POOR COPY

The Union Advocate,

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W. & J. ANSLOW, | Our Country, with its United Interests. | EDITORS & PROPRIETORS.

VOL. IX.—No. 19. | Newcastle, N. B., Wednesday, March 8, 1876. | WHOLE No. 435.

CANADA HOUSE,
CHATHAM,.....NEW BRUNSWICK.
M. JOHNSTON, - - Proprietor.
DESIRABLE outlay has been made on this house to make it a first class Hotel, and travellers will find it a desirable temporary resting place both as regards location and comfort. Situated within two minutes walk of the principal landing. The proprietor returns his thanks to the public for the encouragement given him in the past, and will endeavor by strict attention to merit the same in the future.
☞ Good Stabling on the Premises.
Chatham, 13th. 1873. 14 1y

WAVERLY HOTEL,
NEWCASTLE,.....MIRAMICHI, N. B.
This House has lately been refurnished, and every possible arrangement made to ensure the comfort of travellers.
GOOD LIVERY STABLES, WITH GOOD OUTFIT, ON THE PREMISES.
ALEX. STEWART,
(Waverly House, St.John.) Proprietor.
Newcastle, Dec. 2, 1873. 3

ROYAL HOTEL,
(Formerly Stubbs')
PRINCE WILLIAM STREET,
OPPOSITE CUSTOM HOUSE,
ST. JOHN, N. B.

W. & R. BRODIE,
GENERAL
COMMISSION MERCHANTS
AND
DEALERS IN
Flour, Produce and Provisions,
No. 16, ARTHUR STREET,
Next the Bank of Montreal,
f27 1y QUEBEC.

J. & W. REID,
PAPER MAKERS & GENERAL STATIONERS,
No. 40, ST. PAUL STREET, No. 40,
QUEBEC.
MANUFACTURERS OF
Machine Made Paper Bags, Blank Books, &c.,
Dealers in all kinds of
Paper Stock and Paper Makers' Supplies, Room Papers, Roofing Materials, Scrap Iron & Metals, Naval Stores.
March 12th, 1874. 13 '72

HOSSACK, WOODS & Co.,
IMPORTERS OF
STAPLE & FANCY GROCERIES,
Manufacturers of
STEAM CONFECTIONERY,
FANCY BISCUIT, AND OIL PASTE BLACKING.
PROPRIETORS OF
QUEBEC COFFEE & SPICE STEAM MILLS,
22 Notre Dame St., (lower town)
QUEBEC.
March 12th, 1872. mar13 '72

WHITEHEAD & TURNER,
[Awarded Four First Class Prizes at the Industrial Exhibition, 1871.]
Manufacturers of
CORN BROOMS, DUSTERS,
And all descriptions of
HAIR AND FANCY BRUSHES,
LOWER TOWN,
QUEBEC.
March 12th. 1872. mar13 '72

T. R. JONES & Co.,
Canterbury Street, - ST. JOHN, N. B.,
Importers of Every Description of
British & Foreign Dry Goods,
—AND—
MANUFACTURERS OF CLOTHING,
Homespuns, Horse Blankets, Larrakins
FURNISHING GOODS,
The best assorted stock in the lower Provinces for Country Stores, Lumberers, Mill Owners, Railway Contractors, &c.
Wholesale. - - - Terms Liberal.
July 1, 1874. 2 1y

S. F. SHUTE,
Direct Importer of
Fine Watches, Rich Jewelry, Electro-Plated Ware, Clocks, Fancy Goods, &c.
☞ Orders Solicited, and goods sent to responsible parties on approval.
WATCH REPAIRING, in all its branches promptly attended to.
AGENT for the "Florence" SEWING MACHINE, and "Lazarus & Morris & Co's PERFECTED SPECTACLES.
☞ *Remember the Place.*
S. F. SHUTE,
Dec, 22nd, 1873. Queen St., Fredericton. 24 1y

JAMES S. NEILL,
Importer, Wholesale & Retail Dealer in
Hardware, Glass, Paint, Oil, Turpentine and Putty
BAR IRON & STEEL,
ALL KINDS OF AGRICULTURAL IMPLEMENTS,
OPPOSITE COUNTY COURT HOUSE,
QUEEN STREET, FREDERICTON, N. B.
Dec. 22nd, 1874. 24 1y

LUMBERERS, ATTENTION!
I AM SOLE AGENT FOR THE
WOODBRIDGE SAW MILL,
which with the late improvements, stands unrivalled.
This Machine requires no expensive puffing, as it has by its own merits become the leading Saw Mill of Canada.
It is so geared that the Saw makes two revolutions to one stroke of the piston, thus avoiding the shaking caused by direct action.
CHAS. C. CARLYLE.
Jan. 29th, 1874.

