has been in operation which was station, there has been so much opposition to it by everybody that we have never been able to carry it over the rate effectively. The hon. member for Grandville-his name is [Hon. Mr. Letellier] has said that there should months, but no Deportation regulations. Hon. Mr. LETELLER—Hardly that. Hon. Mr. PRICE—Well, I should prefer it if the whole thing could be conducted into one charter, since it Act, but as it cannot, it is expedient that these matters be referred to the Act.
salmon yields about 1,000 eggs for each pound of its own weight. These, when matured, produce 10,000 eggs. They are confined in the pond, which is two feet deep, the latter being supposed to contain the male, and the female near a foot; and those who have crossed them say there are only a deficiency of perhaps one or six eggs between them. If the latter half, then, the young are exceedingly delicate, and they may fail on them at any time. They are then quite passive, and hardly move when you touch them, hence the fatal facility of destroying them. The female does not return to the stream, and the male lives but a short time, and then all of them are walking further down, ready to devour such eggs as may be away. The eggs are laid in the current, and hardly 2 per cent. are ever fertilized, which is the reason why so large a number are lost. If all the eggs of which my hens, bred from Granville spoke, came to maturity the fish would become so numerous as hardly to be able to swim in the sea. (Great fear. There is another cause besides these named by my hens, which bears it strong fisheries. The herring, for instance, depredate their eggs, and waste eggs for spawning cannot retain them longer. A great time comes on, and the fish are thrown up upon the beach. I have seen them and only lying six inches or a foot in deep along the shore, not quite, but their spawn are destroyed. They are picked up by the agricultural population along the coast, sold for food or other use. A good deal is said about the herring done to the fishes by snaring nets for herring. How many of this kind are placed in the St. Lawrence taking these fish, because they can be taken in any other way than by snare nets without small meshes. It would be impossible to lay away with these nets, for there are rights connected with them which belong to the people who wish to preserve them. It is useless to insist on this point, as an American, who has been in this subject in the lower house—France, member for Margaret Cite, has just been abolishing these fixed was supported. But herring are also referred to fishing destructive. By one of the herring regal their major of the herring was to be provided with a civilized feet square, and a net not the meshes of which are to be five-eighths of an inch square, in order to allow the young of the angler and the other fish to escape. Thus, I have sometimes seen the fish lying in three fingers below the water six feet deep, but this is taken destruction, and I think there should be a clause in the bill after a certain time of the year these fisheries should be removed. For saying that these fisheries may not kill salmon, why it is spoken goes into them. I don't see why it should not be taken—fish may as well be caught in any way, as another point, or be caught in the salmon season, but there is a certain time when salmon cases and grilse begin, and the meshes over these
gaps and in all other ways should be large enough to allow them to get through freely. My hon. friend, who spoke last, alluded in his remarks to the River Ouelle, though he did not mention it by name, and says salmon have been known to spawn in large quantities below the dam which now exists. I have walked up both branches of that stream and have seen the tin spawning in it. Where the dam is erected by Mr. King, the salmon cannot get up, although they may be able, as it is said, to ascend the dam belonging to the hon. member. A fine place for salmon than the upper waters of this river does not exist, but it is almost useless to attempt to make a passage now, as the water is usually so low that if the mill is to be worked the fish cannot get up. With a few exceptions, such as this, almost all the rivers can be made valuable, and I think it is the duty of the Government to see that all mill dams shall have a proper fish pass. This measure proposes that the Government shall pay half the expense. It must be remembered that if the Government undertook the whole cost, however, it is better to have half a loss than no bread, and hardly a mill owner who knows the sport that the salmon would afford him, and the use they would be to the country, will refuse to contribute. [Her.] I have travelled through Norway and found with a great deal of pleasure that the fishing rights there are carefully provided for. Every mill dam has a pass, and during certain days of the week—Sundays and holidays—the fish are allowed to pass. Wherever there is a dam and a mill, there is a strong leather bag or apron arranged, so that the whole sweepings of sawdust and other rubbish from the mill are thrown upon one door, and not an atom of sawdust or a shavings of wood is thrown into the river, but the whole are afterwards burned. Two-thirds of the population of Norway exist altogether on fish, corn, bran and corn bread; the fisheries are a most important source of profit to them. I may mention en passant that there is going to be next summer a fishery exhibition at Bergen. In my capacity as one of the Vice-Consuls for Norway, I invite honorable gentlemen to visit it at their own expense. [Her.] They want all nations to show their various kinds of nets, and the products of their fisheries. [Her.] My hon. friend made some remarks in regard to Commander Fortin, who, it would seem, wants to be Commissioner of Fisheries down below. There is no doubt that Capt. Fortin is a very efficient officer, who has done all he could do in his capacity, but I think the charge has been too great for him, for the North Shore has never seen anything of him. That Shore has never had justice done to it. The schooner Canadienne is a great deal of the time on the South Shore, where there are Courts established, and seines can have justice if they resort to the means provided, but she is only for a very short period on the North coast. Commodore Fortin has no doubt the control of his service, but not being a departmental offi-

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the Bill reprinting, as amended, and distributed widely among those interested in the trade, so that they might have it for consideration during the recess. This would enable them to present their views to the Committee.

