

C 37479
being a matter of exercise the raising of
money by taxⁿ & regulation of trade & commerce came
within Sec 91 of B.C.A. Sec 92 gave local legislators
power to deal exclusively with such business only
as are of a local or municipal description

Green vs. Robertson

The fisheries act of 1868 gave the minister of
marine & fisheries power to issue fishery licenses
where the exclusive right of fishing does not exist
by law. In 1874 the minister granted such a
license. Parties in New Brunswick complained
claiming an exclusive right.
The Supreme Ct was called on to decide whether
the Dominion prlt could authorize as they
had done by the act. The court held the
act to be void. As in this case other parties
had an exclusive right. Also that B.C.A.
act giving Dominion prlt right to legislate
re. Sea Coast Fisheries gave a right to
legislate on matters of national and general
concern. The exclusive rights of fishing in
certain places is a "property" and can be inter-
fered with only by prvt prvt. That contrary
the license granted by the minister to fish in fresh water
non-tidal rivers, which are not the property of the
Dominion, or in which the soil is not in the
Dominion is illegal.

C 37480

This case was an appeal from the Exchequer court
which had held the same view as had the Supreme court
of New Brunswick.

see notes on judicial decisions

W. L. Mackenzie King Papers
Volume C 46

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