

search her cargo, and may also examine the master upon oath touching the cargo and voyage; and if the master or person in command does not truly answer the questions put to him in such examination, he shall incur a penalty of 400 dollars; and if such ship, vessel, or boat is foreign, or not navigated according to the laws of the United Kingdom or of Canada, and (a) has been found fishing, or preparing to fish, or to have been fishing in British waters within 3 marine miles of any of the coasts, bays, creeks, or harbours of Canada, not included within the above-mentioned limits, without a licence, or after the expiration of the term named in the last licence granted to such ship, vessel, or boat under the 1st section of this Act, or (b) *has entered such waters for any purpose not permitted by Treaty or Convention, or by any law of the United Kingdom or of Canada for the time being in force, such ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited.*

"2. The Acts mentioned in the Schedule hereto are hereby repealed.

"3. This Act shall be construed as one with the said 'Act respecting fishing by foreign vessels,' and the amendments thereto."

SCHEDULE.

Acts of the Legislature of the Province of Nova Scotia.

Year, Reign, and Chapter.	Title of Act.	Extent of Repeal.
Revised Statutes, third series, c. 94 ..	Of the Coast and Deep Sea Fisheries ..	The whole.
29 Vict. (1866), c. 35 ..	An Act to amend chapter 94 of the Revised Statutes, "Of the Coast and Deep Sea Fisheries" ..	The whole.

Act of the Legislature of the Province of New Brunswick.

16 Vict. (1853), c. 69 ..	An Act relating to the Coast Fisheries and for the prevention of Illicit Trade ..	The whole.
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By comparing the foregoing with the Law of 1870 the object will, in the italicised portion of the former, be clearly discovered, which is to deter deep-sea American fishermen from entering Canadian ports, which are as open to all trading-vessels as American ports are to Canadian vessels of every sort.

Forfeiture is to be inflicted for an entry for any purpose, excepting shelter, repairs, wood, or water. Even to get coal for a fishing-vessel propelled by steam is condemned. What the purpose may be for which seizure is to be made may or may not be disclosed by the seizer. The Statute does not require it. The libel, or complaint, filed in Court may not disclose it. The averment may be merely a general one that the vessel entered for a purpose forbidden by Treaty or Statute. The owner must file a claim and answer, or his property will be condemned by default. He must, among strangers, give security for costs, or his claim will be dismissed. Worse than that, the Statute of 1868 declares that, if the owner questions the legality of the seizure, the burden of proof shall be on him. How can he meet a general averment and prove a negative of what is not definitely averred, and of every conceivable purpose of entry? None but the captain may be able to testify to the motive, and what will happen if he, after the seizure, shall die or be absent! The owner will be helpless to contend with the greed of informers or seizers, for the Law of 1871 distributes the possible plunder thus:—

"6. All goods, vessels, and boats, and the tackle, rigging, apparel, furniture, stores, and cargo condemned as forfeited under this Act, shall be sold by public auction, by direction of the officer having the custody thereof, under the provisions of the next preceding section of this Act, and under Regulations to be from time to time made by the Governor in Council; and the proceeds of every such sale shall be subject to the control of the Minister of Marine and Fisheries, who shall first pay therefrom all necessary costs and expenses of custody and sale, and the Governor in Council may from time to time apportion three-fourths or less of the net remainder among the officers and crew of any Queen's ship or Canadian Government vessel from on board of which the seizure was made, as he may think right, reserving for the Government, and paying over to the Receiver-General, at least one-fourth of such net remainder, to form part of the consolidated revenue of Canada."