Mr. BAYNE asked the hon. Commissioner of Crown Lands whether he intended referring the bill with the amendments he proposed making to a Special Committee, and whether also he would be prepared to consider any other amendments which might be offered in Committee.

Mr. CAMPELL replied that he had no objection whatever to follow any course the House might deem best, and would be prepared to accept any amendments which might clearly appear to be for the improvement of the measure.

Mr. McPHERSON thought the best way would be to make all the amendments to the bill which the House might desire, and then to print it for distribution among the parties most interested, so that they might have the opportunity when it came up at next session to express their views upon its merits.

Mr. RYAN said that the bill embraced some important improvements upon the law as now existing, but he thought it did not do all that was needed. There was, for instance, no provision for the remedy of a practice which on all sides was admitted to be a great abuse, he meant the discharge of sawdust at the mills into the lakes, and by which means there was an immense destruction of fish. He thought the law should make it compulsory upon all owners of such mills to consume the sawdust, and the waste wood and slabs, which were now got rid of by throwing them into the water. Then he also thought that some more effectual means of neutralizing the evil results of stake nets and other fixed engines which all the world over were regarded as detrimental to the fisheries, should be adopted, and that at any rate open ways to allow the fish to pass the dams would be provided.

Mr. LETELLIER de St. JUST—In the St. Lawrence?

Mr. RYAN—Yes, that was where they were most wanted.

Mr. LETELLIER de St. JUST—It would be easy enough to open them, but the question would be about shutting them when once open. That was not so easily done as said.

Mr. RYAN—in that case an increased value would be given to public property and for his part he would have no objection to leave them always open. It would probably not suit the views of persons who wanted to make large profits out of the fisheries, but those who had
the public good at heart would I prefer it, so
Good superintendence would be required to
make the law answer the ends proposed. The
bill provided for such superintendence, and if
that were given and the penalties imposed upon
trespassers were duly hailed, the bill would
be a great improvement upon the existing law.
The best way to deal with the nuisance now
was to make it as perfect as possible, then to
prove it and discredit it among the classes not
interested, so that when it came up for that action
the House might proceed with the advantage
of any further suggestions which experienced
practiced men might have to offer. As it was the bill was a credit to the House of
Crown Lands, who, deserved thanks for the pains they had taken to make it as 
v.ery. It was not the law now in force.
Hon. Mr. DeRUEDEUP said a few words, by
waving that further amendment, the
principle of which could not be understood
in the gallery.

Hon. Mr. CAMPBELL said that his
friend who had first commented upon its
remarks (Hon. Sir J. E. Belland) had overlooked
a provision of the bill which met his objection
in respect to the protection to the cod fishery,
and the hon. member had read the House
portions of the report of a Committee to the
other branch of the Legislature to the
following effect.

"Hand fishing lines are the principal means
made use of to catch cod in Canadian waters.
On the North Shore the seine is sometimes, but
seldom, employed, and at the Magdalen Islands
set lines were formerly used. Practical men
maintain that the use of the seine is famous, as
it destroys a quantity of very small cod, and,
on the other hand, they assert that set lines cause
irreparable damage, by catching large fish
supposed to be mother-fish.

Your Committee, therefore, suggest the
abolition of these two latter modes of fishing."

Now, if the hon. member would refer to the
9th 8ection of the bill before the House, he would
find that the suggestions of the Committee had
received every attention, and the very proviso for
which he contended was made, it being then
stipulated that the nets to be employed would
have meshes of not less than four inches in the
arm, and three in the bottom. And on with
regard to mockery. There were regulations
more or less stringent regulating that fishery.
There is also a regulation prohibiting "bottom
lines within three miles of the Magdalen Islands. The total prohibition 0f codfish seine
and of set lines, although a decided recommendation by the Committee, was not carried out
because not deemed advisable, and in deference
to the expressed opinion of Captin Forin, who
says that to do so would be very costly and
unnecessarily injure the fisherymen. The
hon. member had also alluded to the herring fishery,
but there were no recommendations on the subject
in the Report he had quoted. He (Mr.
Campbell) believed that harring had been in such be not be the
pierced by the fixed engines, which destroyed the surprised if Can-
bay, and he had therefore provided that defaulters or occupiers,
gaps should be covered with net work, which apparently in be
would allow them to escape. Then, the changes made to the
actor and concurrence of the owners to harrass privileges
employed in carrying out the law, had been added allowing to
write to, or not offering sufficient guarantees however, if any
the improper execution, but four members of the House were
remember the that the amount placed made, but mean
borrow of the Committee of Crown debts, and he wanted for this special service, was insensible loss.
Mr. Campbell was not prepared to offer a charge
there was a vast extent of country fisheries on Lake
he had asked, and a great number of them there
who. He believed, many thousands, but in
which, the work of overseeing had led to a cost of one
Mr. Campbell, had paid agents an amount of money close season
which could not be appropriated by the members of the
House would delay the expenses. The time that
describ as it was impossible to employ largely paid.There were certain
officers, he had done the next best thing in the expense of a close
season. He had found that the services of In-Hon. Mr. Camp-
present practical men interested in the protect and could see
that of the fisheries, and who were willing more than the most highly
from a love of the occupation that because could be equal

