

That is the only part of this affidavit which I need read at present.

*Mr. Foster.*—Remember that Mr. McDonald is a Nova Scotian.

*Mr. Thomson.*—So is Pattilo a Nova Scotian.

*Mr. Foster.*—McDonald lives there, and his affidavit was taken down there.

*Mr. Thomson.*—No matter where the affidavit is taken, the affidavit is here among those submitted by the American Government, and they must adopt it as they have put it in. Having obtained this statement, if they did not like to put it in they need not have done so; but having put it in they are bound by it.

*Mr. Foster.*—That is a fair argument.

*Mr. Thomson.*—George Critchett, being duly sworn, says:—

“I am living at Middle Milford, Guysboro' County, Nova Scotia—I am 37 years old, from my eighteenth year until four years ago, I have been out mackerel and cod-fishing mostly in American vessels—I left off fishing because the mackerel fishing had been poor for several years, and is still; whenever mackerel get to be plenty again I will be out fishing in vessels. I think that in former years, say from ten years ago and longer, the average number of the American mackerel fleet was upwards of 300 during the season—during the same period about thirty or forty Provincial vessels were in the Gulf of St. Lawrence—the number of American vessels above referred to, is intended as the number in the Gulf of St. Lawrence—during the years previous to the last ten years, the average catch of mackerel was two trips for each vessel—during the last six or seven years they have scarcely averaged one full cargo during the season—I think that mackerel go where they find the best and largest quantity of feed, and that when the wind is off shore it drives the small fish on which mackerel feed into deeper water, and the mackerel follow them, and whenever there is a big fleet off shore and heave over much bait, the mackerel will follow the fleet—during the years I was out fishing we did better outside a line three miles from shore than inside that line—on an average, I am of the opinion, about from half to two-thirds of all mackerel caught by vessels in the Gulf is caught outside of a line three miles from shore.”

This deponent states that from one-half to two-thirds of the catches were made outside, and thus virtually admits that one-half were taken inside of the three mile limit; this is about as favourable as our own testimony. We all know that the language which appears in most affidavits is the language of the man who draws them up; and this is true in nine instances out of ten; and undoubtedly the most that they could get out of this man was that from one-half to two-thirds of the trips were made outside of the limit.

*Mr. Foster.*—He says that during seven years past the vessels have not averaged a full cargo during the season.

*Mr. Thomson.*—That makes no difference. I only want to see what the catch is. I am not at present discussing any other question.

*Mr. Foster.*—He also states that until the present season only two or three vessels seined in the gulf.

*Mr. Thomson.*—That is another point, and I am only touching on one point at the present moment.

In affidavit No. 177 (Appendix M) George Bunker says:—

“I, George Bunker, do solemnly declare that I am 31 years old—that I am living at Margaret Bay, twenty-four miles from Halifax. I have been employed as a fisherman ever since I was a boy—for ten seasons I have been master of a fishing vessel, fishing in the waters off the American coasts and those of Nova Scotia, the Gulf of St. Lawrence, and Magdalen Island, for cod, and mackerel, and herring—codfish is not at all caught by the American fishermen within three miles from the shore—about half of the mackerel caught by the Americans is caught within three miles from shore.”

*Mr. Foster.*—He states that the catch of mackerel has largely fallen off during the last five or six years.

*Mr. Thomson.*—I cannot read all through this affidavit. They are very interesting reading, I dare say, but they take time.

In affidavit No. 192, Appendix (M) I find that Philip Ryan says:—

“I, Philip Ryan, do solemnly declare that I am living at Middle Milford, I am 42 years of age—I think I was about 16 years of age when I first went out fishing in the Gulf of St. Lawrence in fishing vessels—I have mostly been mackerel fishing, although some seasons I have been cod-fishing in the bay—I left off going in fishing vessels in 1872; the American fishermen don't dry their nets nor cure their fish on our coasts, as far as I know—during the last eight or ten years mackerel fishing has much fallen off, and during the last two years as far as I can hear, mackerel fishing has almost been a failure—porgies and clams as far as I know, is universally used in the bay as bait, although a few Provincial vessels may occasionally use herring—porgies and clams got all from the States, as far as I am aware—I should think that about one-half of all the mackerel caught by vessels is caught outside a line three miles from shore.”