St. Lawrence Advance.

VOL. 2.—No. 27. CHATHAM, NEW BRUNSWICK, MAY 12, 1876.

D. G. SMITH, Editor and Proprietor.

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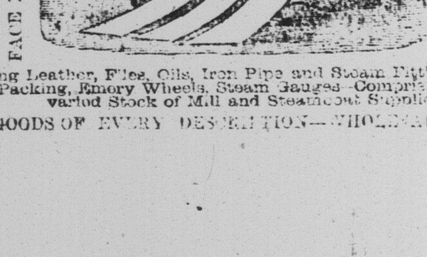

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COMPLETE ARRANGEMENTS WILL BE PROVIDED TO AID GUESTS IN REACHING THE CENTENNIAL GROUNDS.
CARS FROM ALL DEPOTS PASS THE DOOR.
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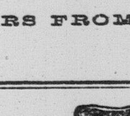

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Those who favor him with their patronage may rely on receiving a good and pure article at a cheaper rate than they have hitherto paid.
JOHN JOHNSTONE.
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Warm Felt Overboots, Rubbers,
FANCY SLIPPERS, CHILDREN'S BOOTS.
FINE AMERICAN GOODS,
AT POPULAR PRICES!

Fisheries for 1876.
WE offer for sale through the merchants of the North Shore, first quality
Mackerel and Herring Nets,
made of American cotton, in sheets or mounted, at a price that shall meet the view of purchasers, used universally in the United States. All kinds of Seines, for Cod, Caplin, Herring, Mackerel and Lance; Seine Netting for Pounds and Traps, now coming into rapid use in the colonies. Lines, Twines, &c. Sample nets forwarded for inspection to merchants
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THE Subscriber would respectfully intimate that he will travel the Entire Horse
"Forest King,"
Through the County the coming Season. Price for the Season, $1.00.
This Horse is now 3 years old, and weighs 1,300 pounds. Places of stopping made known by the Groom.
MICHAEL FITZPATRICK.
Chatham, April 10, 1876.

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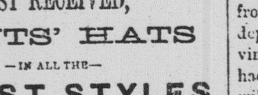
THE UNDERSIGNED would beg leave to inform his Patrons and the Public generally, that he is now prepared to furnish
PLANS, DESIGNS
—AND—
SPECIFICATIONS
For any description of Building required.
☞ PRICES REASONABLE! ☜
GEORGE CASSADY,
Architect
Chatham, N. B. 4th April, 1876



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Ottawa, April 30, 1876.
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J. JOHNSON.
Commissioner of Customs.

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GENTS' HATS
—IN ALL THE—
LATEST STYLES
—AT—
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Wanted.
A COUPLE of Gentlemen Boarders. Good board and pleasant rooms. Apply at Advance Office for particulars.

New Goods.
JUST OPENED,
A VERY large and choice stock of
MEN'S FELT HATS,
(Newest Style,)
An endless variety of Ladies' and Misses'
SUN HATS,
(Very Cheap.)
A large lot of Men's
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Several thousand rolls of cheap
PAPER HANGINGS,
-AND-
☞ DAILY EXPECTED,
MY IMPORTATIONS OF
British Goods,
which will comprise the Largest and most Varied assortment ever offered by me.
WILLIAM MURRAY

St. Lawrence Advance.

CHATHAM, FRIDAY MAY 12, 1876.

Debate in the House of Commons on Fishery Privileges, in New Brunswick.

(From "Hansard.")

21st February, 1876.

Hon. Mr. MITCHELL moved for an Address to His Excellency the Governor General for "all Orders in Council, instructions to officers, reports from officers, with all correspondence to or from officials or private individuals or public bodies in connection with the arbitrary attempt of the Government to compel the occupants of Fisheries in the Maritime Provinces to an enforced attornment to the Government and an arbitrary deprivation of their rights which have for at least a quarter of a century been used and enjoyed by them."