The hon. member for Grandisville Lakes Huron, had complained that the Superintendent of the other Lakes, pa-
the Grandisle fisheries, Captin Forin, he had received times were close
the consideration and support from the Crown season in one
Lands Department necessary to enable another season in another
to so exclusively to discharge his duties it could be
now this was an absolute mistake, the bill before
and he was perfectly assured that the impression there
was no such impression on the mind of the for all of Captin Forin, but that on the contrary law there
that gentlemen would be ready to declare he for speckled tr
had received all due and monteance from the Department in this respect. Captin Forin might not sensible
was an administrative officer, and he (Hon. and he had no
Mr. Campbell) had great pleasure in stating this distance of
that he discharged the duties apportioned, and from all
his particular service with the great success in his
most energy and intelligence. But this did not for all the in-
requisite it necessary to institute comparisons of his
between him and other offices. The other offices that there
we were Departmental officers whose business disposal of
was to carry out the instructions of the head and not be thrown the Department, and as occasion rendered it necessary to communicate to them the Captin of the 2nd year
by others as the case might be. The instructions
were not theirs but those of the Department, and was not to be
at all, of course, all such instructions had a pass
through the head of the Fisheries Branch Mr. anxiety.
Whithey) who, as he had already stated, also
Hon. Mr. RYERSON discharged the duties of his office, and also the
that its done as the former act. Mr. Campbell had penal annex
always received the most cordial assistance of
Hon. Mr. CAMPBELL that officer in his particular line of service. Lo for all infrac-
deep, he would now learn it for the first time,
Hearings had been in such be not the case, and he would be extremely
which destroyed the surprise if Captain Fortin had any knowledge
were provided that nor recognized in the complaints here made
with the work, which apparently in his behalf.
ence. Then, the consideration of omissions of rent for
of the overseers to before privileges, which could not be readily el-
the law, had been neglected owing to defects in the law; the last
sufficient guarantee, however, if any, must be consecutively small,
but hon. members before them had been endeavored towards the par-
amount placed at les, but means being used to call in these
of Crown debts, and he was satisfied there would be no ex-
service, was not necessitate loss. The hon. member for Saguenay had
large expenditure referred to a change in the law in respect of the
of country fishing on Lakes Huron and Superior alleging a
of a great number of that there was no provision at all for close
and some thousands of fishers, but in this he was mistaken, for he rec-
toeing had to report of one kind of fish, white fish, there was a
not amount of money close season on these lakes from the 15th Nov-
by Parliament from the 15th November, during which the
express. The at that description of fish was not to be caught.
emply largely paid. There was certainly no distinct provision for close
season in the order, but he had the services of in [Hon Mr. Campbell] thought there should be one
in the protecand could see no reason why white fish, one of
were wailing more the most highly prized of our lake fish, should
bon here because could be equally protected. In June, July and
in carrying out the August when this fish was soft and almost until
a very moderate re sea food it was caught in large quantities
therefore decided upon and left to rot on the beaches, and in this
help, So far as they knew there was a great destruction and waste
of this very superior fish. He could not well
along with that branch done why the restriction should not apply to
member for Grandville Lakes Huron and Superior as well as to the
Superintendent of the other Lakes, providing always that the proper-
in, but had not received time were chosen, as it was possible that the
from the Crown season in one place might not be the exact cessary
to enable season in another. If there was such a disme.
charge his duty, it could be ascertained and provided for in
who mistake, the bill before it became law. But in his
assumed that it be the season on all the mandates of the
on the contrary old law there was a general close season only
ready to declare before speckled trout. The hon. member had also
of contemnation alluded to the distance from the shores at which
spoil of the waters all kinds of fish, whereas in the
was the only one that had been a close season in the past. Captain Fortin
nets might be placed. It was now five miles
and he had reduced it to two miles, making a
on making this distance only where existing grounds existed
the act. It was affirmed, however, that the
fisheries (Mr. anxiety.
The Hon. Mr. Ryan—It was not enough to say
office with rare ability that it should not be done, and there should be a
Captain Fortin had penalized annexed to the offence.
Hon. Mr. Campbell—And so there was
for all infractions of the bill.
Hon. Mr. Ryan—What penalties.
Hon. Mr. Campbell—Fines of not less than
$8, nor more than $50, and imprisonment when the
was not forthcoming of from eight days to one
it. Section 20 makes offences daily
and separate.
Hon. Mr. Campbell—That was not sufficient.
Hon. Mr. Campbell—Well, the hon. mem-
behind him and it was too severe, (laughter), so between confusing opinions he thought
the medium had been about ascertained, and at any rate such details might be changed in Com-
the bill had been prepared with great care and after great consultation with practical
and he thought it deserved the assent of the
He had at first proposed to refer it to a large Special Committee, and had select-
to both sections of the Province who he thought would be able to give the
the Committee, and the bill would be printed as then amended, and
so placed before the country. The Govern-
proposed to make arrangements by which the
business would be taken up next session, at the stage at which it was left this
session, and if this was agreed to, then the bill
be put in Committee again at the commen-
to the next session, and if necessary
after that sent to a Special Committee. This
he thought, would be the most effectual way of
dealing with. [Hear, hear.]
of these Islands should be empowered under the bill to make such regulations as they might deem necessary for the protection of their fisheries.

