

that a system of licenses should exist, and to the effort to prevail upon them to withdraw opposition to it and agree that it might be maintained. I am very glad, indeed, to be able to say that in that effort my hon. colleague has fully succeeded, and that by making concessions which he thinks are not of consequence practically, and which cannot do any injury to our own fishermen, to the fisheries, or to our system of maintaining licenses, he has been able to remove the objections which at the outset were very strongly entertained by the United States government to the continuation of these matters. In the result, we have agreed to recommend to council an alteration in three respects in our existing licensing regulations; and upon these alterations being made, the United States withdraws the continuation of its objections, not only to these features of our laws and regulations, but to the whole body of our existing fisheries legislation and regulations.

Of these three changes the first respects fishing for cod or herring by trap nets. Our existing regulation in that regard provided that such a thing should not be permitted in the Gulf of St. Lawrence without a license from the Minister of Marine and Fisheries. The modification to which we have assented is that this requirement of a license shall not extend, either as to Canadian or United States fishermen, to the case of a trap net set for either cod or herring, at a distance of a thousand yards or more from shore, or from any similar net which is set from the shore. In other words, we modify our regulation in that respect, so that whenever a United States fisherman finds a position enabling him to set his cod or herring trap net a thousand yards or more away from the shore, and also the same distance away from any other herring or cod trap net which is set from the shore, he may take that unoccupied position a thousand yards distant without requiring first to get a license. We exempt him in those circumstances, and we exempt the Canadian in those circumstances, from the requirement to take a license.

The second modification was one that we assented to at once on the practical effect of the present regulation being pointed out. The present regulation requires the leader of any herring or trap net to extend in every case from the shore; and it was pointed out on the part of the United States that we at any rate questioned their right to land for the purpose of taking fish. They did not concede that our position in that regard was correct. But they pointed out to us that we took the position that they had no right to land on the shores, for instance, of the Magdalen islands, and they said:

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If your regulation as to trap nets, both for cod and for herring, requires that the leader shall in every case extend from the shore, how is our fisherman to plant his leader, his anchor? He cannot do it from the water, and your regulation therefore practically prohibits him from participating in that manner of fishing. We conceded the position without hesitation, and agreed to substitute for our present regulation in that regard a provision by which, if the leader of a cod trap or herring trap net extends from the shore, the fishery officer may determine, in writing or orally, the length of the leader that shall be used, leaving the regulation silent on the subject of trap nets set for cod or herring where the leader starts from a location below low water line, leaving, by implication, the right, to either a Canadian or a United States fisherman, to set a cod or herring trap net with a leader starting from a location, not on the shore, but below low water mark. With that modification the regulation in question was not further objected to.

Then the final change is the addition of a regulation applying equally to herring and cod trap nets, which the representatives of the United States asked for, and which seemed to us no more than their right. It will be remembered that under the terms of the treaty of 1818 the inhabitants of the United States are given liberty forever to take fish of every sort in these waters in common with British subjects. The use of the phrase 'in common with British subjects' seems to imply equality of right on the part of such inhabitants of the United States as may choose to come to those fishing waters, to ply their avocation there under the like conditions in every respect as might apply to British subjects. In that view, it was said on the part of the United States last week that if we were intending to maintain our licensing system, and they were tacitly acquiescing in it, there ought to be a recognition on the face of our regulations that an inhabitant of the United States applying for a license from our government should receive it under the ordinary rules and regulations, and in the like circumstances, as would govern if a British subject applied for such a license. I think the likely effect of such a regulation being accepted by the United States, or of their fishermen taking our licenses, would be the clearest possible recognition on their part of our system and of its propriety; and in that view, there being no objection to this proposal from the standpoint of our fishermen, it seemed to me, looking at it from a lawyer's point of view, that it would be rather an advantage to Canada that it should be present in our regulations than that it should not. Accordingly, we have