TO MILL OWNERS!
THOMAS B. PEACE,
Of NEW YORK, a Practical Saw Manufacturer of 20 years experience, has just opened a
SAW MANUFACTORY
IN CHATHAM,
where all orders from Mill Owners in the Northern Counties will receive prompt attention.
Repairing made a Speciality.
A fine assortment of Saws of all kinds expected in a few days.
SHOP—WATER STREET,
May 10, '75. 1y12 CHATHAM, N.B

W. H. NOWLAN'S TRUNK FACTORY.
1875. TRUNKS. 1875.
LARGE ASSORTMENT OF TRUNKS, &c., FOR SPRING TRADE.
Ladies' Saratoga Trunks,
In Zinc and Leather; Gent's Extra Bound do., do.; Solid Leather Overland Trunks and Valises; Canvas, Enamelled & Comp. Packing Trunks, and Trunks of every description made to order; Ladies' Reticules and Shopping Satchels; Gent's Pell Bags; Boy's School Satchels.
Will be sold at exceedingly low prices, for Cash.
W. H. KNOWLES,
Trunk Factory, 49 Germain st., St. John.

Receipt Books,
Draft Books,
Notes of Hand.
Usually kept on hand or printed to order.

M. K. MORRISON,
WHOLESALE & RETAIL DEALER IN
DRY GOODS, GROCERIES, PROVISIONS, GLASSWARE, WOODENWARE, HARDWARE,
BOOTS AND SHOES.
And a variety of other Goods suitable for general use.
AGENT for the Steamer *City of St. John.*
DALHOUSIE, N. B.
July 13, 1875. 1y

MITCHELL & CO.,
GENERAL
COMMISSION MERCHANTS
—AND—
SHIPPING AGENTS,
22 & 23.....COMMON STREET,
MONTREAL.
August 29, 1874. sep 9

CARD.
W. H. NAPIER,
BATHURST VILLAGE,
Is prepared to attend to Auction Sales in town and country at shortest notice.
Bathurst, May 1st, 1875.

NOTICE TO BUILDERS.
R. BLAKE
Has now in full operation, his ROTARY STEAM SAW MILL for the manufacture of
DIMENSIONED LUMBER
OF ALL SIZES,
DOORS, SASHES, BLINDS &c.
LUMBER PLANED & MATCHED.
Arrangements will shortly be made for the manufacture of
Shingles & Clapboards.
☞ Orders respectfully solicited.
ALL WORK WARRANTED TO GIVE SATISFACTION.
Chatham, Oct. 19, 1874. 21

CARD.
☞ THE Subscriber respectfully announces that he has opened a new Shop near the Ferry Landing, CHATHAM, where he is prepared to execute, in the very best style of workmanship, all kinds of
MILL WORK AND GENERAL JOBBING,
having obtained improved machinery for that purpose.
Morticing Machines, & Hand Circular Sawing Machines,
for Joiners' use, made to order.
JOHN THORNTON
Chatham, May 19, 1875. 1y 19

D. MACEE & CO.,
Manufacturers of
HATS, CAPS & FURS,
Wholesale,
51 KING ST., ST. JOHN, N. B.
D. MAGEE. M. F. MANKS.
April 21st, 1874. 23 1y

MAIL STAGE.
THE Subscriber has received the Contract for carrying the Mails between the RAILWAY STATION & BATHURST POST OFFICE, AND IS PREPARED TO CARRY PASSENGERS AND BAGGAGE TO MEET ALL TRAINS.
☞ ORDERS left at his residence will be tended to.
THOS. A. HARRIS.
Bathurst, Nov 15, 1875. 1y 17

