

which the House should never consent; and I trust it will not pass it, certainly without some explanation which we have not yet obtained.

Mr. TUPPER. Perhaps it would be as well to dispose of the outrageous feature of this measure at the outset, and I think the hon. gentleman will find, if he will take the trouble to look at the speeches he made in this House, that one of the best arguments in favor of the Bill now under consideration was made by himself in 1883 when a Bill was introduced with this clause, was passed in this House without division, then went to the Senate, was there passed and sent back. As I explained the other day when the hon. gentleman was not here, this Bill is framed to meet the same circumstances and the same conditions the former Bill was intended to meet. The hon. gentleman spoke, as he nearly always does, under great excitement and made statements to-day, and in order to induce the House to accept them as worthy of reflection, he dwelt on the fact that he was experienced and had filled the office of Minister of Marine and Fisheries for some time, and was, therefore, able to speak on that subject. I prefer his calmer, clearer reasoning in 1883 to the statement he has made to-day in anger, simply because I did not see fit to be cross-examined on the third reading of the Bill, when I had explained it fully in committee. In 1883 the hon. gentleman understood the subject, and he has evidently forgotten it, because he now seems to think that we are perpetrating an outrage upon the fishermen of this Province in passing legislation of this character through the House. I am able to tell that hon. gentleman that up to 1883 he thought that this very legislation was the law of the land, and the litigation in the courts of New Brunswick actually arose over a license signed by his own hand, and executed by him as Minister of Marine, granting those valuable fisheries which he now wishes the riparian owner to enjoy undisturbed and uncontrolled—granting those fisheries for the purpose of fly fishing. The hon. gentleman will find, if he looks up the discussion which took place in 18-3, that when the acting Minister of Marine and Fisheries (the present Minister of Customs) had charge of the Bill the hon. member for St. John (Mr. Weldon) took this legal ground that he has taken to-day, and mentioned, as he has now mentioned, the points that have been raised in the courts additional to those which have been judicially pronounced upon. The hon. gentleman from St. John then argued the legal phase of this question, and the acting Minister of Marine and Fisheries (Mr. Bowell) was supported in a very clear and very able argument by the member for Northumberland (Mr. Mitchell). I will read some of the hon. gentleman's remarks, as he has forgotten, apparently, what they were.

Mr. MITCHELL. I have not forgotten a line of them.

Mr. TUPPER. Then the hon. gentleman must think that every one else has forgotten it. Before quoting the hon. gentleman I may say that from 1867 up to 1882 the department had proceeded upon the idea that the Act should be construed as this Bill seeks now to have it construed, and on that idea the hon. member for Northumberland (Mr. Mitchell) and his successors acted in controlling those non-tidal waters, and so preventing the spawning beds of the salmon being overfished or unduly fished. The member for Northumberland acted under this impression, and the courts intervened and said that while that was true and while that was the meaning of the Act in every river but those in Nova Scotia and New Brunswick, in consequence of the section which I propose to amend, yet the non-tidal rivers of those two Provinces were entirely exempt from the operations of the Act. A Bill similar to this was introduced then, and the hon. member for Northumberland, instead of

abusing the Minister of the day, instead of cross-questioning him, instead of making charges that he was endeavoring to perpetrate an outrage, or that he was favoring one class of people against another, supported that Bill.

Mr. MITCHELL. What lease was it? Was it the Rowe or Robinson lease?

Mr. TUPPER. How many leases did the hon. gentleman grant?

Mr. MITCHELL. I will answer the hon. gentleman when I get a chance.

Mr. TUPPER. That was the lease granted to Mr. Robinson in 1874. The member for Northumberland then said:

"I may say, of course, it is necessary that legislation should be had with regard to the fisheries, and that the Dominion statute which governs them should be amended and altered, so as to suit what is now believed to be the law of the land."

As I have before explained, he believed this present Bill to be the law of the land. And he continues:

"But which is very different from what was believed to be the law of the land some time ago."

He continued to say:

"I think the Ministry deserve credit for endeavoring to meet the case as it has arisen, but it is a difficult one, indeed."

The hon. gentleman goes on to review those difficulties, and to meet the legal contentions of the member for St. John, with regard to the matter.

Mr. MITCHELL. Better read my remarks.

Mr. TUPPER. I have read them, and the hon. gentleman will find them quite instructive, but as I agreed with all that he said, or most of it, I will not trouble the House further than to quote the following:—

"I think it is not unwise, and that my hon. friend from the County of St. John, on consideration, will see, that between the choice of two evils, whether we shall allow unlimited fishing by these proprietors or require of all persons desirous of fishing, having a proprietary right to fish, to go to the Government and ask for a license, and that whether one horn or the other of the dilemma be adopted, I think my hon. friend will say that, in the interests of the protection of the fisheries, it is better to trust the Government of the day, whoever they may be, than to allow the unlimited fishing which proprietors will naturally exercise if no restrictions are placed upon them."

And so on in that direction, and the effect of the hon. gentleman's moderate and calm advice was to induce the House, without division, to pass this Bill. This Bill which is now before the House contains the same clause as the previous Bill on which the hon. gentleman then spoke. It is unnecessary for me now to reply to the points which the hon. gentleman has raised, for they were raised in committee when the hon. gentleman was absent, but in a little less vigorous fashion than they were raised by him to-day. In reply to the hon. member for St. John (Mr. Weldon), I might state that he seems to have mistaken the object which the Government have in view in connection with this legislation. I am able to tell him that instead of this being simply in the interests of fly fishermen who pay their fees, not to us, but to Local Government, and from whom we do not get any revenue at all, I may tell him that this Bill is in the interests of all the tidal fisheries. This Bill is intended to preserve to the fishermen on the tidal waters the salmon fishery, because it goes without saying that if unlimited and uncontrolled netting is allowed to go on, on the spawning ground of the salmon above the tidal waters the salmon fisheries will become absolutely destroyed. I would give to the hon. member for St. John statistics to show that in the River St. John, to which he alluded, the fact of allowing the law to stand as it now stands, and of allowing unrestricted netting in the spawning grounds of the salmon, is every day more clearly seen to be to the detriment of the fishermen, and that not merely in the non-tidal part of the river, but in the tidal portion of the river itself. For in-