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SESSION 1929

HOUSE OF COMMONS

SELECT STANDING COMMITTEE

OF

Marine and Fisheries

REPORT OF PROCEEDINGS AND EVIDENCE

IN CONNECTION WITH THE

INQUIRY

INTO THE STATE OF THE FISHERIES OF THE PROVINCE OF ONTARIO

BY THE SELECT STANDING COMMITTEE OF THE HOUSE OF COMMONS

SESSION 1929
HOUSE OF COMMONS

SELECT STANDING COMMITTEE

ON

Marine and Fisheries

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 1—MARCH 13, 1929

WITNESS:

Rev. Father Alfred Boudreau, Petite de Grat, C.B., Nova Scotia.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1929

MEMBERS OF THE COMMITTEE

WILLIAM DUFF, Esq., *Chairman*

Messieurs

Bancroft,	King (<i>Kootenay East</i>),
Beaubien,	MacDonald (<i>Cape Breton South</i>),
Bissett,	Macdonald (<i>Kings</i>),
Blanchard,	Macdonald
Bourgeois,	(<i>Richmond-West Cape Breton</i>),
Brady,	MacLaren,
Cantley,	MacLean (<i>Prince</i>),
Cardin,	McPherson,
Delisle,	McQuarrie,
Dickie,	McRae,
Dionne,	Morrissy,
Duff,	Neill,
Dussault,	Pouliot,
Ernst,	Quinn,
Fansher (<i>Last Mountain</i>),	Short,
Garland (<i>Bow River</i>),	Sinclair (<i>Queens</i>),
Grimmer,	Smith (<i>Stormont</i>),
Jenkins,	Ward.

E. L. MORRIS,

Clerk of the Committee.

ORDER OF REFERENCE

FRIDAY, February 15, 1929.

Ordered,—That the Select Standing Committee on Marine and Fisheries be empowered to examine and inquire into all such matters and things as may be referred to them by the House; and to report from time to time their observations and opinions thereon, with power to send for persons, papers and records.

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

FRIDAY, February 22, 1929.

Ordered,—That the following Bills be referred to the said Committee:
Bill No. 25, an Act to amend the Fish Inspection Act.
Bill No. 26, an Act to amend the Fisheries Act.

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

THURSDAY, March 7, 1929.

Ordered,—That the name of Mr. Garland (Bow River) be substituted for that of Mr. Luchkovich on the said Committee.

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

TUESDAY, March 12, 1929.

Ordered,—That the said Committee be given leave to print five hundred copies in English and two hundred and fifty copies in French of the proceedings and evidence taken from day to day before the said Committee, for the use of the Committee and Members of the House; and that Standing Order 64 be suspended in relation thereto.

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

REPORTS OF THE COMMITTEE

FIRST REPORT

THURSDAY, March 14, 1929.

The Select Standing Committee on Marine and Fisheries beg leave to present the following as their First Report:

Your Committee recommend that they be given leave to print five hundred copies in English and two hundred and fifty copies in French of the proceedings and evidence taken from day to day before the said committee, for the use of the Committee and Members of the House; and that Standing Order 64 be suspended in relation thereto.

All of which is respectfully submitted.

WILLIAM DUFF,
Chairman.

MINUTES OF PROCEEDINGS

ROOM 425, HOUSE OF COMMONS,

WEDNESDAY, March 13, 1929.

The Select Standing Committee on Marine and Fisheries met at the hour appointed, 11 o'clock a.m. this day, Mr. Duff, the Chairman, presiding.

Members of the Committee present: Messieurs:. Bancroft, Beaubien, Blanchard, Bourgeois, Cantley, Dickie, Dionne, Duff, Ernst, Garland (Bow River), Grimmer, Jenkins, MacDonald (Cape Breton South), Macdonald (Kings), Macdonald (Richmond-West Cape Breton), MacLean (Prince), McQuarrie, Neill, Quinn, Short, Sinclair (Queens).—21. (See list).