NOTICE! NOTICE!
The Subscriber begs to intimate to the inhabitants of Newcastle and vicinity, that he has opened a
BAKERY
with every facility on CASTLE STREET, adjoining the Store of James White, and is now prepared to furnish all kinds of
PLAIN, FANCY
—AND—
ORNAMENTAL BAKING
to all who may patronize him, and trusts by producing a
FIRST CLASS ARTICLE,
EQUAL IN EVERY RESPECT
to that obtained abroad,
To receive a liberal share of patronage in this community.
HENRY WYSE, JR.
Newcastle, 7th Sept., 1875. 8

GLASS! GLASS!
IN STOCK;
1000 BOXES GLASS,
Assorted Sizes.
JUST RECEIVED:
4 TONS W. LEAD, A 1;
40 barrels RAW and BOILED OIL; 6 bbls. TURPENTINE; 2 tons PUTTY.
☞ WHICH WILL BE SOLD CHEAP. ☜
BLAKSLEE & WHITENECT,
oct.6 22 Germain St., St. John, N.B.

DENTISTRY.
D. A. BAXTER,
DENTIST!
Intends leaving BATHURST for DALHOUSIE the FIRST OF JANUARY, where he will remain FIVE WEEKS ONLY.
Will be in CAMPBELLTON the FIFTH of FEBRUARY, and CHATHAM the FIRST of MARCH, for a short time.
December21, 1875. 22

FIRE BRANCH.
ROBERT MARSHALL'S
FIRE AND MARINE AGENCY.
ST. JOHN, N. B.
Applications may be made to the following Representatives.
NEWCASTLE:—A. A. Davidson, M. Adams.
CHATHAM:—T. F. Gillespie, W. Wilkinson.
BATHURST:—Anthony Rainey.
DALHOUSIE:—George Haddow.
RICHIBUCTO:—H. Livingston, J. D. Phinney
Imperial Fire Insurance Com'y
OF LONDON, ESTABLISHED 1803.
Capital and Cash Assets exceed £2,000,000 stg.
The Ætna Insurance Com'y,
INCORPORATED 1819.
Cash Capital and Assets over $6,000,000.
The Hartford Fire Insurance Com'y.
INCORPORATED 1801.
Cash Capital and Assets over $2,500,000.
BRITISH AMERICA ASSURANCE COMPANY,
ESTABLISHED 1833.
Capital and Assets $600,000. Its funds are invested in undoubted securities.
PHŒNIX COMPANY OF BROOKLYN.
ESTABLISHED 1853.
Cash Capital & accumulated fund $2,000,000.
Dwelling Houses, whether built or in course of construction, as well as Furniture, contained therein, insured for terms of one or three years, at lowest rates. Steam Saw Mills, Vessels on the stocks—or in port, Warehouse, Merchandize and Insurable property of every description covered on the lowest possible terms.
ROBERT MARSHALL,
GENERAL AGENT, NOTARY PUBLIC AND BROKER.
March 23, 1875. 30

The Citizens' Insurance Comp'y.
FIRE, LIFE, ACCIDENT & GUARANTEE.
Capital, $2,000,000.
HEAD OFFICE, - - MONTREAL.
SIR HUGH ALLAN, President.
IRA CORNWALL, Gen'l Agent.
☞ Every description of Insurance effected at lowest rates on application to
A. E. ALEXANDER,
Agent for North Shore.
Bathurst, Nov. 3, 1875. n3 1y

TAILORING.
The Subscriber is prepared to MAKE UP
GENTLEMEN'S CLOTHING
In all the Latest Styles.
NEW FASHIONS CONSTANTLY RECEIVED.
SHOP.—In the building owned by Mr. Jos. Hays, fronting the Square, NEWCASTLE.
ROBERT WEIR.
December 7, 1875. 8

NOTICE.
W. J. WILLIAMS,
PHOTOGRAPHER!
HAS OPENED HIS NEW BUILDING, PUBLIC WHARF, NEWCASTLE,
—WITH A—
Choice Stock of SEWING MACHINES, Picture Frames, Mouldings, Steel Engravings, &c., &c.
Which he will sell at his usual LOW PRICES.
PHOTOGRAPHS
of all sizes, in the latest Style of the Art.
OLD PICTURES COPIED AND ENLARGED, and nicely Framed, VERY CHEAP.
In connection with the above we are running an
Oyster and Dining Room,
Where Oysters and Meals can be obtained at the SHORTEST NOTICE.
W. J. WILLIAMS & CO.
November 23, 1875. 24