Hon. Mr. CAMPBELL concurred in the suggestion of the hon. member, and was obliged to him for making it. When the Bill came up again he thought it would be well to embody such a provision in it, respecting the Magdalen Islands, as the hon. member last pointed out. As to making the seamen Crown servants, he feared that would not meet the difficulty, as she could not always wait in the place where the offender had been convicted until the term of imprisonment had expired, and as the unfortunate man taken from Nootka, or elsewhere, might be landed at Fort George, or some other equally distant place, which would be just as hard as to bring him up to Quebec, or send him to another prison. There were, no doubt, difficulties in the way, but the offences had usually been visited with fines, and if they were not paid, by confiscation of the nets. As to the want of magistrates, it would not be so great as the hon. member seemed to fear, since all ordinary magistrates were to be authorized to act, then the overseers would be clothed with the same power, and the subordinate magistrates it was hoped the law might be reasonably well executed.

The Bill was then read a second time and ordered to be brought up in Committee of the Whole on Monday.

MONDAY, 13th March, 1865.

THE FISHERIES’ BILL.

Pursuant to order, the House then resolved itself into Committee on the Bill for the protection of the Fisheries.—Hon. Mr. DE BEAUPRIEUR in the Chair.

Hon. Mr. CAMPBELL said he need not repeat at any great length the closing remarks he had made on Friday, in relation to the course he desired to take with reference to the measure, but would merely say he proposed to have the amendments he had then fully explained to the House passed and the measure printed as amended for distribution. Then at the next Session after it had received the attention of hon. members and of the country, if it were found desirable to introduce any further changes he would be prepared to consider them, and, if the House agreed that they were desirable, to accept them.

Hon. Mr. RYAN said he fully concurred in the propriety of the course proposed to be pursued by the Hon. Commissioner of Crown Lands, in relation to the measure, it being understood that when the Bill came up next Session any further amendment hon. members might be prepared to offer would receive due consideration, and be accepted if found beneficial.

Hon. Mr. CAMPBELL assented.

The Bill was then read clause by clause with the amendments, all of which were adopted. The Committee then rose and the Chairman reported that they had gone through the Bill and agreed to the amendments proposed, asking leave however, to sit again, which was granted.

Hon. Mr. CAMPBELL then said that as the Bill was very important and as it was consequently desirable to have it extensively circulated during the interval, he would suggest that a larger number than usual, say 500 copies in each language, should be printed for the use of members. The House seeming to assent, the Hon. Commissioner made a motion to that effect which was carried.

MEMORANDUM

CAMPBELL, M.P.

A radical change in the law relating to Crown lands, which is a necessary step, is urgently required. The difficulty is that there is no adequate provision for the distribution of the produce of the Crown lands, and in consequence the Crown lands are not properly cultivated and the produce is wasted. The Bill is intended to remedy this evil, and to provide for the proper distribution of the produce of the Crown lands.

The Bill is to be read a second time on Monday, and is to be printed as amended. It is expected that it will receive the attention of the House, and that it will be carried into effect at an early date.

Instead of large salaries, local fishery officers are appointed to carry on the business of fishing in various parts of the country, and the officers are provided with the means of carrying on their business. The officers are also provided with the means of heating and preserving the fish, and are allowed a certain amount of compensation for their services. The officers are also provided with the means of heating and preserving the fish, and are allowed a certain amount of compensation for their services.
APPENDIX.

MEMORANDUM FOR THE HONORABLE A. CAMPBELL, COMMISSIONER OF CROWN LANDES, &c., &c.

ON NEW FISHERIES BILL.

