

waive that part of the question in the discussion, and that the complaint of a large number of fishermen in Nova Scotia and New Brunswick, that the inshore fisheries have been depleted by the use of purse-seines, shall be admitted for the sake of argument. Let me, therefore, come to the provisions under which the Minister undertakes to minimize the so-called evil effects of the use of purse-seines. The point raised by the hon. member for Bothwell (Mr. Mills) is one that certainly should be regarded with much interest by hon. members. We are gradually becoming accustomed to the idea of placing a vast amount of power in regard to rescinding fines and penalties in the hands of Ministers of the Crown. If any argument can be made out in favour of the adopting of this principle it is in the case of the Customs Department. Yet, we are aware that there is a widespread feeling among thinking men that even this power has been carried too far, and the time has come when the question should be placed in review and new legislation enacted, and when persons who believe themselves to be aggrieved by the arbitrary rulings of the Customs officials, and even by the Minister of Customs himself, can have those rulings revised by some able and independent court. But leaving the Customs Department, where an argument can be made in favour of this principle if it can be made in favour of any of the departments, I believe that the principle laid down by the hon. member for Bothwell (Mr. Mills) should be accorded a very generous hearing in this House. Have we not gone too far in placing arbitrary power in the hands of officials, in making fines and forfeitures dependent on evidence which to them may appear to be sufficient, the only appeal from their decision being to the Minister, who is liable to be biassed in many ways? I know that many persons having complaints to present to Ministers are very timid of doing so and of expressing their political views while their petitions are pending. It should not be the case that parties having cases pending should be timid about expressing their views and even about going to the polls to vote. Such cases have, however, occurred in the country, and possibly the positions of the parties may be fanciful, but at the same time it places them in an embarrassing position. Now, although that is not a new principle in regard to the forfeitures placed in this Bill, yet in consequence of the large amounts that must be at stake by reason of the expense and cost of these purse-seines, I think the Minister ought to be prepared in Committee to make such amendments in this Act as would be more in accordance with the circumstances of the case. The hon. member for Bothwell (Mr. Mills) stated that this proposition is monstrous, and I agree that he is right in a large degree; but in addition to it being monstrous it is also illogical. Where the penalty is invariably the confiscation of the vessel, the boat and apparatus used in connection with the prohibited fishing, why add a paltry penalty or any other sum whatever? We have a penalty of from \$50 to \$500 in addition to the forfeiture of the vessel and her tackle and apparatus. I think that the forfeiture of the ship itself would be quite sufficient, without adding any penalty of from \$50 to \$500; or, if there is to be a forfeiture, I think the forfeiture of the seine itself ought to be ample in all cases, and not the forfeiture of the

Mr. FLINT.

vessel. A purse-seine costs from \$3,000 to \$5,000, some of them more than that, and I should think that the forfeiture of the illegal article ought to be ample, and the Minister, under the law as it would stand if this provision were made, would have an opportunity to make certain remissions. I quite agree with the position taken by the hon. member for Queen's (Mr. Davies) that the penalty is altogether too severe. Here we have fishermen engaged in a perfectly legitimate business as long as they are outside the three-mile limit, a business which this Legislature cannot prohibit under the present constitution of the country without Imperial legislation: and yet, in consequence of an accident, or even in consequence of carelessness which might be almost accounted wilful, if they come within that line they find themselves confronted with absolute ruin. There are provisions in the constitution of the United States, and I believe it is one of the principles of our constitution—at any rate, it is an understood principle—that too severe punishments are to a certain degree unconstitutional. Is this not an excessive punishment for any possible offence that can be committed under this Act? Is it not too severe a punishment that the whole property engaged, the vessel, the boats and the apparatus seized in this fishing, should be forfeited to the Crown? It is claimed that under this Act there is power left in the hands of the Minister to remit these penalties. It is upon this ground that I agree entirely with the hon. member for Bothwell (Mr. Mills), and I think the time is arriving when a determined stand must be taken against the further introduction of this principle of leaving discretionary power in the hands of a Minister. All these matters should be left entirely to competent courts to decide, leaving, of course, some power in the Crown to pardon, in cases where the offence may be of a *quasi* criminal nature. I think that the whole of our legislation on the fisheries ought be reviewed, and all of these cases, except very petty cases, should be taken before the courts, should be tried in the courts, and should be dealt with by judges of competent jurisdiction, who are removed from political bias and public clamour. I would not go as far as my hon. friend from Bothwell (Mr. Mills), in stating that the present Minister had a deliberate design of adding to his own power; but, at the same time, the tendency of this sort of legislation is to concentrate undue power in political officers, and that power, I think, should be limited rather than increased. I hope, as a result of the deliberation before this Committee, that some amendment will be made to this clause whereby the penalties may not be so extreme against offenders. I would suggest, as an alternative, that the purse-seine itself should be liable to forfeiture and not the vessel, or, if that is not accepted by the Committee, I would support the proposition of the member for Queen's (Mr. Davies), that the money penalty be increased from \$50 to \$1,000 or to \$1,500, and that the forfeiture of the vessel be not included.

Mr. DAVIES (P.E.I.) I feel so strongly upon this point that I cannot allow the clause to pass without a few more remarks. The hon. Minister knows that in all the Bills he has introduced from his department into this House I have attempted to bring to bear upon them fair, just and legitimate criticism, and I have never offered any obstacle to legislation having for its object the benefiting of