

Continued from first page.

mon have been caught in Placentia and St. Mary's Bay, and in very many cases the fishermen there who previously did well, were deprived of the means of living by the operation of the Act. He considered, although a five inch and half mesh has been asked for, that a five inch mesh would suit all the requirements. In Placentia district they never salmon larger than seven pounds weight, which could not be secured by a six inch mesh.

Hon. Mr. Winter—With regard to the principle of the measure before the House, he should feel disposed to give his support, provided its application were confined to the deep sea fisheries only. In other words, that the law, as it at present exists, should not be interfered with as far as the inshore fisheries were concerned. He should like to see the restrictions under the present Act removed in reference to the deep sea fisheries in all parts of the island. He himself presented a petition from the district of Burin during the first session in which he held a seat in this Legislature, praying for an alteration in the present law. The petitioners set forth that the compulsory use of the larger size mesh in the prosecution of the herring fishery, as far as they were concerned, practically to drive them altogether from engaging in this fishery. This is certainly a very great hardship upon those people as well as upon those of other districts engaged in this industry. He would therefore recommend that the restrictions should be removed generally, as far as the deep sea fishery is concerned. In that form only he should be happy to support the measure.

Hon. the Premier was sorry to see the Bill introduced, because it asks to repeal a measure which he believed would work beneficially to general interests of colony. The use of the smaller mesh of five inches has resulted in almost the extinction of the salmon fishery. Where there was a few years ago a considerable number of tierces taken there is very little now taken. In the session of 1866 a committee was formed from both branches of the Legislature to consider and report upon this matter. A considerable amount of evidence was adduced, and the unanimous recommendation of the committee was that no smaller size mesh than six inches ought to be made legal. Some were in favor of seven inch mesh. It was than put forward that if such a law was passed, a great deal of property in the shape of nets, would be rendered useless. The reply then given was that they were legislating for the protection of the salmon fishery, and not for that of the nets. The same observation was made to-day. He [the Premier] was chairman of that joint committee, and they endeavored to get the best possible evidence from Mr. Thos. Knight, and others, who were engaged largely in the fishery. From the evidence of such competent persons he felt satisfied that they arrived at the proper conclusion in limiting the size of the mesh to six inches. The arguments of the hon. the Speaker go entirely to the deep sea fishery, and so far as that is concerned there would appear to be some grounds for the position which he assumes. The hon. Mr. Winter would seem to take the same view of the question. To that extent he would agree with them and no further. They know as a matter of fact, that since the restitutive laws were adopted in Great Britain they were teeming with fish. The same may be said in reference to the neighbouring Province. If it is intended by the present Bill to extend its provisions to the rivers, streams and estuaries, our salmon will, in a very short time, be a fishery of the past in this colony, and they will be compelled to have recourse to fish-breeding establishments to restock them. I they limited the provisions of the present Bill to the deep sea fishery, he had no objection to the measure.

Hon. the Speaker—They had no idea to extend the provisions of the present bill to the inland fishery, but simply to confine it to the deep sea fishery.

Mr. Little—The hon. introducer of this measure, Mr. Rice, has during the time he has been in the House evinced a marked interest in the large and important district which he represents. He has now brought in a measure which a year ago called forth a lively debate, and upon which, before a select committee, a great deal of evidence was taken. But after all was done, it seems we were

all at sea with regard to the subject upon which we then legislated. Mr. Rice has now shown forth by the questions which he has presented, and by the opinions evoked by the debate on this Bill, that we were mistaken upon the matter, but while he agreed with the gentleman upon the proposed measure, he [Mr. L.] was surprised that the Act should be intended to apply to the district of Twillingate and Fogo alone. If the principle advanced by the hon gentleman is sound, why restrict its operation to one district? Why not make it apply to other districts Placentia and St. Mary's? Where are the representatives of other distant localities that they do not seek to have this Bill apply to their district? He (Mr. L.) did not intend to offer any opinion or advise the House upon this question. He was not sufficiently well acquainted with the details of the salmon fishery to be in a position to say whether a four inch net was preferable to a six inch, but it struck him as anomalous that while hon members agree with the principle of the Bill introduced by Mr. Rice, they should attempt to have its provision apply to their districts.

Mr. Parsons gave his support to the measure introduced by Mr. Rice, and congratulated that hon. gentleman upon his first attempt at legislation. He (Mr. P.) hoped that the fishermen of Twillingate and Fogo would recognize in a substantial manner the efforts of the hon. gentlemen, Mr. Rice for their benefit.

Hon. the Speaker here proposed an amendment, which was put and carried. The Committee then rose and reported the Bill as amended.

Pursuant to the Order of the Day Mr. Parsons moved the Second Reading of the Bill relating to Sealers wages.