A radical defect exists in the old net: it is, that power to dispose of fisheries, and to regulate and protect them is not clearly given to the Crown. There is no designation of the common right of public piscary. Certain provisions are made, and obligations are imposed both upon the Government and the public, which inconveniently conflict. Being thus defective in principle, it is imperative in the most important details. Also, nearly all operations under it are necessarily incongruous and cumbersome, and in some respects absurd and even oppressive. Had it not been for Executive regulations and departmental orders, nothing could have been done. Thanks to these, and notwithstanding its numerous defects, there is sufficient improvement observable in the various fisheries carried on under it, to justify the liveliest expectations of what further protection under an efficient law should afford.

The new bill is based on the enlarged and practical experience of some six years operations under the existing fishery laws.

Its clauses are properly classified, and its provisions few and concise. It is simple in form, and its prohibitions are conceived in a liberal and fair spirit. It contains all that is needed effectually to protect the fisheries and carry out economically and efficiently the whole fisheries service.

MACHINERY.

Instead of two general Superintendents, at large salaries, this bill provides for numerous local fisheries Overseers to be named at necessary places by the Commissioner of Crown Lands. These Overseers will be ex-officio Justices of the Peace during such incumbency. This is simpler and more effectual than nominating Justices of the Peace by commission. The Overseers will get small allowances for salary, and being residents will incur very few travelling expenses. Being always on the spot where fishing is carried on they can detect and prevent abuses of fishing, or punish breaches of the law. With the duties of Overseers there will be also united those of Inspectors of Fish and Oyl under the Inspection Bill.

REGULATING FISHERIES.

Power is given to the Commissioner of Crown Lands instead of to the Governor General in Council to grant fishery Licences and Licenses. This method is simplest and avoids the tedious and expensive matter of Letters Patent under the Great Seal.

All idea of raising revenue is abandoned. The imposition of petty duties will be simply on the basis of paying expenses of immediate protection. Where licenses for a long period are desired, or where season Licences or Any licenses are preferred, they can be issued in either form; but chiefly for important cases. Merely preserving the supply and breed of fish, and restricting abuses in the more valuable and extensive fisheries, are all now sought to be attained. These results will be found in the most economical and effective manner possible, placing as few restrictions as may be on the pursuits of fishermen. No burdensome fees or regulations will be imposed upon them. The new law is meant to be fair, liberal, popular and self-sustaining.

PROHIBITIONS AND CLOSE SEASONS.

The close-times are altered from those fixed by the old act, and more moderate ones are adopted. Opinions so much differ as to the exact dates for closing up fisheries because of the breeding seasons, and such a variety of interests and wants must be consulted, and differences of opinion and locality recognized, that it seems safest to impose moderate (as differing from extreme) close times. By shortening these periods the expense of guardianship is greatly reduced, and a fair and reasonable close time can be more rigidly observed. Also, these prohibitory seasons are so framed as to afford a continuous supply of some kinds of fish, to admit of poor people and backwoods settlers obtaining cheap and wholesome food. Nature distributes the various breeding times of fishes throughout all the seasons of the year. The law should admit of each kind of fish being taken after the essential period of reproduction is past. Thus a temptation is withdrawn from the greedy, and the interest wants of all become reconciled. As the white fish fishery of Upper Canada has been very seriously injured by summer fishing with seines, restrictions are put on this mode of
fishing. Also the injuries done by other nets, used in the white fish and salmon trawl fisheries are provided against. There are stringent clauses to protect from waste and destruction the young and fry of the more valuable kinds of fresh-water fishes, without impeding the legitimate pursuit of fishing by those long established in the business.

Endeavours have been recently made to abolish stationary fisheries. However desirable it might be as a severe measure of preservation for failing fisheries, to compel the owners of stake weirs and fixed nets to resort to the less productive (and in most places less likely) practice of seineing, there is nothing so desperate in the present exhaustion of our long-located fisheries as to call for such legislation, and certainly there is much in the vested rights and local circumstances of the fisherman to demand the most imperative public need in justification of such a step. The alleged dire royal of young fish will be by the present bill altogether obviated, and these stake and stake fisheries rendered as innocuous as is practicable.

PENALTIES.

Penalties are made more lenient, and consistent, and the mode of recovering them simplified and made more effective. The whole machinery of the fisheries laws is in these particulars much improved.

MILL-DAMS AND FISHWAYS.

Regarding the improvement of streams barred by mill-dams, the new law is more discriminative and reasonable, and more acceptable to millers than the other. For instance, the other required fishways on all dams, without respect to their utility or need, and whether the fish in the streams were valuable or worthless. Also, without distinguishing between streams not at all adapted to breeding fish, or altogether deserted by them, and without regard to the fact of whether or not the mill-dams really cut off the supplies of fish which a law or otherwise, people of the interior, or residents along the streams were accustomed to take for cooking out a living, or for casual food. Then the old law throws upon the mill proprietors the sole expense of making fishways according to an arbitrary model or pattern, of such dimensions and kind as to draw off more water than the mill could spare, and more than is needed for fish, and obliges them to keep the fishways always open with a continual overflow of water, quite regardless of the actual running of fish. The drudgery of the season and weather, or the inexorable demands of milling business. The new bill treats all this, and requires fishways to be kept open only at appropriate dates, which the local overseers can fix in accord with the wants of the mill and the just rights of all parties, and the reasonable expectations of the public. The mode of proceeding to enforce the construction of fishways is, in the old law, so uncertain that compliance can often be entirely evaded, always easily deferred, and sometimes the object of the law becomes altogether defeated.

