

*Deep Sea Fisheries Act*

arrived at by understanding, and has been accepted as the practice by certain groups in Canada, has no validity in this generation unless it is spelled out in highly technical form?

We have to make changes in the law from time to time and eliminate things that become anachronistic. The manner of making such changes is important—sometimes more important than the changes themselves. Changes must be made in a way which keeps faith with the undertakings made by our predecessors in this chamber. We cannot say that because the government of 1882 led by Sir John A. Macdonald is long since gone and the government in office today does not bear the same political stripe, it is proper that the undertaking made by his government can be wiped out without consideration. The remarks made by the then first spokesman for the opposition would not apply today to the minister in respect of his action. In fact, I am convinced that his motives are not those which the Liberal spokesman of that day applied to the government. As reported at page 1512 of *Hansard* for May 13, 1882, Mr. Killam said:

I do not think the hon. member could have more thoroughly convinced the House than he has done by his eloquent speech, that the distribution of this bounty cannot be intended for anything else than a political bribe.

Mr. Speaker, I do not think this proposal was enacted originally as a political bribe. Had it not been for the \$4½ million—some people argue it is \$4 million paid into the general fund of Canada for the benefit of the deep sea fishermen of that area, this proposal would probably not have been put forward by Parliament. However, I think if we are not accusing the minister of political bribery, in this context we can very well accuse him of not being concerned enough with the political rights of the people of the area involved.

I do not know whether the minister has read the debates to which I have referred, but I suggest there was much more to the question than was outlined by the spokesman of the then Liberal opposition in this chamber when Sir Leonard Tilley said:

It was also considered that the interest on the \$4,500,000 awarded by the fishery commission should be distributed among the fishermen who, under its operation, had been compelled to give up the advantage of having access to the American market for their fish.

This is still a fairly valid argument. The fact that the Treaty of Washington was abrogated really has nothing to do with it. As I

[Mr. Barnett.]

tried to argue in committee, Canada was not required to give back the \$4½ million that was still in the treasury when the Americans abrogated the treaty. The amount which has been paid out, calculated on the formula set out by the then minister of finance, is modest in relation to the average earnings on funds which the government of Canada has had at its command for investment since 1882.

Without belabouring the point any further, Mr. Speaker, we are prepared to support the motion placed before the House by the member for South Shore unless the minister is able to come up with a more convincing argument for the repeal of the bill than he put forward in the committee.

**Mr. Melvin McQuaid (Cardigan):** Mr. Speaker, I rise at this time to support the amendment put forward by the hon. member for South Shore (Mr. Crouse) that this bill be not now read a second time but be read six months hence. I followed the proceedings before the Fisheries and Forestry Committee with a great deal of interest, and I listened to the explanation given by the minister with respect to the introduction of this bill to repeal the act in question. I heard the minister assure us that this money would in all probability still be devoted to the benefit of the fishermen.

I think the minister recognizes, as the hon. member for South Shore has said, that this \$4 million is a trust fund. The money is trust money in the hands of the government, for the benefit of fishermen of Nova Scotia, New Brunswick, Prince Edward Island and Quebec. It is all very well to say that the Treaty of Washington under which it was granted has been abrogated. Nevertheless, I am sure the minister recognizes, and I am sure that down through the years the government has recognized, that although this treaty may have been abrogated, the \$4 million must be considered as money to be held in trust for the benefit of fishermen. I think that has been made abundantly clear by reason of the fact that the government of the day saw fit to pass the Deep Sea Fisheries Act.

My argument is that if, as the government says, this \$4 million will still be applied to the benefit of the fishermen of the provinces concerned, if he is sincere in that and does not want to use it for any other purpose, there is no reason for repealing the act. There is nothing in this act which requires the government to pay the \$160,000 out by way of bounty to the fishermen. I appreciate the minister's argument that the administrative