

to me if hon. gentlemen opposite agree that it is a proper thing to place the whole of an important class of the population of this country under the control of a Minister of the Crown, and make them dependent upon him for the freedom in the exercise of their calling and the security of their property which they possess.

Mr. TUPPER. They are now in that position.

Mr. MILLS (Bothwell). Then it is a condition of things that this House cannot an hour too soon remove. It is a condition of things that ought to be regarded as intolerable to any class of free men; and those who here claim specially to represent the fishermen ought to be the first to enter their protest against legislation of this sort. What does the hon. gentleman propose to do by this Bill? He provides:

"The use of purse-seines for the catching of fish in any of the waters of Canada is prohibited, under a penalty for each offence of not less than \$50, and not exceeding \$500, together with the confiscation of the vessel, boat and apparatus used in connection with such catching."

So that, in every case of conviction where there is a penalty attached, whether the amount be large or small, there must necessarily be confiscation of the vessel, and that must necessarily force the owner of the vessel to come before the Minister and beg, as a suppliant, for the repossession of his property. Every man who engages in fishing, and who is brought before a magistrate or a fishery officer, and convicted under this law, even if the official regards the offence as a minor one and imposes a fine of only \$50, must submit to have his ship confiscated, along with the payment of that sum. He ceases to have property in the ship; all property in it is transferred to the party complaining and to the Government; and the person who makes the complaint, if he be an opponent of the Minister, may find that he is relieved of the moiety to which he is entitled, while if he is a friend of the Minister and the owner of the ship belongs to the opposite political party, the ship may be confiscated, no matter whether the penalty attached be large or small. Now, Sir, the hon. gentleman says that he cannot trust the judges. That is a very extraordinary statement on the part of a Minister of the Crown. But he asks the whole community to say that he may be trusted, that he will exercise an unbiassed judgment. Though the judge may be mistrusted, the Minister must be trusted; though there may be suspicions against the integrity of the judge, there cannot be suspicions against the fairness of the Minister; and every man who holds property in a ship knows that he holds that property by the sufferance of a Minister of the Crown, and that it may be transferred to some one else. We do not care whether we know much or little with regard to the fisheries. I wish to see an administration of the law by the judiciary of the country. I wish to see the penalties against the violation of the law enforced by the ordinary tribunals of the country; and I know no reasons whatever why the administration of the law with regard to property in ships engaged in fishing should be transferred from the jurisdiction of the courts to the Minister of Marine and Fisheries or why he should be made the supreme appellate judge with regard to all matters of this sort. I quite admit that the Minister of Marine and Fisheries, as a maritime man, may be conversant with the interests of the fishermen more than one residing in the interior

of the country; but this I do know, that in every portion of this country, if there is one thing more than another that the people appreciate, it is the security of their rights under the law of the land and the administration of that law by a class of men separated from political parties and amenable to the public opinion of the country, although independent of the Ministers of the Crown or of those who may be opposed to them. It is in the judiciary of this country that the people have confidence for the protection of their liberty, their rights and their property; and the hon. Minister proposes by this measure seriously to invade those rights by transferring from the judiciary of this country to himself the protection or preservation of that property. My hon. friend from Guysborough (Mr. Fraser) spoke in favour of a measure of this sort, but he did not meet the argument of the hon. member for Queen's (Mr. Davies). The hon. member for Queen's pointed out that you are by this measure transferring from the judges to the Minister the administration of the law. You are putting every person in this country who has property in a fishing vessel at the mercy of the Minister; you are simply making those persons his clients. You say you have 35,000 fishermen in the Province of Nova Scotia. I do not know how many people you have in that province who are the owners of property in ships; but I am not prepared to entrust those people with the franchise, with the rights of free men, and at the same time make them the bondmen of a Minister of the Crown. That is what you are proposing to do. That is what this Parliament ought not to do. It ought never to give its sanction or countenance to a measure of this sort. It is a monstrous thing for a Minister to come to this House and ask us to place all the property of the fishermen and the proprietors of fishing vessels in Nova Scotia, at the mercy of a Minister of the Crown. My hon. friend has said that you cannot interfere with men fishing with purse-seines beyond the three-mile limit. You have no jurisdiction over them, and you do not attempt to interfere with them. The decision of the court in England, in the case of *Long v. Rutledge*, held that when you went beyond the three-mile limit your rights had to be determined by the Imperial Parliament and the law of the Empire, and not by the law of a particular colony; and it would be useless, if you had the power, to legislate with regard to the waters beyond the three-mile limit when you could not control the fishermen of other countries fishing beyond that limit. But within that limit you have the power. The fisherman may be very near the border line. The court may decide that he has come too near—that he ought not to have come so near. It may assume from the evidence that he has been just within the three-mile limit. The preponderance of evidence may favour the contention that he was, and the penalty may be made very little, only \$50. But the confiscation of the vessel must be had all the same, and there will be an appeal to the Minister as a matter of course; and I will venture to say that there will be no penalty imposed under that law in which the party will not go to the Minister, if not to get rid of the penalty, he will to get rid, at any rate, of the act of confiscation. The hon. Minister will necessarily agree to that, for if the party has to pay \$500 that will be regarded as adequate, in ninety-nine cases out of a hundred, without the