

oyster reefs have no rapid rise or fall to wash the sprat out to sea, the medium rise on the gulf being about three feet and on the Straits of Northumberland not very much more in the sheltered coves. Geological indications testify that many of the creeks and inlets were formerly deeper and narrower than they are now. Stratum on stratum of oysters grow in them, the underlying layers dying in the ordinary course of decay, each as it died forming a bed for its successor. On each stratum grew other strata intermingled with drift continually growing higher until the reef reached into the region of the ice, when, of course, the surface stratum, then the only one alive, perished. It is this "midden" of mingled oyster shells and muck that is called a mussel mud bed. Live beds are undergoing the same process of decay and growth, and are continually increasing in height, although yet below the level at which they come in contact with the rasping of drift ice. Over these beds, alive and dead, the digging machines are erected and cut deep sections in the banks of shells.

It will be seen that without the added destruction of the mud diggers every oyster bed will perish naturally in process of time, but new beds would form in an ever enlarging radius if left undisturbed. In three or, at most, four years from the time the floating spawn fixes itself in a new locality full grown oysters are to be found.

Prior to Confederation a good deal of tinkering was done by local legislation in regard to oysters. In the time of William the Fourth an Act was passed to prevent the practice of burning live oysters for lime. I am under the impression that at one time export was prohibited for a period of three years. By another Act all persons, except resident islanders, were forbidden to fish, under pain of fine and forfeiture. In 1865, regulations were made for leasing, by auction, certain localities laid off as public preserves, and persons owning creek lands were encouraged to apply for a grant of their water frontages for oyster culture. So far, so well. But next Session an Act, remarkable for its crudity of expression and disregard of statute rights, was passed containing this clause:—"Nothing shall prejudice the right of any person to take from any river, whether within the bounds of any oyster fishery which shall have been or may be granted or otherwise, any mud, mussels, or mud mixed with shells of any kind, *bonâ fide* intended for the purpose of manure to be used within this island, although some of the oysters or oyster brood should be thereby unavoidably taken, removed or disturbed."

After the lapse of some years this section was amended, but the objectionable clause was suffered to remain. Thus the matter at present stands, and it strikes me, as a mere layman, that some nice questions of jurisprudence arise out of the position. Such are—in how far can Dominion enactment in regard to the fisheries preclude the local power of legislating on a different specific subject, namely, the promotion of agriculture? And, on the other hand, what right has local legislation to set at nought Dominion legislation by authorizing the disturbance of Dominion fisheries,—shell fish being under the Act?

It is apparent what an anomalous position the Prince Edward Island oyster fishery is in when the General Fishery Law protects and requires its Wardens to protect the oyster beds from fishermen in summer, in order that they may be destroyed, under the Local Law, by the farmers in winter. Such, however, is precisely the case under the conflicting jurisdictions.

A practical remedy is hard to suggest. The object is, of course, at one and the same time to retain the oyster beds from extinction, and to interfere as little as possible with the valuable privilege of the agriculturist. Perhaps both objects might be attained by repealing the obnoxious section of the Local Act, or declaring it superseded, and substituting therefor a regulation setting aside certain spaces as Government reserves to be offered on lease, and further, by encouraging anew applications for grants of shore for oyster-culture. Even were this done to a reasonable extent, and were such leases and grants wholly exempted from infringement by diggers, there would still be room enough on dead beds for the requirements of the farmers. Theoretically, the fishery Wardens might annually lay off defined localities for the