

agreed to with regard to such fishing is simply to make the regulation read: That such fishing by means of cod trap nets or herring trap nets without a license from the minister is prohibited in the waters of the gulf except at a distance of 1,000 yards from shore or 1,000 yards from any similar nets set from the shore.

So that, if any Canadian or United States citizen can find a location where he can set such a trap net which would be both 1,000 yards from shore and 1,000 yards from any similar trap net he can do it without a license. That is the modification. Then, upon the other point, the unamended rule prior to last week was:—

That the leader of each herring or cod trap net shall in every case extend from the shore, and any fishery officer may determine in writing or orally the length of leader which shall be used.

The fee for license at so much per fathom depended on the length of the leader. Now the change made is to repeal that rule and substitute this one. If the leader of a cod or herring trap net extends from the shore, any fishery officer may determine, in writing or orally, the length of the leader which shall be used, implying that if it does not extend from the shore no such power is given the officer to determine the length and implying, also, that trap nets may now be set with a leader not extending from the shore, but from a point below low water mark.

As to the requirements for a license for such trap net, nothing special is provided. It will fall within the rule I have first read, namely that a license is always required except in the case of nets set 1,000 yards from the shore.

Mr. FOSTER. That clears up that point, and it seems that with reference to trap nets at this distance and under those conditions, a license is not required, but I am not sufficiently expert to know whether that will interfere very much with the primary idea in licensing, to keep those vessels under proper regulation and control. I should imagine, however, that up to a certain point it would do so, but may not to a very large extent. There is one point upon which I could not get a very clear idea. The minister spoke of a commission board for Newfoundland and one for Canada, or a board made up of one appointee from each—I am not sure which—and that before this board, if diplomatic methods did not avail in bringing the parties to an agreement, the disputed points could be taken before being taken to the Fishery Commission. Is that view correct?

Sir ALLEN AYLESWORTH. Confusion no doubt has arisen from the manner in which I stated the situation under the

award and the situation under the agreement of last week. The award directed that existing legislation be referred to a board of experts subject to an appeal to the full tribunal when that tribunal should be reconvened. The award also recommended, but it did not direct, that to dispose of any difficulties which might arise in the future at any time, the parties should agree to constitute two fixed, permanent commissions, each to be composed of one representative from the United States, one from Canada or Newfoundland, as the case might be, and a third neutral, and that such board should deal with future cases if any should arise, as a permanent and final board, without resort to the existing tribunal at all. That recommendation has not as yet been adopted. It has not as yet been considered probably by either country; and so far as Canada is concerned, unless future difficulties should arise, or some of these past difficulties should be renewed, there never will be any necessity for constituting such a board at all. But if one ever should be constituted, its decisions will be final.

Mr. DANIEL. Am I correct in understanding that the advantage which the American fisherman would get from the amended regulations is that whereas formerly he was not given a license at all to fish with a trap net attached to the shore, now he is entitled to a license to engage in this form of fishing.

Sir ALLEN AYLESWORTH. The provision with regard to the obtaining of a license by United States fishermen is quite distinct, that upon any American citizen applying for a berth site under the licensing provisions, such license shall be issued in the usual course for any unoccupied berth site selected by the applicant, subject to the usual rules and regulations. That is, he must go a certain distance away from an occupied berth. In a word, he must be put in exactly the same position as a British subject who applies for a license.

Mr. DANIEL. Did he have that privilege formerly?

Sir ALLEN AYLESWORTH. I scarcely know how to answer that question. I do not think there is any instance in which such a license has been given to any inhabitant of the United States. I am not aware that any application for such a license was ever made; but as a matter of legal opinion, I would not hesitate to express my view that he was always entitled to it from the day the treaty was made just as much as a British subject.

Mr. CROSBY. Is it the intention of the government to divide the interests of Canadian fishermen and those of Newfoundland