Mr. Parsons—The object of the present bill is to give Sealers the privilege of obtaining the wages earned by them upon the first voyage in case they do not proceed on the second voyage. It appears that at present sealers are compelled to sign agreements which are very oppressive. By these agreements they are bound to proceed on the second and sometimes on the third voyage at the option of the master. This is a great hardship and one which presses very hard upon the class which it is the duty of the Legislature to protect. In many instances these men are unable to protect themselves from the evil consequences of these oppressive agreements. In the spring of the year the sealers are compelled to go to the ice to obtain a few pounds for their families after an absence of three or four weeks they return and are compelled to leave their vessels from the lateness of the Spring calling them to their other avocations. If however, they leave the vessel they will according to their agreement, forfeit what they have earned on the first voyage. This is a great hardship, and one which this bill proposed to remedy. It is very easy for masters to obtain another crew, but they are only too anxious to press the crew of the first voyage to go, in order that they may obtain the shares of those unfortunate sealers who may be compelled to remain ashore. So far had the masters of steamers gone in these oppressive agreements that in some instances they have inserted a clause that in case the sealer is prevented by illness or even death from going on the second voyage neither the sealer nor his representatives are entitled to his share earned on the first voyage. What he proposed now by this bill was to give the sealer his share of the first voyage, notwithstanding any agreement to the contrary. He would therefore propose the second reading of this bill.

The Bill found no Seconder.

Mr. Greene, in moving the second reading of the bill, said that experience had shown the inconvenience of applying to bills of lading the principle of a close in action, which not being assignable in law must still be sued for in the name of the original contracting party. In view of this the Imperial Legislature had passed an Act with the following preamble which lucidly explains its object and requirements: "Whereas, by the custom of merchants a Bill of Lading of goods being transferable by endorsement the property in the goods may thereby pass to the endorsee, but nevertheless, all rights in respect of the contract contained in the Bill of Lading continue in the original shipper or owner, and it is expedient that such rights should pass with the property; and whereas it frequently happens that the goods, in respects of which Bills of Lading purport to be signed, have not been laden on board, and it is proper that such Bills of Lading in the hands of bona fide holder for value, should not be questioned by the master or other person signing the same on the grant of the goods not having been laden as aforesaid."

At present in Newfoundland and prior to the passing of the Act before referred to, namely, the 18 and 19 Vic. Cap. 15, the right of property passed by endorsement of a Bill of Lading, but the right of action did not pass. The result has been that great inconvenience has arisen in having to obtain his leave so to do. In giving this party security against any possible loss or costs, that may be incurred and in having to give the defendant security for costs, the party whose name it is desirable to use being in the gener-

ality of cases resident abroad. Again it is desirable that the same law should prevail in this country as in England. The object of the present bill to assimilate the law and let the right of action follow the right of property.

Hon. Mr. Shea seconded the motion for the second reading of this measure, which he thought would meet the approbation of the House as it would prove a most useful. It must be apparent that an assignment of a bill of lading would be entirely worthless if all the rights of the original owner did not vest in the assignee.

The bill was then read a second time, to be committed to the whole House to-morrow.

Hon. Surveyor General presented the report of the Select committee upon Crown Lands Act, and moved that the report be received.

Ordered that the said report be committed to the whole House on to-morrow.

The order of the day having been gone through.

Acting Financial Secretary (Mr. Winton) presented a petition from Jno. C. Dornay and others, inhabitants of Greenspond, praying for the extension of Telegraph communication to that important locality. The petition had appended to it the signature of the most influential parties upon the northern side of Bonavista Bay. Greenspond was directly in the track of the whole Labrador fleet, either going to or returning from that fishery, and was made a harbor of refuge by many homeward bound craft, there being no other port of refuge for such craft, between Seldom-Comesby and Catalina. All the arguments that had been advanced in favor of the extension of Telegraphy to other northern ports applied with equal or still greater force in the present instance. He [Acting F. S.] will present an address to His Excellency the Governor in Council, so as to keep the matter under the observation of the Government to the end, that steps might be taken to carry out the wishes of the petitioners without unnecessary delay.

Dr. Skeleton expressed his pleasure in warmly supporting the petition presented by his colleague. He regarded the northern as the most important side of the Bay, and Greenspond itself as second to no part in the district in importance. From the immediate neighborhood a number of steamers started for the seal fishery, as well as a large fleet of sailing vessels. The Labrador and shore fisheries were prosecuted with great industry, and his hon. friend had said the port was made a harbor of refuge for numerous craft returning from the Labrador, with valuable cargoes. During the whole of the winter months Greenspond was as much insulated as the most extreme northern ports, but this isolation would be very much less felt if it were connected by telegraph with the capital. He [Dr. S.] felt strongly upon this matter and felt constrained to say that he would like to see the work commenced at once.

Ordered, that the petition lie on the table.

Hon. Attorney General, as Chairman of the Select Committee appointed to consider the report of Messrs. Kinnipie and Morris respecting the sewerage of St. John's, begged to present the Report of that Committee, which, upon motion was received.

Hon. Attorney General also presented the report of the Select Committee appointed to consider the Act relating to trial by jury, and moved that the Bill be read a first time. The Bill was accordingly read a first time, ordered to be read a second time to-morrow.

Hon. A. Shea presented a petition from the inhabitants of Harbor Grace, praying that a cross street, be opened at Harvey Lane to connect Water Street with Harvey Street. He said the want of this communication was much felt, but he thought before any step was taken the views of the parties through whose land it was to pass should be obtained, for the extreme pretensions of land owners in such cases often bar the accomplishment of desirable objects. He was assured that however much the people might desire this improvement sought for, they were not willing to pay an unreasonable price to the owners of the land and that in estimating the value, regard should be paid to the improved value this street would give to the remaining land, and of which the owner would have the benefit. He would move an address to the Governor to have the subject considered, and hoped a satisfactory arrangement would be arrived at.

Ordered that this petition lie on the table.

On motion the House then adjourned till to-morrow at 3 1/2 o'clock.

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