The hon. gentleman said:—"I may state for the information of the House, that the Fisheries in the Maritime Provinces, for the last three-quarters of a century, have been used and enjoyed by the people owning the lands in front of the rivers, bays and estuaries of those Provinces. It has been universally admitted and publicly recognized that such persons have the right to fish in front of their lands; and any change which disturbs the relations of not one, but the whole Provinces, must necessarily create a deal of public excitement and interest. I was surprised in the month of May last to find that the Minister of Marine and Fisheries—and in dealing with this question I wish to refer to him with all courtesy and with that respect which I generally try to engraft on to any resolutions I make in regard to this Department—I was surprised that the hon. gentleman sprang upon the country Orders in Council which revolutionized and created more excitement in the County I represent than anything has done since Confederation. My hon. friend knows that during the agitation of the Confederation question, in which he took a considerable part, some very strong arguments were used by the opponents of the movement. If I remember rightly, one of the principal points made by them was addressed to the fishermen and farmers in this manner. "If you go into Confederation, what do "you think you will gain? What do they "desire to unite with you for? First, to "pay their debts. Well, how will they "accomplish that? By taxing you in "every way." The argument advanced by myself and others who advocated the other side was, that there was no such intention on the part of the Canadian gentleman who represented at the Quebec Conference the public sentiment of the Provinces of Quebec and Ontario. We told the people that there was no desire to do anything which might wrong any class in the Maritime Provinces. There is not in this House a member, whether he represents Ontario, Manitoba, or the Pacific Province, who desires to impose upon the people of one Province a [illegible] tion of pledges given at the time of Confederation. It will be in the recollection of hon. gentlemen that during the first year it became the duty of the gentlemen at the departments of Government at Ottawa to carefully revise the existing laws, and to consider how far they should apply to the different Provinces that came into the Union. Some of those laws were models to be followed and were well adapted for all the Provinces; and it became my duty to pass upon the laws connected with the Department over which I then presided. Sir, one of the measures it became necessary to consider at a very early stage in the legislation of the Dominion related to the fisheries; and I appeal to Your Honor to bear testimony to the correctness of the statement I now make, and to my hon. friend from Cumberland to endorse it.

Hon. Mr. TUPPER—Hear! hear!

Hon. Mr. MITCHELL—That measure, now in the Statute Book, was submitted to the House by myself, not as anything new, framed for the purpose of being applied to every portion of the Dominion; and when this was done, no man could dare say that he could pretend to give to it the construction my hon. friend the Minister of Marine and fisheries does, in the report he has made to the Council, and by the Government in its adoption and the issue of the Order in Council I hold in my hand. It will be recollected by hon. gentlemen,—and I regret that my late leader is not in the House—I did not have the honor of then sitting in this Chamber—when the measure was under consideration the question was asked from this side of the House by my hon. friend from Cumberland, whether or not it would deprive the people of the Maritime Provinces of the rights and privileges they had enjoyed for years and years, and it will be remembered that my right hon. friend, the member for Kingston, in reply, stated that it would in no way alter the relation of these fishermen towards the Government and their property. These pledges coming from the Government, responsible for the legislation of the country, were accepted as satisfactory. I will not pretend to say that I took the responsibility, any more than any other non-professional member, of the legal construction of all measures I had any share in submitting. But, Sir, when the leader of the late Government, the Minister of Justice, who was responsible for the advice he gave, distinctly declared what I have mentioned, in relation to these fishermen, concerning the use of the property they had held in New Brunswick and Nova Scotia for three quarters of a century, and in some cases for a century, I was satisfied. What however do we find? My hon. friend the Minister of Marine and Fisheries, in May, 1875, launched upon the country a series of Orders in Council affecting these privileges, and I notice that the original date was March of that year, but before issue March was struck out, and May substituted. I will have something to say at a later stage of this debate in this regard; but in the meantime I will state I think it was the duty of the Minister of Marine and Fisheries, before he took action to have submitted to the House resolutions of such importance and so seriously affecting so large a portion of the people of this country and further a breach of faith, in fact, with the Province from which I come. He should have given the representatives of the population interested an opportunity of seeing whether this House would deliberately assent to such action. Since the first settlement, and I may say at the first settlement, of the country in that part—I speak more particularly of the locality I know best and the County to which I belong, through which the second river in the Province runs—families from father to son have held such privileges upon the fisheries; upon them they relied chiefly for subsistence, for it was not until long afterwards that the lumber interest became so important and a great source of wealth, they occupied farms, and owned the fishing limits in front of them without restriction or taxation in any way whatever. When we were struggling to obtain the union of these Provinces, it became necessary to consider the effect which the Laws of Canada would have on the people of our own Province; and I communicated to these people my belief that no interference would be attempted with their rights; also that I would take an early opportunity of submitting their claims.

Hon. Mr. SMITH—Did you put it in the Act?

Hon. Mr. MITCHELL—[illegible] my hon. friend I believed I did put it in the Act, and I challenge him to find authority in it for the construction he endeavours to put upon it. I will read the only authority which he pretends to possess for the legislation. I would not say legislation, but the arbitrary exercise of a very arbitrary power. Now, in all this volume, the only portion in this regard—if I am wrong my hon. friend will correct me—is the second clause:—"The Minister of Marine and "Fisheries may, where the exclusive right "of fishing does not already exist by "law,"—

Hon. Mr. SMITH—Hear! hear!

