

ever he may be, upon the presentation of the facts of the case before him, without expense to the citizen. That is quite satisfactory; but, if that channel and that course of procedure is not acceptable to the citizen, then he has his rights before the courts. The decision of the fishery overseer is, in no sense, final, and the citizen may take one of the two courses. He may go direct to the Minister, or may take the appeal given to every other subject.

Mr. DAVIES (P. E. I.) Where does the appeal lie from the fishery officer to the Supreme Court?

Mr. TUPPER. Under the provisions of the Summary Jurisdiction Act—

Mr. DAVIES (P. E. I.) From the magistrate, but not from the fishery officer.

Mr. TUPPER,—the officer sits in the same capacity exactly as a justice of the peace and a magistrate. The hon. gentleman will surely not insist on his pretension, and he must for the moment have forgotten that such is the law, but I am certain that, on reflection, he will admit that I am right. The power of the fishery overseer is not final and not complete. For instance, take the powers exercised now: they are exceedingly great, but the House is aware that for years we have clothed these officers with these great powers, and the result has not been such as to evoke any expression of a desire for a repeal or a change of the law in that regard. There is no reason for treating this subject, I submit, in any other way than any other fishery legislation. The law is right or wrong. If the destruction be as great as I believe, and the supporters of this Bill believe, and the fishermen believe it is, you cannot make the penalty too severe, and the rights of the citizen are protected in this case, just as they are in any other case of the violation of the Act, the only difference being that the offenders in this case will be rich men, whereas the offenders in the other cases are, as a rule, poor men.

Mr. MILLS (Bothwell). I am not going to occupy the time of the House in answering the very violent speech which the hon. member made a very short time ago. He accused me of being very ignorant, and very ignorant simply because he did not agree with me. In fact, the hon. gentleman would assign every one to the block of the dunce rather than the position of critic, who undertakes to criticize either the hon. gentleman's observations or any measure he presents, so that the hon. gentleman's pretense of extraordinary knowledge on this subject or any other he may discuss may not be disputed. I am not going to question those pretensions on the present occasion, although I am not to be supposed as acquiescing at all in them if I do not choose to take up the attention of the Committee with a discussion of his pretensions at present. The hon. Minister says that the hon. member for Queen's (Mr. Davies) wants to make this a very flimsy Bill, such a Bill as he would not have submitted to this House or as he would not support; and what reason does he assign for assuming that my hon. friend would make this a very flimsy Bill? Why, the hon. member for Queen's says that the procedure for the enforcement of the law ought to be under the supervision of the courts, and the hon. Minister says the courts are not to be trusted, that the judges are ignorant, and that therefore the whole matter should

be under the control of the Minister of Marine. Now, I submit to the consideration of this Committee once more that there is no reason for departing from the ordinary methods of administering justice in this any more than in any other case. Why should the ordinary judicial tribunals of the country be discarded and disregarded when we come to propose a law of this sort? Sir, I remember that one of the provisions of Magna Charta is that the judgment shall be according to the law of the land. It was then complained that the king undertook to enforce the law rather than his judges, that he undertook to administer it, and it was determined that that should be the case no longer. Another provision of Magna Charta is that excessive fines and penalties shall not be permitted. That is a constitutional principle. It is a part of the law of the land, and it has stood for several hundred years. What does the hon. gentleman propose in this Bill? He proposes that, in every case, whether the offence be a serious one or not, the punishment shall be, along with whatever fine may be imposed, the confiscation of the ship and all its outfit. Now, the ship may be worth \$10,000 and the offence may be of the most trivial character. The magistrate or the party who sits in the first instance may decide that he will fix a minimum penalty of \$50; but if he fixes any penalty at all it must be accompanied with the confiscation of the ship. Every member of this House must see that you are making a law, in the first instance, which, on the face of it, is an unjust, arbitrary measure, a measure that must entail injustice, and which, in every case, will necessitate an appeal from the fishery officer, who gives the decision in the first instance, to the Minister, who has the power of granting redress. My first objection to this is that it undertakes to make those who have property in fishing vessels, and those who are engaged in fishing, the menials of the Minister for the time being. The hon. gentleman says that I spoke warmly upon the subject. I did speak warmly, for I cannot contemplate the measure of the hon. gentleman without a feeling of indignation that any member of this House, whether he be a member of the Government or not, should propose to place a large class of the population of this country in such a position. The hon. gentleman, by fixing a penalty of \$50, admits that the offence may be a trifling one, and yet, along with that admission on the part of the Parliament of Canada, he wishes also to impose the penalty of the confiscation of the ship and its tackle, which could not be justified unless it was an offence of the most flagrant character. What would you think if you proposed to attach the penalty of death to an act of simple trespass? Would it not be regarded as a monstrous outrage, as an attempt on the part of the Minister of Justice to bring every offender before him and make him dependent upon him as to the character of the penalty to be inflicted? What are you to say of an offence against this law to which, because it is trifling, you attach a penalty of \$50, but along with that there may be the confiscation of the vessel, that may be worth \$20,000—and that is what the hon. gentleman asks the House to vote. That is what he calls a vigorous and a drastic measure. No doubt it is a drastic measure. If the Government proposed the confiscation of the real estate of the people of this