In attendance: The witness, Rev. Father Boudreau of Petite de Grat, Nova Scotia.

Mr. Johnston, Deputy Minister, Department of Marine and Fisheries;

Mr. W. A. Found, Deputy Minister of Fisheries;

Mr. J. J. Cowie, Superintendent of Fish Curing and Packing.

The Chairman opened the meeting and announced to the members present that Father Boudreau, who represented the interests of the fishermen of Eastern Nova Scotia, was present and if the Committee were agreeable he would like to state the case of the fishermen of that section of the country. Agreed to.

Father Boudreau called and made statement, which follows in evidence.

Questions were asked by the Committee which the witness answered, and considerable discussion followed.

Mr. Macdonald (Richmond-West Cape Breton) submitted report of Special Committee on Fisheries, appointed by the Municipal Council of Richmond County, which he read to the Committee, and which, by unanimous consent became a part of the evidence taken.

The Chairman stated that if the Committee were agreeable he thought perhaps it would be advisable to have a little time to look over the evidence submitted before another meeting of the Committee, so that the members of the Committee would be in a better position to form their opinions as to the measures to be considered.

Agreed to.

Mr. Neill moved that the Committee adjourn.

Meeting adjourned to the call of the Chair.

E. L. MORRIS,

Clerk of the Committee.

MINUTES OF EVIDENCE

ROOM 425, HOUSE OF COMMONS,

WEDNESDAY, March 13, 1929

The Select Standing Committee on Marine and Fisheries met at 11 o'clock a.m., the Chairman, Mr. Duff, presiding.

The CHAIRMAN: On Monday we decided to adjourn until this morning in order to give Father Boudreau an opportunity to be heard before the Committee. Father Boudreau is here from Nova Scotia and he is very much interested in the fisheries of that province, and especially in the County of Richmond where he lives.

REVEREND FATHER ALFRED BOUDREAU, called and sworn.

By the Chairman:

Q. What is your full name, Father?—A. Alfred Boudreau.

Q. Of where?—A. Petite de Grat.

Mr. CHAIRMAN and GENTLEMEN: I am here by the good grace of Providence undoubtedly, also through the courtesy of your genial Chairman, and the goodwill of your honourable body, for all of which I am very thankful. I was sent here as a delegate of the fishermen of eastern Nova Scotia, who have organized groups in six of the eastern counties of Nova Scotia. They have subscribed to pay my expenses here.

Some two years ago we started an organization of the fishermen down there. At the present time, we have about 55 per cent of the fishermen enrolled and they are coming in all the time. We expect that within a few years' time we will have the whole of the eastern coast of the island organized.

As you are no doubt aware, about two years ago some of those interested in the fisheries—clergymen, laymen and fishermen—alarmed by conditions which were rapidly growing worse, and alarmed at the rapid increase of the exodus of our fishermen, decided that some effort should be made to stem this tide of emigration among our people, and to see if something could not be done to alleviate the distress. I was one of the first to cast in my lot with the fishermen. I had before my eyes—and I still have—the very gruesome picture of distress and poverty, numerous heads of families, fishermen, working hard, facing death itself sometimes in storms and unfortunately losing their lives too often—I lost three men in one week in the fall of 1927—unable to get the bare necessities of life. I found in many homes evident signs of undernourishment—little houses with just a kitchen room and sitting room combined. Meat in many of those homes was a luxury. I found that the children could not have the proper amount of milk that they should have. Why, the very picture of those people walking along the street was enough to show that they were undernourished. I found a large number of children unable to attend school in the winter time for lack of proper clothing, and I found a still larger number had to be taken from school at an early age, say around the age of twelve, in order to help their fathers fish. I went around the coast, and everywhere I went I found signs of poverty and distress. I do not mean the western part of Nova Scotia. Conditions are a little better up there. And, strange to say, up there from Halifax west the companies have always been able—I do not know for what

[Rev. Father Alfred Boudreau.]