Hon. Mr. MITCHELL—"Issue, or authorize to be issued fishery leases and licenses for fisheries and fishing, wheresoever situated or carried on, but leases "or licenses for any term exceeding nine "years shall be issued only under authority of an order of the Governor in Council." I shall explain the meaning of the clauses as I and hon. gentleman on both sides of the House understood it. A system was in vogue in Canada for the purpose of leasing fishing privileges on rivers; and the object of the latter part, touching extension to nine years was introduced to give to gentlemen desirous of fly-fishing such right for that period of time. I will frankly admit that the system which prevailed in Quebec and also in Ontario, but less extensively, countenanced the granting of leases and licenses, because no exclusive rights had any existence, therefore it was stated in the Act, "where the exclusive right does not already exist by "law," and I challenge my hon. friend to point to any other section giving him authority for what he has done. I feel that the House will not construe the clause in that way, sweeping away these privileges and springing a mine upon the people. The regulation was adopted before the House adjourned last year, and when my hon. friend brought down the Estimates he should have taken the House into his confidence, as I hold he was bound to do [illegible] Correspondence has passed between us on the subject, and we understand the matter thoroughly. I know that he will tell the House that two or three decisions have been delivered in New Brunswick Courts, negativing the idea that any exclusive privileges exist in law. He quoted in his letters three cases; but the first does not sustain the position he assumes. I frankly admit that the second, under the ruling of Mr. Justice Ritchie, now of the Supreme Court, does take that strong ground, and states that no exclusive right exists; but I maintain that by the opinion of no single judge, however eminent, the rights of a Province can be swept away. No appeal was taken, and we have had no opportunity of learning whether his decision was correct or otherwise. The third is an entirely different case and does not affect the question under consideration. Now, Sir, my hon. friend will say that this is no new system; and in reply to me, he stated that the system of taxation had already existed in our Province. This I most unhesitatingly deny; a number of magistrates in my county merely recommended that a registration fee of fifty cents should be imposed on the nets of the fishermen for the purpose of registration alone, and on this he bases his statement that his policy was sanctioned by the Province. I know something about the transaction, having been one of those magistrates, and I am aware that it was to create a registration fee, and pay an officer to keep an accurate record of the nets used, see that they were not beyond a certain length and of the size, and in cases of dispute among the fishermen, or violations of the laws, be able to prove who was the transgressor; therefore it was not at all for the purposes of taxation.

The law on the subject in New Brunswick provides for Orders in Council regulating the fee. The only law they ever passed in this regard regulated the distance to be taken upon the river from the mouth to its source, the length of nets used and the mode of fishing. I hold, in consequence, that my hon. friend will be unable to sustain his position. Fifty cents were charged for fifty fathoms, and, if I remember aright, twenty-five cents for every other fifty fathoms, simply for registration purpose; and this was intended as a fund to pay the officer. I think that my hon friend has taken a very extraordinary course. He replied in a letter that he could not make exceptional legislation in favour of New Brunswick; but what has he done? He has legislated against New Brunswick, and omitted Manitoba, British Columbia, Prince Edward Island, and Nova Scotia, and the only Province to which he has extended the portion of the law concerning taxation is New Brunswick. He has imposed $1 on every 200 lbs. of salmon, and 50 cents for every 100 lbs. of bass, and I consider that this can scarcely be justified. I will go further; not satisfied with this, he has in a most deliberate manner placed a tax upon the fishermen of certain portions of the Province, in a way which applied to them unjustly and unfairly, favoring certain sections against other sections; salmon are only caught in the northern rivers to any great extent, save in St. John Harbour, and bordering St. John and Kings Counties, in the rivers of Northumberland, Restigouche, and Gloucester Counties, and he has selected the two classes of fish taken in these rivers; the bass fishing is of vast importance, and I will quote from a paper evidence of the extent to which it is carried on just now:—

"ST. JOHN, Feb. 3.—The transport of frozen and fresh fish from northern New Brunswick over the Intercolonial Railroad is assuming large proportions. Last week 115,000 barrels were brought to St. John for shipment to the United States markets."

The fresh fish taken in winter in our Province are chiefly bass, and this fishery is very important, giving occupation to a large number of people. This order will, therefore, seriously affect the Province if it is carried out. My hon. friend proposes to impose a tax upon salmon and bass alone. He knows very well in the county from which he comes there is neither salmon nor bass, therefore admitting it is a legal tax, it is unfair, because it presses upon the inhabitants of certain counties. My hon. friend may say "we "have no bass or salmon fisheries, but we "have shad fisheries which we tax." He puts no one dollar per weir.