The new law proceeds upon the principle that an interest of such great consequence to the country as are the lumber and milling interests, should be fully recognised, and as little as possible affected by the means employed to accommodate the public interest to the fisheries. And that to the benefit by the fabrication of fishways, the public should share the cost. The bill provides for all this, and obliges mill-owners to build fishways only on such dams as the Commissioner of Crown Lands shall deem necessary. Such discretion amounting to the Commissioner's granting that, if it can be done as to give due effect to the law, the wishes which (by 22 Vict. cap. 47 and 48) all mill proprietors are obliged to construct and maintain may be made executable also as fishways. In any case the public shall share the expense of making fishways on mill-dams.

The whole of this plan as respects fishways will secure the avoidance of useless and vexatious costs in prosecuting, while at the same time ensuring the speedy and efficient adaptation of fishways to the passage of fish—so much required by the public. Whilst quite as much money has been spent about these fishways as would have built them, and few are or ever have been serviceable. It is cheaper and quicker to do them at once by competent parties, and not squander public money and private means in an expenditure of litigation, and an frequent and restless visits to notify, to sue, to inspect, to repair, &c., &c. We can under this new law get the work done quickly and well, and shall know it to be effectual, and not a mockery such as for these few years past has been the case.

Various Regulations that have from time to time passed by the Government are embodied in or condemned into the bill.

Bounties are not interfered with, but provision is made for preventing fraudulent claims, and to attain the ends designed by granting them.

Respectfully submitted,

W. F. WHITTING,
Crown Lands Department,
Fisheries Branch.
Qubec, 1865.

EXTRACTS FROM THE REPORT AND EVIDENCE FROM A COMMITTEE OF THE HON. LEGISLATIVE ASSEMBLY, ON FISHERIES, REFERRED TO IN THE FOREGOING DEBATE.

The Report—"After a mature examination of the evidence annexed to this report, the Committee have come to the conclusion that the fixed apparatus, of which some theorists complain, should not be prohibited, but that no law to regulate their use which can be enforced can be too stringent."

Rev. Dr. Adams—"My opinion is in favor of the total abolition, in the River St. Lawrence, of stake and bag-nets. I believe that these engines not only destroy old and young fish,
Mr. Witherer.—"Quoq. What improvements in the manner of fishing do you recommend?

Ans. As a general rule the fishermen themselves adopt the most improved methods of catching fish. The only restriction which should be placed upon their ingenuity, should be such as to prevent the wanton destruction of fish and injury to the hue of their species. These restrictions should be governed by a due regard towards allowing the fishermen to live and profit by their calling. With respect to the salmon fishery, it is of a somewhat exceptional character; owing to its past and present exhausted condition, it is desirable that the fullest possible restriction should be applied consistent with the wants of the trade and good faith towards existing holders of licenses and licences. The meshes of salmon nets should be at least three inches square. The kind of nets with which salmon are at present taken in Canadian waters, are gill or flat and standing nets; these standing nets are set as stake nets on chandlery, only upon the St. Lawrence coast, outside the mouths of rivers. All salmon nets are confined to tidal waters.

Quoq. Do you recommend the use of stake nets to kill salmon?

Ans. Stake nets, confined to the places where they are at present used, are not more destructive to salmon than would be any other net-fishery in the same places. I would recommend that they be not used inside of or near the mouths of salmon rivers. The difference between the standing net and the stake net properly is, that the first consists of a row of stakes or chandlery, extended as far as possible down the beach, to which is fastened a net to serve as a leader and barrier, forming at the end towards the deep water an enclosure or pound, into which the salmon dart through a narrow aperture, and do not return. The second consists of a gill-net suspended on smaller pickets, far apart, and partly at right angles to and partly hanging down the stream; in this the salmon are mesmerized. To abolish the use of these means of fishing for salmon would render necessary resort to the use of scines or some other device. Any movable apparatus would be more difficult to keep under control, and prevent abuses and encroACHMENTS upon the channel, than with the standing or stationary nets, the position, locality and extension of which can be always defined and kept within safe bounds. Some nets for salmon I do not think adapted to our waters, because the fishing being confined to the tide-way, the labor and ineffectiveness of their use would be tantamount to prohibition against netting salmon. It would be in the highest degree injurious to admit of their use in the fresh water portion of the rivers.

Quoq. Will you state the chief cause of injury to the salmon fisheries, and how to remedy it?