MIRAMICHI FOUNDRY,
Water St., - Chatham, N. B.
GENERAL
IRON AND BRASS FOUNDERS,
MANUFACTURERS OF
STEAM ENGINES, BOILERS,
AND MILL MACHINERY.
Ship, Plough, Stove, Cemetery, and every description of Castings.
CONSTANTLY ON HAND AN ASSORTMENT OF
Cooking, Hall & Parlour Stoves.
ORDERS may be addressed to JAMES W. FRASER.
W. J. FRASER, Proprietor.
December 15, 1875. 15

PAINTS, OILS,
VARNISH, BRUSHES,
NAILS, SPIKES.
SHIP CHANDLERY GOODS
MILL SUPPLIES, STEAM PACKING, &c., &c., &c.
Constantly on hand.
FOR SALE CHEAP FOR CASH
ROBT. B. PATTISON.
Chatham, May 19, 1875. 16

JOHN U. CAMPBELL,
DALHOUSIE, N. B.,
AUCTIONEER
FOR COUNTIES OF
RESTIGOUCHE & BONAVENTURE
☞ All Business connected with Auction Sales in these Counties will receive prompt attention. Goods and produce sold on Commission.
Dalhousie, Oct. 30, 1875. 1y nov10

STORE AT NELSON.
THE Subscriber has opened a Store in the house of Mr. Charles Vye, Nelson, about half a mile below the South West Railway Bridge, and has in stock and offers at low rates for cash:—
KEROSINE OIL,
MOLASSES, SUGAR,
BUTTER, TEA, AND
GENERAL GROCERIES.
All are invited to call and examine prices and quality for themselves.
MARY J. JELLISON.
Nelson, December 14, 1875. 3m 15

Dominion Parliament.

The Fishery Debate.

In the Commons on the 21st ultimo, the Hon. Mr. Mitchell moved for an Address to His Excellency the Governor General for all Orders in Council, instructions to officers, reports from officers, with all correspondence to or from officials or private individuals or public bodies in connection with the arbitrary attempt of the Government to compel the occupants of Fisheries in the Maritime Provinces to an enforced attornment in the Government and an arbitrary deprivation of their rights which have for at least a quarter of a century been used and enjoyed by them. The Hon. gentleman said:—'I may state for the information of the House, that the Fisheries of the Maritime Provinces, for the last three-quarters of a century, have been used and enjoyed by the people owning the lands in front of the rivers, bays and estuaries of those Provinces. It has been universally admitted and publicly recognized that such persons have the right to fish in front of their lands; and any change which disturbs the relations of not one, but the whole Provinces, must necessarily create a great deal of excitement and interest. I was surprised in the month of May last to find that the Minister of Marine and Fisheries—and in dealing with this question I wish to refer to him with all courtesy and with that respect which I generally try to engraft on to any resolutions I make in regard to this Department—I was surprised that the hon. gentleman sprang upon the country Orders in Council which revolutionised and created more excitement in the county I represent than anything has done since Confederation. The hon. gentleman will understand that I don't desire to use any offensive terms, but to speak of facts as they strike my mind. My hon. friend knows that during the agitation of the Confederation question, in which he took a considerable part, some very strong arguments were used by the opponents of the movement. If I remember rightly, one of the principal points made by them was addressed to the fishermen and farmers in this manner. 'If you go into Confederation, what do you think you will gain? What do they desire to unite with you for? First, to pay their debts. Well, how will they accomplished that? By taxing you in every way.' The argument advanced by myself and others who advocated the other side was, that there was no such intention on the part of the Canadian gentlemen who represented at the Quebec Conference the public sentiment of the Provinces of Quebec and Ontario. We told the people that there was no such desire to do anything which might wrong any class in the Maritime Provinces. There is not in this House a member, whether he represents Ontario, Manitoba, or the Pacific Province, who desires to impose upon the people of one Province a tax in violation of pledges given at the time of Confederation. It will be in the recollection of hon. gentlemen that during the first year it became the duty of the gentlemen at the head of the departments of Government at Ottawa to carefully revise the existing laws, and to consider how far they should apply to the different Provinces that came into the Union. Some of those laws were models to be followed and were well adapted for all the Provinces; and it became my duty to pass upon the laws connected with the Department over which I then presided. Sir, one of the measures it became necessary to consider at a very early stage in the legislation of the Dominion related to the fisheries; and I appeal to your honour to bear testimony to the correctness of the statement I now make, and to my hon. friend from Cumberland to endorse it.