reason—to pay a higher price for the fish. They have no beam trawlers operating on that coast except one that was built last year, a small baby trawler. There the companies are very much more interested in keeping the fishermen at home. They treat them as well as they can and encourage them to remain in the industry, and they have always paid them a higher price than we get where the beam trawlers are operating. The conditions that I am depicting only obtain on the eastern coast. I do not want to say that they are general all over Nova Scotia. And so in travelling along the eastern coast I found everywhere evident signs of distress. I found the fishermen discontented and disgruntled, complaining all the time, and even offering their boats for sale and their gear for sale. Very often they could not sell it and it was allowed to rot on the shore or in the outhouse. The young men were leaving as fast as they could, and some of the older men were talking of leaving.

The question arose in my mind, why all this? Are our people lazy? Undoubtedly we find laziness in every class of people, perhaps even amongst clergymen themselves. But it can hardly be said that people who have to work hard all day and get up at two or three o'clock in the morning in all sorts of weather, to begin another day's work, are lazy. That is what our fishermen have to do.

It is the lack of fishing grounds? Why, we have the largest and the richest fishing ground in the world I suppose. It is true that for a number of years the inshore fishing is not so abundant as it used to be. The fishermen tell me that twenty years ago they could take a little rowboat or sailboat and load that boat any time any fishing day, and sometimes they would have to make two trips. But for a number of years that has not been so. We have to go farther and farther off shore to catch the fish, and even at that the catch is not so abundant as it used to be. While statistics may show that the catch of fish has increased, I can explain that by the fact that new methods of fishing have come into use, such as beam trawlers which catch immense quantities of fish. And there are also the fishing traps which catch a lot of fish. We have now quite a number of those fishing traps all along our coast. It is a fact, however, that all along the eastern coast the inshore fisheries are declining. The catch is falling off, and, as I say, we have to go further and further off shore to catch the fish. And here you have one source of the trouble, as far as I can see. The fishermen have had to discard their small rowboats or sailboats and they have had to equip themselves with larger boats, and have had to buy motor engines, which are costly things. The price of gasoline is very high.

Since the war we have had a tremendous increase in the cost of living and in the cost of equipment. In some cases the increase in the cost of equipment has gone up three hundred per cent. Some fifteen or twenty years ago you could buy a net for perhaps five or six dollars. To-day it costs eighteen or twenty dollars. To meet this situation, we have not had a sufficient increase in production, neither have we had a sufficient price for our fish. On the one hand you have an increase in the cost of living, and a tremendous increase in the cost of equipment, and, on the other hand, the fishermen have not been able to bring up the production sufficiently, nor have they been able to get a sufficient price for their fish. The consequence is that we have large families of fishermen trying to subsist on four or five hundred dollars a year. I do not see how they do it. And so it is we have distress and poverty.

To prosecute the fishing industry as it should be prosecuted the fishermen should have still larger boats than they have at the present time, and more power, but very few of them are in a position to secure better equipment. They have not got the money, nor have they the credit. That is why when the Royal Commission was around we asked the Commissioners whether it would not be possible to have the government establish a system of long-term loans to fishermen as has been done for the farmers.

That is quite an important matter. If the fishing industry is organized and put on a proper working basis, it will be a long time before many of our fishermen will be able to take advantage of these improved conditions through lack of proper equipment. And if it is true that the prospects are brighter for the fishing industry, and that in the course of time conditions will improve, if it is true that the Department in conjunction, of course, with the personal initiative of the fishermen themselves, will be able to so arrange matters that the industry will be put on a proper basis, then I do not see why the fishermen should not be able to meet their obligations, why they should not be able to repay the loans. If we are going to make the fishing industry prosperous they will be in a position to repay their loans.

To my mind some system of insurance should be devised to take care of boats lost through accidents, the fishermen themselves paying the premiums.

