

REPLY
TO
COMMENTBefore the
Bowser

On September 14, a government bill was introduced into the House of Commons, and had not been read before the House had been adjourned. It was a bill to amend the law relating to the sale of liquor, and was introduced by Mr. Bowser, the member for the Victoria constituency. The bill was introduced in the House of Commons, and was read twice. It was then referred to a committee, and the committee reported in favor of the bill. The bill was then passed by the House of Commons, and was sent to the House of Lords. The House of Lords also passed the bill, and it became law.

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Victoria, B.C.

FISHING IN
COWICHAN BAYMAJORITY REPORT FOR
PREVENTION ADOPTEDSmall Meeting of Board of Trade
in Favor of Recommen-
dation.

(From Friday's Daily).

The majority report of the committee appointed to look into the matter of commercial fishing in Cowichan Bay, and the waters named, was adopted at the regular general meeting of the board of trade held yesterday on a close vote of 7 to 6. A minority report was presented by Mr. Mess advocating the permission of fishing under certain circumstances. The signing the majority report were: Messrs. C. S. Baxter, G. H. Barnard and Wm. Christie, while Mr. Mess fathered the minority report. The meeting was held in the hall of the board of trade, and was attended by a large number of members. The committee appointed to consider the proposed increasing of the amounts receivable in the small debt court from \$100 to \$200, the appointment of official assignees and the amending of clause in the bills of sale act, respecting stock in bulk, will report at the next meeting. A representative from the hardware dealers, grocers and dry goods merchants, one for each trade, will be invited to attend the committee meeting.

Following are the reports submitted in connection with the Cowichan Bay fishing license matter, the first being the report of the majority:

Report of Majority.
Gentlemen,—Your special committee, to whom was referred a letter from W. H. Hayward, M.P.P., directing attention to a lease granted by the Dominion government to the Capital City Canning Company to fish at the mouth of the Cowichan river, beg to report: That your committee met yesterday, Mr. W. H. Hayward being present. Also present, Messrs. Richard Hall and E. Campbell, representatives of the Capital City Canning Company, and Mr. J. Musgrave on behalf of the Fish and Game Club. After the committee had been gone into very thoroughly it was resolved:

From the evidence presented to the committee appointed to enquire into the matter of the lease granted to the Capital City Canning Company by the Dominion government granting them fishing rights by netting and seining fish from the tidal waters of Cowichan Bay and the estuary of the Cowichan river, the undersigned members of the committee are strongly of the opinion that the operation of the provisions of this lease will be very injurious to fishing by rod and line in Cowichan Bay and Cowichan river.

Your committee present herewith a copy of the lease granted to the Capital City Canning Company by the Dominion government, in order that his side of the question, which must especially appeal to a board of trade, may be placed before you.

Mr. Hayward is, of course, in error in saying that the lease is granted for the purpose of netting spring salmon, the chief object of the company being to secure cohoes and dog salmon, which are much more numerous, besides being of less value for sport than spring salmon and steelheads. Testimony was given by each side at the meeting of the committee, at which Mr. Hayward, Mr. Musgrave, Mr. Richard Hall and Mr. D. Campbell were present, and the majority of the committee, which was composed of the undersigned members, was in favor of the lease.

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very small number of people who would themselves catch a few with rod and line.

The question should not be considered by the board of trade as one of sport versus commerce, but from the standpoint of the interests of Victoria and the province. The point is well taken by Mr. Hayward that having such a river as the Cowichan for sport is a valuable asset to the city of Victoria, and I agree this should be preserved. I also agree with the majority in the terms that unrestricted fishing in the lease would be detrimental to fishing with rod and line, but it is not clear that it is not intended to put into force the standing regulations that regard prohibited fishing area, close time, etc., to which the lessees say they are quite ready to conform, and I am given to understand that these regulations will be enforced.

As regards the evidence given before the fisheries commission at Duncan, I think it is not improbable that with such necessary restrictions imposed, coupled with the important stipulation in the lease that a large hatchery be erected and operated by the lessees under government supervision—the views then expressed might be considerably modified, as is known to have been the case with one of the official witnesses. The operation of a large hatchery would be a considerable asset to the community, and it seems to me this factor would make a vital difference in arriving at an impartial conclusion.