Hon. MR. TUPPER—Hear! hear!

Hon. MR. MITCHELL—That measure, now in the Statute, was submitted to the House by myself, not as anything new, framed for the purpose of being applied to every portion of the Dominion; and when this was done, no man could dare say that he could pretend to give to it the construction my hon. friend the Minister of Marine and Fisheries does, in the report he has made to the Council, and by the Government in its adoption and the issue of the Order in Council I hold in my hand. It will be recollected by hon. gentlemen—and I regret that my late leader is not in the House—I did not have the honor of then sitting in this Chamber—when the measure was under consideration the question was asked from this side of the House by my hon. friend from Cumberland, whether or not it would deprive the people of the Maritime Provinces of the rights and privileges they had enjoyed for years; and it will be remembered that my right hon. friend, the member for Kingston, in reply, stated that it would in no way alter the relation of these fishermen towards the Government and their property. These pledges coming from the Government, responsible for the legislation of the country, were accepted as satisfactory. I will not pretend to say that I took the responsibility, any more than any other non-professional member, of the legal construction of all measures I had any share in submitting. But Sir, when the leader of the late Government, the Minister of Justice, who was responsible for the advice he gave, distinctly declared what I have mentioned, in relation to these fishermen, concerning the use of the property they had held in New Brunswick and Nova Scotia for three quarters of a century, and in some cases for a century, I was satisfied. What however do we find? My hon. friend the Minister of Marine and Fisheries, in May, 1875, launched upon the country a Series of Orders in Council affecting these privileges, and I notice that the original date was March of that year, but before issue March was struck out, and May substituted. I will have something to say at a later stage of this debate in this regard; but in the mean time I will state I think it was the duty of the Minister of Marine and Fisheries, before he took action to have submitted to the House resolutions of such importance and so seriously affecting so large a portion of the people of this country and further a breach of faith, in fact, with the Province from which I came. He should have given the representatives of the population interested an opportunity of addressing, and seeing whether this House would deliberately assent to such action. Since the first settlement, and I may say at the first settlement, of the country in that part—I speak more particularly of the locality I know best and the county to which I belong, through which the second river of the Province runs—families from father to son have held such privileges upon the fisheries; upon them they relied chiefly for subsistence, for it was not until long afterwards that the lumber interest became important and a great source of wealth, they occupied farms, and owned the fishing limits in front of them without restriction or taxation in any way whatever. When we were struggling to obtain the union of these Provinces, it became necessary to consider the effect which the Laws of Canada would have on the people of our own Province; and I communicated to these people my belief that no interference would be attempted with their rights; also that I would take an early opportunity of submitting their claims.

Hon. MR. SMITH—Did you put it in the Act?

Hon. MR. MITCHELL—I will tell my hon. friend I believed I did put it in the Act, and I challenge him to find authority in it for the construction he endeavoured to put upon it. I will read the only authority which he pretends to possess for the legislation. I would not say legislation, but the arbitrary exercise of a very arbitrary power. Now, in all this volume, the only portion in this regard—if I am wrong my hon. friend will correct me—is the second clause:—'The Minister of Marine and Fisheries may where the exclusive right of fishing does not already exist by law,'—

Hon. MR. SMITH—Hear! hear!

