

other than 250 yards, and the officers have the power to determine that the nets shall be set at a greater distance apart than 250 yards. It also provides that nets shall not be set within 200 yards of the mouth of any stream, nor in pools where salmon come to spawn. These are very stringent provisions which, if properly enforced, would sufficiently protect the salmon. But they are not enforced. The officers, as a general rule, are only noted for drawing their salaries. The salmon are thus allowed to be destroyed in consequence of the dilatoriness of the officers of the department. It does appear to me that it is about time for this Government to cease restricting the liberties of the people, whom they are driving away by their legislation as fast as they can. The hon. the Minister of Marine was scarcely appointed to that office when he passed an order forbidding the dropping of sawdust into the streams from saw mills, and closed down nearly all the mills in the Province of Nova Scotia in the interests of the salmon fisheries. What is to become of the men who work in the woods at the lumber business? They will have to leave the country. Having driven these men away, he now proposes to drive others away by prohibiting them from catching salmon. He ought to know that the farmers who came and settled on these streams did not come because of the value of the land, in many cases, but because the streams afforded them the means of providing food and support for their families, and in this way they enjoyed the privilege of fishing for salmon up to the present. Now, we are to be told that they are not to catch for their own table. It is a monstrous proposition, and the hon. gentleman will find it is considered monstrous when he comes down among the people who are in the habit of fishing salmon.

Mr. BURNS. In the remarks I am about to make on this subject, I will not attempt to deal with the constitutional question involved. That is a matter I leave to the determination of the legal minds of the House, but more especially to the determination of the law officers of the Government, who, I presume, gave it serious consideration before introducing this Bill. I desire to express an opinion entirely different from that expressed by the hon. member for Northumberland, whose opinion I have a very great respect for, but who, I am afraid, has allowed his somewhat bellicose disposition this evening to run away with his judgment. For the purpose of making a point, he has named to the House several rivers, which impliedly would be affected by the operations of this Bill. He has named the Richibucto, the Buctouche, Tabusintac, Kouchibouguac—and he might have gone on and cited a number of others in which there are no salmon at all. On the whole north shore of New Brunswick there are only two salmon rivers, in any portion of which nets have been set, namely, the Restigouche and the Miramichi. Now, the opinion I have to express, and it is an opinion I have formed after careful observation, and can express with confidence, is that it is materially necessary, in the interests of the salmon fisheries of the northern part of New Brunswick especially—I do not propose to deal with the River St. John, because I am not so familiar with that locality—that fishing by nets should be prohibited in non-tidal waters. To-day I believe there are in the Restigouche only two or three nets above the point called the head of the tide. On the Miramichi there are perhaps a larger number, but whether that number be great or small, in the interests of the coast fishery, which is the commercial salmon fishery of New Brunswick, it is absolutely essential and necessary that fishing by net should be prohibited in non-tidal waters. The number of fish that have been caught in the nets above tidal waters may not be very large, but they are usually caught at the season of the year when they are full of spawn. If it is necessary to protect the spawning grounds at all,

it is necessary to prohibit the use of nets. It has been stated that this legislation is introduced at the instance and for the benefit of sportsmen. Well, I have no particular prejudice in favor of so-called sportsmen, in favor of those who come from abroad and monopolize our streams because they may happen to have more money than those who live on them; but I will do them this justice, that to the sportsmen a very considerable amount of credit is due for the manner in which they contribute to the protection of the streams. It is in their interest that the streams should be protected, and the fish allowed to propagate. It is also in the interests of the Provinces that this legislation should be passed, because anything you can do to enhance the value of the up-river fisheries, the fly fisheries, will be a benefit to the Province. So that not only from a provincial, but from a Dominion and a commercial standpoint, there are important reasons why this legislation should go through. As regards the last provision of the Bill, which prohibits the use of swing nets in catching of salmon, I must confess I was considerably alarmed when I first read the Bill, but my apprehensions have been removed by statements from the Minister of Marine and his deputy, that the term swing nets used in the Bill is not meant to apply to that part of salmon nets which are commonly called swings. On every stand of salmon nets, there are certain portions or extensions from the main net which are called swings, and naturally the salmon fishermen on the coast were considerably alarmed on reading this Bill.

Mr. MITCHELL. Will the hon. gentleman state what he means by swing nets?

Mr. BURNS. If the Minister permits me, I will give the definition of it. It is a net fastened at one end, loose at the other end, with the exception that it may be perhaps kept from moving to a great distance by a line fastening it. In other words, one end being fastened, the other end is at liberty to swing right or left to a certain distance. So that term of swing nets cannot apply to the swings now used in connection with the salmon nets; in fact this provision has been in the Fishery Act for the last twenty years, and, therefore, no apprehension can be felt on that score. If I had not received that explanation and that definition and had not found that the term had been in the Act for the last twenty years, I should have felt it my duty to my constituents to oppose this Bill, but because my apprehensions have been allayed, and I believe it is very necessary in the interests of the coast salmon fisheries of New Brunswick, that fishing with nets in non-tidal waters should be prohibited, I shall vote for the Bill.

Mr. AMYOT. (Translation.) Mr. Speaker, I wish to explain, in a few words, the vote I am going to give on this matter. I find in the Revised Statutes the Fishery Act, section 8, sub-section 5, the general law of the country that excepts from its effects the Provinces of Nova Scotia, New Brunswick and the lakes in the Province of Ontario. I am at a loss to understand the grounds for such an exception—because we should have a general law for the whole Dominion—and there was not a single reason why those Provinces, in so far as fisheries are concerned, should not be under the general law of the country. Therefore, I shall vote for the amendment moved by the hon. gentleman. I wish it to be understood that I am expressing no opinion on the question of jurisdiction and should that question be brought up, I should have further remarks to offer to the House. The sawdust matter was also brought up. I, for one, am opposed to sawdust being let in the rivers by mill owners, in so far as it tends to destroy the fish. I shall, therefore, favor any law that will prevent sawdust being thrown in the rivers. We could not guard the fishing by too many wise measures, for the fish is rapidly decreasing in our inland waters. Our rivers fall into larger rivers or into the