Ans. Three clearly ascertained causes account for the destruction of salmon in Canadian rivers. These are—

1st. Excessive netting (too many nets) in the tide-way. This practice obstructs the passage of fish into the rivers at the proper season; and the few not killed by it linger in unfavorable localities for breeding and spawn so late that the eggs addle, or seldom come to maturity in sufficient numbers to recuperate inevitable waste. It also diminishes and degenerates the breed.

The larger females being, generally speaking, first to ascend, in order to reach their proper spawning places whilst the state of the water admits of safe ascent, and before the developing eggs become heavy and bulky, it is important that they should not be debarred about the mouths of streams. Sometimes, when undue netting prevails, only a few of the heavier female salmon escape, and at an advanced period of the season grizzle and smaller salmon only join them. Most like, too, at this time the great male fish cannot get past some of the shoal places, and steep rapids. Thus, impregnation by small and perhaps immature males takes place, and the parent stock, characteristic of particular rivers, first dwindles, and then entirely disappears.

2nd. Barring the entire channels by means of nets, and following the fish throughout their course above tide waters, and even seizing them in the resting and breeding pools; or entrapping them by swing nets at the narrow passes and salmon licks which are numerous in rivers where falls and rapids abound.

3rd. Spearling the fish in the fresh water portion of the rivers during summer time, and slaughtering them with nets and spears whilst at the spawning beds in autumn and fall.

I, of course, know that the chief reason for scarcity or extinction of salmon in streams where mill-dams exist, is that these barriers are impassable to the fish, and keep them away from proper breeding grounds.

If we subject No. 1 to judicious restrictions—prevent altogether the practice of Nos. 2 and 3—and remedy the last cause by slides and restocking—nothing, save natural causes, or some inescapable influences beyond human provision and control, can defeat the restoration of our salmon fisheries.

Quoq. Could our system of leasing or renting...
fishery stations in Upper Canada be modified, so as to prevent overfishing?"
ines, it has been own
be to native and
or unsuitableness of
fruitfulness and
of hands, are attri-
are placed in our rivers in limited numbers only,
and in a manner fixed by law, by fishermen
who obtain a lease or fishing license before be-
ing entitled to set any salmon net in any place.
Lower Canada, allow the occupants of salmon
fishing stations to carry on a remunerative
fishery, which, is not too destructive. I ob-
serve that several persons are desirous of en-
tirely suppressing salmon fishing with nets of
any description whatever; I cannot make out the
object of these people, who appear to me never
to have examined into the question of the
salmon fishery in a commercial point of view, un-
less it is to put a stop to that fishery as a branch
of industry, in order to make over all our rivers
in which fine fish abounds to the anglers.

And who would furnish those thousands of bar-
els of salmon of which our traders dispose
every year, either for home consumption or for
exportation to the other provinces, and to the
United States? Would the angler furnish them? Or
should we have recourse to the use of the
codes? The latter method of catching salmon
would be very expensive, and under many cir-
stances much more destructive, and injuri-
ous to the rivers than the use of the ordinary
nets.

Ques. What is your opinion as to the use of
cod-seines?

Ans. I think it is one of the best modes of
taking cod, without in any way producing re-
sults injurious to the fisheries. Canadian fis-
hermen very seldom use cod-seines; there are
not more than some twenty seines of the kind
on all our coasts. A large number of Ameri-
can fishermen, and some few from Nova Scotia
and Prince Edward's Island, who fish on the
North Shore, use nothing else but seines. The
French fishermen, of the north and west coast
of Newfoundland, during a portion of the fish-
ing season, use nothing but large seines for
cod-fishing; but they never heard of it, said
prac-
tical fishermen from Canada, Nova Scotia, the
United States or France, that the use of seines
was prejudicial to the cod, much less to other
kinds of fish; for the shoals of cod always re-
main apart and isolated from shoals of other
kinds of fish, such as herring, mackerel, &c.

Ques. What is your opinion as to the use of
ground lines?

Ans. The use of ground lines dates from a
very remote period. The French and other fish-
erman on the Great Bank of Newfoundland use
them in preference to hand lines to catch the
largest species of cod. Some of the lines have
more than one thousand hooks. These lines
are sunk, and kept at the bottom by means of
grapes. They are taken up twice a day, the
fish removed, and fresh bait put on. Ground
lines for cod are extremely profitable to the
fishermen, inasmuch as they take none but large
fish, of from fifteen to fifty pounds weight, and
seven feet long. It has been asserted that the use
of ground lines (on which none but large fish
are caught) near the coast, is injurious to this
branch of the fisheries. The large fish, it is
said, are females, and in destroying them you
destroy their progeny. It has also been stated
that, when hooked on the ground lines and not
removed at once, the fish struggle a great deal
before they die, and drive away the rest of the
cod from the banks on which the ground lines
are set. But many fishermen, on the other hand,
pretend that these objections to ground line fish-
ing have no foundation whatever in fact. How-
ever this may be, the French Government have
thought proper wholly to suppress ground lines
on the coast of Newfoundland, where the French
fishermen are allowed to catch cod only with
seines, nets and floating hand lines. In Can-
da, on complaint of the Magdalen Islands' fis-
hermen, ground lines have also been prohibited
around those islands. Ground lines are not
used on the Gaspe coast, or on the north coast.
The ground lines or rather fixed lines, used in
some of the lakes of Canada, to catch trout, are
not allowed to injure.