Mr. Hayward writes: "I consider it utterly impossible to net spring salmon without destroying steelheads, Atlantic salmon and trout," but as the lessees intend operating for full salmon, numerically representative, only fifteen members being present, I consider it fair to say that the lessees are not restricted to fishing between the dates of August 15th and November 15th with gill nets, and between October 1st and November 15th with seines, it is seen that the proposed operations will scarcely interfere with those fish, very few of which are likely to be caught by the nets within that period, while between the 15th of November and the 15th of August they would have an entirely free course. The gill nets would not offer any obstruction to the trout, and they could only be affected to a very slight extent by the seines between October 1st and November 15th.

It is to be expected that sportsmen, in order to make doubly sure, would, in any circumstances, prefer that commercial fishing should be entirely prohibited, but it is scarcely for the board of trade to endorse such a one-sided policy, and, therefore, I recommend the council to make the protest referred to in Mr. Hayward's letter.

B. C. MESS.

The copy of the lease given to the Capital City Canning Company, which was attached to the majority report, reads as follows:

This Indenture made this 30th day of April A. D. One Thousand Nine Hundred and Seven, between the minor, W. H. Hayward, M.P.P., directing attention to a lease granted by the Dominion government to the Capital City Canning Company to fish at the mouth of the Cowichan river, beg to report: That your committee met yesterday, Mr. W. H. Hayward being present. Also present, Messrs. Richard Hall and E. Campbell, representatives of the Capital City Canning Company, and Mr. J. Musgrave on behalf of the Fish and Game Club. After the committee had been gone into very thoroughly it was resolved:

From the evidence presented to the committee appointed to enquire into the matter of the lease granted to the Capital City Canning Company by the Dominion government granting them fishing rights by netting and seining fish from the tidal waters of Cowichan Bay and the estuary of the Cowichan river, the undersigned members of the committee are strongly of the opinion that the operation of the provisions of this lease will be very injurious to fishing by rod and line in Cowichan Bay and Cowichan river.

For and during the full period of nine years commencing from the first day of May, this present year, nineteen hundred and seven.

And the lessees covenant with the said party of the first part, that they will pay yearly, in advance, on the 1st day of May in each year, the sum of fifty dollars as rental for the use of the lease.

And it is agreed that this lease is accepted by the said lessees, upon the following conditions:

(1) The lessees shall in the use and occupation of the fishing privileges hereby leased, conform in every respect to the provisions, enactments and requirements of the fishery laws of the Dominion of Canada, and shall comply with all the regulations adopted by the governor-general in council relative thereto.

(2) The lessees shall in the use and occupation of the fishing privileges hereby leased, conform in every respect to the provisions, enactments and requirements of the fishery laws of the Dominion of Canada, and shall comply with all the regulations adopted by the governor-general in council relative thereto.

(3) The lessees shall in the use and occupation of the fishing privileges hereby leased, conform in every respect to the provisions, enactments and requirements of the fishery laws of the Dominion of Canada, and shall comply with all the regulations adopted by the governor-general in council relative thereto.

(4) The lessees shall in the use and occupation of the fishing privileges hereby leased, conform in every respect to the provisions, enactments and requirements of the fishery laws of the Dominion of Canada, and shall comply with all the regulations adopted by the governor-general in council relative thereto.

(5) The lessees shall in the use and occupation of the fishing privileges hereby leased, conform in every respect to the provisions, enactments and requirements of the fishery laws of the Dominion of Canada, and shall comply with all the regulations adopted by the governor-general in council relative thereto.

Dominion hatchery officers as may be authorized, at the expense of the Dominion government, to aid in procuring parent fish, procuring eggs, incubating in the hatchery of the said lessees, and planting the various species of salmon and game fish referred to. Further the said lessees to furnish reports upon the operation of the said hatchery, to the commissioner of fisheries, Ottawa, from time to time as may be required.

(e) It is also provided that the said lessees bind themselves not to fish for or take steel-heads or steel-head trout, but by means of nets, and to liberate alive any of the said fish accidentally or unwittingly captured, and the said lessees, bind themselves not to fish for or take spring salmon, or quinnat salmon, before the first day of July in each year, and any such spring salmon or quinnat salmon shall be liberated alive if accidentally or unwittingly captured.

It is further agreed that this lease is accepted by the lessees upon the conditions that they will indemnify His Majesty and the minister of marine and fisheries against any charges and expenses to which the said parties may be put by the granting of this lease.

Mr. Babcock's Memo.

The following is the memo from Mr. Babcock, presented to the attorney-general, to which reference was made:

The following is the report of the official stenographer's report of the witnesses who gave evidence at Duncan on Nov. 27th, 1907, before the British Columbia Fisheries Commission regarding net fishing on Cowichan river and bay.

By Dominion order in council of the 4th June, 1902, "Fishing by means of nets of any kind, except gill