

*Clause 7:* The sections being repealed read as follows:

"45. Any fishery officer, stipendiary magistrate, or commissioned officer of Her Majesty's navy, on board of any vessel belonging to or chartered by the Government of Canada, employed in the service of protecting the fisheries, and every commissioned officer of Her Majesty's navy serving on board of any vessel cruising and being in the waters, harbours or ports of Canada, shall, for the purpose of affording protection to Her Majesty's subjects engaged in the fisheries, and of enforcing any laws relating to such fisheries, have and exercise the powers of a justice of the peace, without property qualification, and without taking any oath of office, in all the waters, where for the time being and for the purposes above described, they are so engaged.

46. Property seized by any fishery officer, stipendiary magistrate, or naval officer, acting as aforesaid, may be removed for disposal to the nearest or most convenient port or place where any revenue officer or other public officer empowered to deal with the matter resides.

47. (1) Whenever it is impracticable for any fishery officer, stipendiary magistrate or naval officer, acting in such capacity, to cause any prisoner to be conveyed to, and committed to the nearest common gaol, he may detain him on board of the vessel, or transfer him to another vessel for conveyance to and delivery at the most convenient place, and with all convenient despatch, where he can be duly committed into the custody of the sheriff or other officer of the county or district in which the common gaol is situated to which he is ordered to be committed.

(2) Until such prisoner is so delivered into the immediate custody of any sheriff or gaoler the fishery officer, stipendiary magistrate or naval officer having him in charge, shall have, in all places through which it is necessary to convey such prisoner, the same authority and power in regard to such prisoner, and to command the aid of any of Her Majesty's subjects in preventing his escape, or in retaking him in case of escape, as any county or district sheriff or peace officer has while lawfully conveying a prisoner from one part of his own district to another.

(3) Every such offence shall be deemed to have been committed in the county or district to the common gaol of which the commitment has been actually made."

The repeal of these sections would remove the power of a fishery officer to act as a justice of the peace.

*Clause 8. (1):* Subsection (3) of section 55 at present reads as follows:

"(3) No such vessel shall carry on fishing operations from or to any Canadian port or ports, unless it restricts its fishing operations to waters that are at least twelve miles distant from the nearest shore on the Atlantic sea coast of Canada; the proof that such fishing operations are so restricted at all times lies on the captain of the vessel; but this subsection does not apply to small draggers operated by inshore fishermen if exempted from the provisions of this subsection by special permit which the Minister is hereby authorized to issue for that purpose; and in the application of this subsection to the coasts of Newfoundland the words "three miles" shall be substituted for the words "twelve miles"."

Subsection (3a) is new and its purpose is to permit the Minister to exempt any class of dragger or trawler from the operation of subsection (3) to within three miles of the nearest coast.

(2) Subsection (5) of section 55 at present reads as follows:

"(5) Regulations may be made under the provisions of section 34

- (a) prescribing the form of licence;
- (b) specifying the evidence to be submitted with an application for a licence;
- (c) fixing the conditions under which a licence shall be issued; and
- (d) making any other provisions respecting licences."

Paragraph (e) is new and its purpose is to permit the Governor in Council to classify draggers or trawlers according to length, tonnage or otherwise for the purpose of section 55.