

PRINCE EDWARD ISLAND

62nd VICTORIA, 1899.

2ND SESSION—33RD GENERAL ASSEMBLY.

Copy of a Report of the Hon. the Minister of Justice, approved by His Excellency the Governor General in Council on the 14th day of December, A.D. 1899.

DEPARTMENT OF JUSTICE, OTTAWA, 11th December, 1899.

To His Excellency the Governor General in Council:

The undersigned has had under consideration the statutes of the legislative assembly of the province of Prince Edward Island, passed in the 62nd year of Her Majesty's reign (1899), and received by the Secretary of State for Canada on the 14th day of August, 1899, and he considers that these statutes may be left to their operation without comment with the exception of the following:—

Chapter 4. 'An Act respecting the fisheries and the rights of Fishing in the province of Prince Edward Island.'

Sections 15, 16 and 22, and possibly some other provisions of this Act, appear to affect somewhat the regulation of the fisheries, and, in so far as they have that effect, they are beyond the legislative jurisdiction of the province.

The undersigned does not consider, however, that this objection is of such a character as to justify the disallowance of the Act, particularly in view of the other unobjectionable provisions which it contains respecting the rights of property in the fisheries.

Chapter 19. 'An Act to amend 61st Vic., chapter 3.'

The Act amended by this statute was the subject of a report by the undersigned to Your Excellency in Council, dated 8th November, 1898, in which the undersigned, for the reasons stated in his said report, recommended the disallowance of the Act. The recommendation of the undersigned so made did not come into effect because it was understood that the Act would be amended by the provincial legislature, so as to remove the grounds of objection raised by the undersigned. Upon consideration of the amendment as enacted, it appears that these grounds of objection have been very largely, although not entirely, avoided. The Act as amended still affects to some extent the regulation of trade and commerce, and if the question were still open, the undersigned would think it necessary to consider whether the Act so far infringes upon Dominion authority as to justify its disallowance. The time has expired within which this authority could have been exercised, and inasmuch as the Act now in question leaves the law of Prince Edward Island, so far as it depends upon provincial statutes, in a better condition having regard to the freedom of trade than it previously stood, the undersigned considers that the present Act may be left to its operation.

Chapter 20. 'An Act to amend "An Act to impose a direct tax on certain classes of traders,"'