Hon. Mr. SMITH — I think the correspondence will show there is no weir in my county at all.

Hon. Mr. MITCHELL — Then it is all the worse. The tax will not apply at all, to [illegible] The fact is, my hon. friend has practically exempted from the operation of these regulations the counties of Westmoreland, Albert, Kings' Queens' York, Carleton, Victoria and Charlotte, or nearly so, and I hold he has pursued a course that is not justifiable. But what is the reason they have not applied it to Nova Scotia and Prince Edward as well as New Brunswick?

My hon. friend has chosen to take exception to the course I have pursued with regard to the people of my county. In his organs I have been assailed for exciting sedition among the people of Northumberland.

Hon. Mr. SMITH — Hear, hear!

Hon. MR. MITCHELL—My hon. friend says "hear, hear," but if he reads history he may take a lesson from it. He will find that Orders in Council have not always been the most successful mode of imposing taxation. What right has my hon. friend to assume that he has the powers of Parliament? He may say he has the power by law to impose licenses, but that does not empower to him to levy a tax of so much per hundred pounds. I hold it was the duty of the hon. gentleman when he proposed to bring in an important change, affecting the most vital interests of any class of people and taking away any rights and privileges which they had enjoyed for three quarters of a century—it was his duty, having his policy matured in March, while Parliament was in Session to come down to the people's representatives and ask them to give him authority to impose this tax, and to give us an opportunity of discussing the question.

My hon. friend says I initiated this policy, and that it was my intention to have adopted the very thing that I now find fault with. He says by my own Orders in Council and my own reports, it is apparent I would have pursued the very same course. I tell him that I would not. He says I agreed to go for a system of uniformity. I did so, when the present Premier took exception to the existence of two systems — the licensing system in Ontario and Quebec, and [illegible] Maritime Provinces. I told him then that I was prepared to go for uniformity as far as possible, but I was not prepared to take away rights and privileges from the people of my own Province by imposing a tax upon their own property that they had paid for and inherited.

Hon. Mr. SMITH — Why didn't you do it?

Hon. Mr. MITCHELL — Because the hon. gentlemen and men like him turned us out. If I had remained in power I would have kept my promise as I always do.

Hon. Mr. SMITH — You said that the hon. member for Kingston, who was then Leader of the Government, made a promise at the time of the union that the rights of the fishermen of New Brunswick would not be interfered with; then why did you make a promise that you would have the system uniform?

Hon. Mr. MITCHELL — Is my hon. friend so obtuse that he cannot see how uniformity could be attained without interfering with those rights? My intention was to adapt the free system to Ontario and Quebec.

Hon. Mr. SMITH — The hon. gentleman urged this promise of the hon. member for Kingston as a reason why he should not make it uniform.

Hon. Mr. MITCHELL — I did nothing of the kind, I appeal to the Premier to say whether I did or not.

When he complained of the existence of the two systems, I said that the Lower Provinces came into the Union with the pledge that these rights would be respected, but that I was in favor of uniformity. I never said that I would not give the same privileges to the people of Ontario and Quebec that were enjoyed by the fishermen of New Brunswick, because the fishing interests of those Provinces were not of the same importance. I know cases in which people have paid one or two thousand dollars for a portion of beach on which you could not grow a blade of grass for the right which is now taken away from them. Is it to be tolerated that by Order in Council these rights shall be swept away, without compensation? If the hon. gentleman wishes to assimilate the systems, let him remove whatever tax the fishermen of Ontario and Quebec may consider burdensome, but do not attempt to get a revenue out of the earnings of the unfortunate fishermen, or take away from them the rights they have enjoyed. The hon. gentleman says he based his action on the reports which I made. That statement was uttered in May last, and as soon as I saw it I at once wrote to the Department asking for the two reports which were said to have been made by myself, and which were made the basis of this unjust proceeding. He was not satisfied in perpetrating a wrong on the Province to which he as well as myself belongs, but he has, to shield himself, placed the onus of that wrong on me.

Hon. Mr. SMITH — I do not acknowledge it to be wrong.

Hon. Mr. MITCHELL — That is quite possible. He may know it to be wrong without acknowledging his fault. When I went to my county last summer the hon. gentleman's letter was flourished at me by my opponents and by their press. Now, I may explain when these reports were made by me they were made in consequence of an application coming from Mr. Adam Ferguson, who owned fishing stands on the New Brunswick side of the Restigouche River, for a license such as was held by his friends on the opposite or Quebec side. He saw that by the possession

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