

in the ports of the east coast of Canada, but not on the west coast. It also allows the Governor in Council to grant similar port privileges to any fishing vessels in Newfoundland ports. The Governor in Council, however, does not have the power to allow similar privileges to foreign fishing vessels in the ports of the other Maritime Provinces. This bill would give the Governor in Council power to do this, so that uniform regulations could be made where necessary.

The Act now provides forfeiture only as a penalty for foreign fishing vessels entering our territorial waters. This is too drastic a penalty in many cases, having regard to the value of modern trawlers. The bill provides for fines as alternative punishment.

The procedure under the existing Act for seizure and forfeiture of any foreign fishing vessels is too cumbersome, involving great delays and expense. All proceedings must be taken in the Exchequer Courts, where the owners of Canadian fishing vessels are brought in cases of any infractions of our fishing laws. The bill before us sets up a simplified procedure.

Enforcement of the existing Act is vested not only in Canadian but also in British naval vessels and officers, whereas under this bill only Canadian vessels and officers would be responsible for enforcement.

The Act, although designated as the Customs and Fisheries Protection Act, is no longer used by the Customs administration, but is used entirely for fisheries protection against encroachment on our territorial waters by foreign fishing vessels. Enforcement of revenue laws is carried out now under the Customs and Excise Acts, and this bill seeks to change the name of the Act accordingly.

Hon. Calvert C. Pratt: Honourable senators, the purpose of the legislation now before the house, as stated in the explanatory notes, is the revision of the Customs and Fisheries Protection Act. This was brought out by the honourable gentleman from St. John's (Hon. Mr. Baird) in his very clear explanation of the bill. The words "An Act to Protect the Coastal Fisheries" might imply the bringing into use of new protective measures, but this bill does not do that. As a matter of fact, there may be less protection under this proposed legislation than presently exists.

There is no doubt that the Act originally passed in 1867, and not amended since 1913, should be revised at this time. Conditions within the industry and methods of fishing have changed a great deal with the passing of the years. For instance, fishing vessels

that once used bait have to a great extent been replaced by vessels that drag the bottom, and so on.

I should like now to give some background which might lend significance to the point I wish to raise. In the first place, this legislation has no bearing on Pacific coast fisheries and the rights of foreign fishing vessels to purchase bait and supplies in Canadian ports—except those in Newfoundland—have been restricted to United States vessels. Their rights were granted by the yearly issuance of licenses under order in council, and were not extended by the Dominion Government to ships of any other nationality. This legislation has therefore had little significance to the Dominion of Canada as a whole, or indeed to any province but Newfoundland, but these rights and restrictions are of tremendous importance to that province.

The protection of the coastal fisheries of Newfoundland has been a matter of controversy for centuries. Treaties have been made, amended and broken, and until the turn of the century have been the subject of continual international negotiations and conflicts. It is within the memory of most of us that French and English warships patrolled the coast of Newfoundland to enforce the right of their respective nationals in Newfoundland ports. Before confederation with Canada, Newfoundland had its own treaty with the United States, and international agreements were made to suit its particular needs and requirements. Those needs arose from the insular position of Newfoundland and the fact that Newfoundland ports were the most accessible to fishing craft operating off the Grand Banks of Newfoundland. It was never the practice of European fishing vessels to use Nova Scotia ports as supply points, but they used Newfoundland ports extensively.

My province has as you know been a large producer of salted cod. This fish has always been consumed extensively in European countries, particularly in Portugal and Spain, whose ships have fished on the Grand Banks. They fished alongside of us, and used our ports, and at the same time bought the fish our people caught. It was an excellent arrangement and worked harmoniously. In recent times, however, there has been a considerable reduction in the quantities of Newfoundland fish bought by these countries. For some four years, I think, Spain bought none at all, but this year it has made small purchases. Portugal has been one of our best customers, but our sales of fish to her have been declining, partly because they use their precious dollars for purchases of goods other