Hon. MR. MITCHELL—'Issue, or authorize to be issued of fishery leases and licenses for fisheries and fishing wheresoever situated or carried on, but leases or licenses for any term exceeding nine years shall be issued only under authority of an order of the Governor in Council.' I shall explain the meaning of the clauses as I and hon. gentlemen on both sides of House understood it. A system was in vogue in Canada for the purpose of leasing fishing privileges on rivers; and the object of the latter part touching extension to nine years, was introduced to give to gentlemen desirous of fly-fishing such right for that period of time. I will frankly admit that the system which prevailed in Quebec and also in Ontario, but less extensively, countenanced the granting of leases and licenses, because no exclusive rights had any existence, therefore it was stated in the Act, 'where the exclusive right does not already exist by law,' and I challenge my hon. friend to point to any other section giving him authority for what he has done. I feel that the House will not construe the clause in that way, sweeping away these privileges and springing a mine upon the people. The regulation was adopted before the House adjourned last year, and when my hon. friend brought down the Estimates, he should have taken the House into his confidence, as I hold he was bound to do according to Constitutional Law. Correspondence has passed between us on the subject, and we understand the matter very thoroughly. I know that he will tell the House that two or three decisions have been delivered in New Brunswick Courts, negativing the idea that any exclusive privileges exist in law. He quoted in his letters three cases; but the first does not sustain the position he assumes. I frankly admit that the second, under the ruling of Mr. Justice Ritchie, now of the Supreme Court, does take strong ground, and states that no exclusive right exists; but I maintain that by the opinion of no single judge, however eminent, the rights of a Province can be swept away. No appeal was taken, and we have had no opportunity of learning whether the decision was direct or otherwise. The third is an entirely different case and does not affect the question under consideration. Now, Sir, my hon. friend will say that this is no new system; and in reply to me, he stated, that the system of taxation had already existed in our Province. This I most unhesitatingly deny; a number of magistrates in my county merely recommended that a registration fee of fifty cents should be imposed on the nets of the fishermen for the purpose of registration alone, and on this he bases his statement that his policy was sanctioned by the Province. I know something about the transaction, having been one of those magistrates, and I am aware that it was to create a registration fee, and pay an officer to keep an accurate record of the nets used, see they were not beyond a certain length and of the right size, and in cases of dispute among the fishermen, or violations of the laws, be able to prove who was the transgressor; therefore it was not all for the purpose of taxation.

The law on the subject in New Brunswick provides for Orders in Council regulating the fee. The only law they ever passed in this regard regulated the distances to be taken up on a river from the mouth to its source, the length of nets used and the mode of fishing. I hold, in consequence, that my hon. friend will be unable to sustain his position. Fifty cents were charged for fifty fathoms, simply for registration purposes; and this was intended as a fund to pay the officer. I think that my hon. friend has taken a very extraordinary course. He replied in a letter that he could not make exceptional legislation in favor of New Brunswick, and omitted Manitoba, British Columbia, Prince Edward Island, and Nova Scotia, and the only Province to which he has extended the portion of the law concerning taxation is New Brunswick. He has imposed $1 on every 200 lbs. of salmon, and 50 cents for every 200 lbs. of bass, and I consider that this can scarcely be justified. I will go further; not satisfied with this, he has in a most deliberate manner placed a tax upon the fishermen of certain portions of the Province, in a way which applied to them unjustly and unfairly, forming certain sections against other section; salmon are only caught in the northern rivers to any great extent, save in St. John Harbor, and bordering St. John's and King's counties, in the rivers of Northumberland, Restigouche and Gloucester counties, and he has selected the two classes of fish taken in these rivers; the bass fishing is of great importance, and I will quote from a paper evidence of the extent to which it is carried on just now:

"St. John, Feb. 3.—The transport of frozen and fresh fish from northern New Brunswick over the Intercolonial Railroad, is assuming large proportions. Last week 115,000 barrels were brought to St. John for shipment to the United States markets."

The fresh fish taken in winter in our Province are chiefly bass, and this fishery is very important, giving occupation to a large number of people. This order will, therefore, seriously affect the Province if it is carried out. My hon. friend proposes to impose a tax upon salmon and bass alone. He knows very well in the county from which he comes there is neither salmon nor bass, therefore, admitting it is a legal tax, it is unfair, because it presses upon the inhabitants of certain counties. My hon. friend may say 'we have no bass or salmon fisheries, but we have shad fisheries which we tax.' He puts one dollar per weir.

Hon. MR. SMITH—I think the correspondence will show there is no weir in my county at all.

Hon. MR. MITCHELL—Then it is all the worse. The tax will not apply at all to his county. The fact is, my hon. friend has practically exempted from the operation of these regulations the counties of Westmoreland, Albert, Kings' Queens' York, Carleton, Victoria and Charlotte, or nearly so, and I hold he has pursued a course that is not justifiable. But what is the reason they have not applied it to Nova Scotia and Prince Edward Island as well as New Brunswick?

My hon. friend has chosen to take exception to the course I have pursued with regard to the people of my county. In his organs I have been assailed for exciting sedition among the people of Northumberland.

Hon. MR. SMITH—Hear! hear!

