

House of Commons Debates

FOURTH SESSION—SIXTH PARLIAMENT.

SPEECHES OF HON. EDWARD BLAKE, M.P.,

ON

SAWDUST IN RIVERS.

TUESDAY, 29TH APRIL, 1890.

Mr. BLAKE. I agree with a good deal of what has been said by the hon. member who has just taken his seat (Mr. Ives). I think some confusion exists as to the matter, because it has been apparently considered that a proceeding which is based on the one statute is to be dependent in part on the provisions of another statute. The truth is, the proposed legislation which has been discussed, and which would relieve the hon. the Minister from the invidious distinction with which he is at present invested by making the rule cast iron, is legislation which, as I understand it, would apply only to one set of difficulties, namely, to the difficulties arising from navigation. But the Fishery Act is another statute, with another set of prohibitions, and it also reserves its own exemption power to the Minister; and, therefore, the proceedings in this case, as I understood them, having been taken only under the Act with respect to navigable rivers, it is beside the question to attempt to discuss whether these proceedings are justifiable under the Fishery Act, or upon the ground, for instance, of injury to the fisheries. I call the attention of the Minister to the fact that so long as it is attempted to justify the enforcement of these prohibitions by reference to the fishing interests the proposed legislation as to navigation will be of no consequence, because the Act, which it is proposed to amend, does not authorise any prohibition whatever in consequence of the fishing interests. It deals solely with the interests of navigation; it is the other statute that deals with the prohibition as to the fishing interests, and that statute must be dealt with in order to alter, if it is thought desirable to alter, its provisions as to exemption. There was a great deal of good sense in what the hon. member who has just taken his seat (Mr. Ives) said in respect to the relative importance of the conflicting interests. I happen to know Mr. Davison, who is an old friend of mine, and early in this Session I was put in possession of the papers in this case, and I expected I would have had an opportunity of dealing with it when the Bill of the Minister of Marine and Fisheries was brought up. Since that time my recollection of the facts has somewhat faded away, and I am not able to speak as clearly as I had hoped to speak, on this unexpected occasion. So far as I can remember, whether

the diminution in the quantity of fish was due to the sawdust or no, it seems to me to be ridiculous to compare for an instant the existing condition of the fishing interests on the LaHave and the existing condition of the lumbering interests on that river; for the lumbering interests as regards the mill owners, the employés, and the public are of such importance that the action of the law on the ground of the relatively insignificant fishing interests should not prevail. I agree with the hon. member (Mr. Ives) that, as regards navigable rivers, the interests of navigation are of much higher importance and require much more careful consideration. I read the evidence on this subject also. There was no doubt some evidence that sawdust had accumulated in some parts of the river. There was no doubt evidence that the channel had been to some extent narrowed, I should judge; but I did not find, taking the whole evidence, that the navigation of the River LaHave such as it is, and such as I should judge it is likely to be, is being at this time substantially impeded, for the uses to which it is put, by the condition of affairs which had been produced by the sawdust; nor did I find from the evidence that there had been, of late years at all events, any great impairment of the condition. It is perfectly obvious that the effect of sawdust will depend very much on the character of the stream. As the hon. Minister of Justice has said, if we deal with rapidly running rivers, having a great descent and without sinuosities, no doubt the sawdust will get away. If, however, the river is somewhat sluggish, and particularly when it is a tidal river with deep bays and eddies, there are abundant points on which the sawdust will be deposited, for I cannot agree with the hon. member for Charlotte (Mr. Gillmor), that the sawdust keeps floating all the time; but there may be considerable deposits of sawdust in these bays and deep spots, and yet the average depth of the river may be maintained. There is, of course, no object, for purposes of navigation, in having deep holes in a river. The depth of the channel of a river is its depth at its shallowest point. So if the sawdust simply fills up the holes and leave the navigable channel free, of course no damage is done to navigation. The general impression I drew from the evidence was this, and I state it after the speeches