

would say, "Our sole responsibility is in letting the fish get up. If the fish get up we do not care what happens to you or what hardship you must suffer." The more equitable-minded members of the department sometimes do admit that they have at least a moral obligation; that if in their endeavour to make a runway for the fish they do some harm, they also have some responsibility. The minister's deputy will recall that some years ago there was an awful fuss up on the Salmon river arising from something like that. The department stuck by the letter of the law and said that they did not care what damage they occasioned, that the people concerned could go to the province for redress. I do not think that was fair.

I have in mind a matter that I should like the minister to say he will look after under this item of \$7,000. It is in connection with Rosewell creek. As far back as I can remember being in politics there has been a fuss about that. The fisheries department did some work; they cleaned out a log jam. That set the current in a different direction and ruined a man's farm; at least it is rapidly going down the river. Naturally he objects, and I think there is at least a moral obligation upon the department to do something in that case. Attempts were made in a rather petty way to repair the damage, but no genuine effort was made to deal with the situation, which will have to be faced sooner or later if we are to be fair to those people. It is of no use going to the province; they simply say, "We did not do the work and we do not care what happens, as long as a bridge or a public highway is not interfered with." This Rosewell creek matter has been dragging on for years. On one occasion the operation resulted in the formation of a large gravel bar. The water, ashamed of itself, went underground for a quarter of a mile or something like that. That did not make it very comfortable for the fish or very good for the farmer whose land helped make up the gravel bar. Now the minister says that he has plenty of money under this item and does not need any more, so that I should like an assurance from him that the situation at Rosewell creek will be dealt with adequately out of this vote. I can assure the minister that there is only one way to do it—and it is a simple way—and that is to straighten things up. Until this is done he and his successors will be beset with this thing. It has really been a very bad deal for the man who bought land in good faith, and encouraged the developing of his country. Now he finds that the best of his land—delta land—because it is always the best of it—goes down the river.

I hope the minister will be good enough to give some assurance that he will do something more than theorize in respect of this situation. This is really a sore point, and I should like to hear from him in that regard.

Mr. BERTRAND (Laurier): There are two ways of looking at these things. As Minister of Fisheries, and as a man who has followed the legal profession, if there is a jam on a river caused by logs brought down by a freshet, then we might be responsible if, in removing this jam, we caused damage. If damage is caused by the flow of water, or even by a jam that we are trying to destroy, we cannot be held responsible. That is a question of common law.

Mr. NEILL: Would the minister allow me to make an observation? He says he is not responsible. If his officials had left the jam there, there would not be any harm.

Mr. BERTRAND (Laurier): That is what I say. I am not speaking of Rosewell creek in particular; rather I am speaking generally. Damage might be caused by the flow of water. Erosion might be caused by the natural flow of water, or by logs coming down from the mountains. Or damage might be caused by depositing gravel on a good agricultural piece of land.

If we were undertaking to pay damages in all these cases we would be going very far. If that were so, any farmers around the St. Lawrence river could come each spring and ask us to pay damages because the water had gone too high, and had caused erosion here and there.

However, I may assure my hon. friend that if any damage is caused by our work we will look for the cause, and recommend that proper damages be paid. But I do not think it will be paid through my department. It will have, first of all, to pass the Minister of Justice. My officials cannot decide whether or not the government is responsible. I can make recommendations according to what my officials say.

So far as Rosewell creek is concerned, I would ask my officials to make another inquiry—although I understand inquiries were made previously before I came to the department.

Mr. NEILL: I thank the minister for his viewpoint. But he is entirely mistaken if he thinks that I, or anyone else, would be so foolish as to ask his department to pay out something, or to pay damages, unless his department were responsible. We all know what the law is in regard to these matters. We would not present our cases, if we did not know where the responsibility was. But this