

Whenever the taking of sockeye salmon in said waters during said period between the first of June and the twentieth of August in any year is permitted under the orders adopted by the Commission in respect of Canadian waters any fishing appliances authorized by the laws of the Dominion of Canada may be used in such waters by any person thereunto legally authorized, and whenever the taking of sockeye salmon in said waters during said period is permitted under the orders adopted by the Commission in respect of waters of the United States, any fishing appliance legally authorized by the State of Washington may be used in such waters by any person thereunto authorized by that State.

Mr. McRAE: I want to say that that clause might just as well be omitted from the treaty. It says that while they can provide a mesh it leaves it alternatively to the Canadians or to the state of Washington as to what the mesh shall be; and although it does prescribe the mesh, it has been shown that it cannot be changed except by their wishes. I take it that there is no territory that this Commission can function in at all; and why put that clause in? This clause provides for the regulation of Canadian waters and it shall govern and the regulations authorized in the state of Washington shall govern; but there is no place where this Commission can say anything about meshes; therefore, why put the clause in at all?

Mr. NEILL: Except for the four-six vote.

Mr. McRAE: It does not say that.

The WITNESS: You are dealing now with Article 5.

Mr. McRAE: I do not see that the first part of that is applicable.

Mr. BRADY: As regards the size of the meshes, the Commission is given power to fix the size so as to enable the escapement of such of the sockeye as may be running before the time when the Commission's regulations would function. The salmon fishing being carried on then is mainly spring salmon. So there is no reason why there would not be a mesh used to enable the sockeye to escape.

Mr. McRAE: It says that the authorities of Canada and Washington shall govern notwithstanding.

Mr. NEILL: No, it does not. It says fishing appliances; but it does not say you cannot regulate a mesh.

Mr. MacLAREN: I would like to ask Mr. Found this question: what does he include under the term "fishing appliances"?

Mr. NEILL: Net and trap.

Mr. MacLAREN: I want Mr. Found to answer that question and not Mr. Neill.

The WITNESS: Anything that is a fishing appliance.

*By Mr. MacLaren:*

Q. What is included in that?—A. Anything that would be used for catching fish at the present time; catching salmon.

Q. Does it include nets?—A. It includes gill-nets.

Q. Does it? Say yes or no.—A. Yes.

*By Mr. Brady:*

Q. I would like to ask the Deputy Minister this question on that point; is it true that under this treaty, and under this Article fishing with traps and seines by the fishermen of Washington State will be continued on the same scale as previously?—A. That will depend entirely on the Commission's regulations.