Mr. Holliday—Ques. 1st. Do you think
that the use of any nets, seine or otherwise,
in the salmon rivers, would be most
destructive to the salmon, who have found their
way there for the purpose of breeding?

2nd. Do you think that owing to the salmon
nets set on the coast of the River St. Lawrence
and in the estuaries of its tributaries, the sal-
mon are frightened and driven off from their
intended course for their native river, and be-
come lost at sea, as Dr. Adamson states?

3rd. Would not the use of seine nets be an
most expensive way of taking salmon on the
cost of the St. Lawrence, and at some time
almost untisable as a means of fishing?

4th. Do you think there is any analogy be-
 tween the vested fishing rights in the rivers,
and on the sea coast of Great Britain and Ireland,
and in the rivers and on the sea and river coast
of Canada?

5th. Do you not think, that if our present
law, with useful amendments, was efficiently
enacted, and the nets at present used for the tak-
ing of salmon, still used for that purpose, that our
salmon rivers would be well-stocked and the
net fishing increase in value yearly?

6th. Are not the nets used at present for the
taking of salmon, the most simple and least injuri-
s that can be made use of, in allowing the
fisherman to carry out his business?

Ans. 1st. I think the use of nets of any de-
scription in the upper or fresh water portion
of the rivers would be very injurious, as they would
capture the salmon necessary to stock the rivers,
and eventually cause a great decrease in this fish-
ery.

2nd. From personal observation and knowl-
edge of the habits of salmon, I am satisfied that
the nets used in the St. Lawrence and the
estuaries of its tributaries do not frighten or
drive salmon from their intended course in
visiting their native rivers.
3. I do not think seine nets are at all adapted for the capture of salmon on the coast of the St. Lawrence; they would be very unproductive, expensive, and in some places perfectly workable, from the strength of tide.

4. There is no analogy whatever. The vested rights of salmon fishing in the rivers and on the sea coast of Great Britain and Ireland are held by persons to whom charters have been granted by the Crown. These charters commence very high, sometimes near the source of the rivers salmon frequent, and are recognized as much private property as the soil. The grants are often very small in extent, some of them a short distance on one side of a river, sometimes including both, but very seldom has a whole river been granted to any one proprietor. These small bounds create an antagonism of interests, and each proprietor, or his representative, endeavors to take as many salmon as he can; and if the salmon are caught in the lower estuary and on the sea coast by means of stake nets, the upper proprietors get a smaller number, hence the outcry in Britain against stake nets. In Canada, the rights of salmon fishing are all in the hands of the Government, and legislation is unfettered on account of having no conflicting private rights to interfere with. The present law prevents any net-fishing in the upper or fresh water portion of the river, and thus leaves all the salmon that have passed the nets in the estuary and sea coast for restocking the river, which will be quite ample if not otherwise destroyed; whereas in Britain, nearly all are caught during the fishing season, and the few that ascend after the close time commence are limited to for restocking the rivers. The increased netting everywhere in Great Britain must cause a decrease, while there is no expense given the salmon in the upper or fresh water division during the fishing season.

5. The existing laws, efficiently carried out, would amply suffice to regulate the netting as now practised; and under their provision the rivers must become well-stocked, and, as a consequence, the value of the net-fishing proportionately increased.

6. I consider the primitive system of net-fishing in use in Canada as the least injurious that could be devised.

Mr. Turner:—Que. Have you ever seen a salmon fry destroyed by the fascines fisheries on the south shore?

Ans. No.

Que. Have you ever known any salmon fry to be destroyed on the north shore by the seines, or otherwise?

Ans. I have seen salmon fry destroyed by fascines fisheries on the north shore, and by herring nets set to catch bait.

Que. Do you not think that the salmon-fishing apparatus in present use is the best and least destructive that can be used?

Ans. Yes.

Que. Do you not think it impossible to catch salmon by seine nets on the sea coast, everywhere in salt water?

Ans. We might take a few salmon with seine, but it would never pay the expense. Having seined myself very often for mackerel, codfish and herring, close to the salmon nets, it happened only once that I caught a salmon.
have a decrease, while salmon are abundant. The salmon in the upper streams are not in such numbers during the fish catches, and the spawning beds are large enough to carry on the salmon fisheries, efficiently carried on under their provision and to regulate the netting. The salmon fisheries are well-stocked, and, as the result of the net-fishing policy of the government, a more primitive system of management has been adopted which is the least injurious to the salmon.

Have you ever seen a salmon from the charaxes fisheries?

I have not seen any salmon from the charaxes fisheries.

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