Hon. MR. MITCHELL—My hon. friend says 'hear, hear,' but if he reads history he may take a lesson from it. He will find that Orders in Council have not always been the most successful mode of imposing taxation. What right has my hon. friend to assume that he has the powers of Parliament? He may say he has the power by law to impose licenses, but that does not empower to him to levy a tax of so much per hundred pounds. I hold it was the duty of the hon. gentleman when he proposed to bring in an important change, affecting the most vital interests of any class of people and taking away rights and privileges which they had enjoyed for three-quarters of a century—it was his duty, having his policy matured in March, while Parliament was in Session, to come down to the people's representatives and ask them to give him authority to impose this tax, and to give us an opportunity of discussing the question.

My hon. friend says I initiated this policy, and that it was my intention to have adopted the very thing that I now find fault with. He says, by my own Orders in Council and my own reports, it is apparent I would have pursued the very same course. I tell him that I would not. He says I agreed to go for a system of uniformity. I did so, when the present Premier took exception to the existence of two systems—the licensing system in Ontario and Quebec, and the other in the Maratime Provinces. I told him then that I was prepared to go for uniformity as far as possible, but I was not prepared to take away rights and privileges from the people of my own Province by imposing a tax upon their own property that they had paid for and inherited.

Hon. MR. SMITH—Why didn't you do it?

Hon. MR. MITCHELL—Because the hon. gentleman and men like him turned us out. If I had remained in power I would have kept my promise as I always do.

Hon. MR. SMITH—You said that the hon. member for Kingston, who was then Leader of the Government, made a promise at the time of the union that the rights of the fishermen of New Brunswick would not be intertered with; then why did you make a promise that you would have the system uniform?

Hon. MR. MITCHELL—Is my hon. friend so obstuse that he cannot see how uniformity could be attained without intertering with those rights? My intention was to adapt the free system to Ontario and Quebec.

Hon. MR. SMITH—The hon. gentleman urged this promise of the hon. member for Kingston as a reason why he should not make it uniform.

Hon. MR MITCHELL—I did nothing of the kind. I appeal to the Premier to say whether I did or not.

When he complained of the existtence of the two systems, I said that the Lower Provinces came into the Union with the pledge that these rights would be respected, but that I was in favor of uniformity. I never said that I would not give the same privileges to the people of Ontario and Quebec that were enjoyed by the fishermen of New Brunswick, because the fishing interests of those Provinces were not of the same importance. I know cases in which people have paid one or two thousand dollars for a portion of beach on which you could not grow a blade of grass, for the right which is now taken away from them. Is it to be tolerated that by Order in Council these rights shall be swept away without compensation? If the hon. gentleman wishes to assimilate the systems, let him remove whatever tax the fishermen of Ontario and Quebec may consider burdensome, but do not attempt to got a revenue out of the earnings of the unfortunate fishermen, or take away from them the rights they have so long enjoyed. The hon. gentleman said he based his action on the reports which I made. That statement was uttered in May last, and as soon as I saw it I at once wrote to the Department asking for the two reports which were said to have been made by myself, and which were made the basis of this unjust proceeding. He was not satified in perpetrating a wrong upon the Province to which he as well as myself belongs, but he has, to shield himself, placed the onus of that wrong on me.

Hon. MR. SMITH—I do not acknowledge it to be wrong.

Hon. MR. MITCHELL—That is quite possible. He may know it to be wrong without acknowledging his fault. When I went to my county last summer the hon. gentleman's letter was flourished at me by my opponents and by their press. Now, I may explain when these reports were made by me they were made in consequence of an application coming from the Mr. Adam Ferguson, who owned fishing stands on the New Brunswick side of the Restigouche River, for a license such as was held by his friends on the opposite or Quebec side. He saw that by the possession of licenses they were protected in case of disputes, by the officers of *La Canadienne* which was sent there to look after the fisheries. In disputes among the fishermen one would occasionally encroach upon another's fishing grounds. Having a knowledge of the fishermen for some fifty years, I must say such disputes are of rare occurrence, but when they did happen, the advantage of holding a license was clearly seen, and this led Mr. Ferguson to apply for one. This was the first case and it was such a novel application that I made this report to Council:—

[COPY.]

DEPARTMENT OF MARINE AND FISHERIES,
FISHERIES BRANCH,
Ottawa, 22nd December, 1869.

The undersigned has the honor to submit for the consideration of Council, the annexed application of Adam Ferguson, Esq., of the County of Restigouche, in the Province of New Brunswick, for a license to fish on a station which he and his family have occupied for the last seventy years.

The system of granting leases and licenses for fishing stations has prevailed for many years in the Province of Quebec and Ontario, at rates varying in different parts of these Provinces from a nominal sum, in some portions of the Province, to an actual cash value in other portions.

The Department, prior to its present organization, found it most difficult, and considered it unwise to adopt a uniform system which would materially unsettle existing arrangements.

At the time of the Union, systems of governing or regulating the fisheries of New Brunswick and Nova Scotia prevailed more or less perfect, and when the Fisheries Act of 1868 was passed, certain restrictions were introduced and limitations of the Law, as applied to these Provinces, and hitherto no change has been applied to them in the direction of leasing or licensing the commercial fisheries, it being hitherto considered unwise as a matter of policy to resort to that system.

By the annexed application it will be seen that Adam Ferguson, Esq., who is a descendant of one of the oldest settlers and fishermen on the Restigouche, and who with his ancestors have fished the station for the last 70 years, now voluntarily asks that the protection which the license system affords, and which he has seen the benefit of on the Canadian side of the Restigouche, be extended to him, the better to ensure him the quiet occupancy and the legal recognition in his station.

This being the first case of an application for license by the occupant of a station in New Brunswick, the undersigned has deemed it his duty to submit the same to Council, and begs to recommend that a license at a valuation by the Local Inspector be granted to Mr. Ferguson for the station asked for.

Respectfully submitted,
P. MITCHELL,
Minister of Marine and Fisheries.

Now, Sir, there is a case. Mr. Ferguson voluntarily asks. My report stated when any party voluntarily asks those things Government were willing he should have them. But what did Government do? Do they adopt that policy? No; I was asked to reconsider the question and make another report, which I did.—On the 27th January, 1870, I made the Report:—

DEPARTMENT OF MARINE AND FISHERIES,
FISHERIES BRANCH,
Ottawa, 27th January, 1870.

The undersigned has the honor to bring under the notice of the Privy Council certain provisions of the Fsheries Act respecting the issue of leases and licenses for fishing stations.

It has been the practice of the Government under the fishery Laws in existence anterior to the Confederation of the Provinces, to grant exclusive leases and licenses in Ontario and Quebec for the chief net fishing stands for white fish and salmon in the lakes and tidal water; also for angling stations in the salmon rivers emptying into the Gulf and River St. Lawrence.

In the Province of Nova Scotia and New Brunswick no system of the kind was established under the Provincial Acts and regulations, although in the first named Province the Local Government was in the habit of renting to individuals exclusive privileges of fly fishing for salmon.

The Statute passed in the first Dominion Parliament was made applicable to the various Provinces, but left in force certain of the fisheries laws and regulations then existing in Nova Scotia and New Brunswick.

The Canadian Act does not forbid any kind of fisheries without leases or licenses, but permits of their being granted by this Department *when the right remains public,* and provides a penalty against other persons fishing within limit so let for exclusive occupation. It has been found in most cases occurring in Ontario and Quebec by parties who desire to carry on their fishing operations without molestation, and who wish to secure themselves permanently in establishing the fisheries and trade arrangements connected therewith, the whole involving considerable capital; that the leasing system affords them greater security and enhances the value of their outlay as a matter of commercial business. They have therefore been wishing, (and in many cases been anxious) to obtain such titles and pay rents for them; with the exception of places for which there was much competition, the majority of stations are rented at nominal rates,—the Government considering the system as a means of protection and regulation, rather than a source of direct revenue.

There are doubtless in the Maritime districts numerous fishing stations where the parties have been in peaceable occupation for a long time, *and being in instance riparian proprietors* they think they have acquired a sort of possession by such prior occupancy. They may also desire to secure their holdings by lease or license.

The undersigned does not consider it desirable at present to recommend the application of the same system to Nova Scotia and New Brunswick. The condition of the fisheries in these Provinces, and the fact of the local Fishery Laws never having until lately been enforced in an effective manner, renders it probable that the people will be very impatient under the necessary restrictions.

The undersigned would [illegible] fully suggest, in all cases [illegible]