Is the source of all this trouble, of the miserable conditions existing in the fishing industry, due to the lack of markets? Ever since the fresh fish business was established, some twenty or twenty-five years ago, and the big fish corporations were organized, and the large cold storage plants erected, we have been told on all sides that the markets have expanded tremendously. These big fish corporations that divide up the trade have opened up new markets; at least, that is what they say. We have had markets; we must have had them, but at the same time our people have had to move out. While they were enlarging the markets, our people were moving out all the time, going to the States by the thousands, fishing out from Boston and Portland.

Is it due to the lack of buyers? I do not think so. For example, around my district we have the four largest fish corporations in eastern Canada buying. They have been buying there ever since the fresh fish trade came into existence. We have no trouble in selling our fish; so that cannot be the case.

To our mind, the source of the trouble is this: the increased cost of equipment and the increased cost of living, coupled with the insufficient price secured for the fish. In Cape Breton, and some other parts of the coast of Nova Scotia, until last year haddock in the spring and summer were sold by the piece—three cents a piece and sometimes two cents. I say by the piece, not by the pound. A big haddock weighing ten or twelve pounds only brought three cents to the fishermen, sometimes only two cents. That same condition obtained again this year in Ingonish, for example. That is all the fishermen got for their fish. I am not talking about the fall prices. The fall prices are always a little better. This year, however, around my place that was not done. The haddock was bought by the pound, one cent a pound. That is for the spring and summer catch. In the fall and winter the price goes up a little higher. But it is pretty hard for fishermen to buy expensive equipment and meet the cost of living at such prices. It is impossible, and that is the reason why they are moving out all the time. And they will continue to move out unless they are able to secure better prices for their fish.

Not relying on our own judgment to find out all the whys and wherefores of the fisheries question, unable moreover to apply the remedies had we been able to diagnose the case correctly, we asked the government to investigate the whole situation, and the government was good enough to grant our request. They appointed a Royal Commission consisting of five members. We think the personnel of that Commission was well chosen. We had Mr. Bill, for example, of Lockport, who was in the fishing business for over thirty years. We had Mr. Robichaud who was in the fishing business for over twenty years and who knew conditions in New Brunswick well. We had Mr. Mumberquette, a practical fisherman, a man who does not say much, but a man of very good judgment. We had Professor Cyrus MacMillan, a man who had wide experi-

ence in matters of that kind, because he was a member of the Duncan Commission. Then we had as Chairman, the Honourable A. K. Maclean, President of the Exchequer Court.

It is now the wish of the fishermen that the report of that Royal Commission which, taken on the whole, is very wisely constructed, should be implemented as fully and as quickly as possible. Many recommendations were made in which we are particularly interested. They are all important, but there are some of them that we think are of major importance, and those we consider to be the following: First, the establishment of a separate Department of Fisheries, with a good man at the head of it, a man of good executive ability, and a man of energy besides, if such a man can be obtained.

Secondly, we consider that the question of long-term loans for fishermen is one of major importance, and thirdly, the biggest question of all is the steam trawler question.

We believe that the steam trawler question is at the root of the whole thing. We believe that you cannot cure an evil unless you strike at the roots of it. You might create markets in the future, as you have in the past; you might establish a department of publicity, and be as active as you please in getting larger markets, yet, if you enlarge your markets and if you are at the same time going to bring in more trawlers to supply the increased demand, and you leave out the shore fishermen, you are going to have the same conditions as we have had before; we are going to be left in the same position as we were before; and we are going to be left to the mercies of the big fish corporations, and the fisheries question will not be settled at all. There are a number of steam trawlers operated from Halifax and east, and I suppose that if we had not one single fisherman left in Nova Scotia those trawlers would be sufficient to supply the demand. The fact is that the fish corporations are dealers and producers; they produce on a grand scale, and naturally they dispose of the catch of their trawlers first, and when their cold storage plant is full or half full of steam trawler fish, they come to the fisherman and say, "We have lots of fish, but just to help you out we will take your fish; here is our price, three cents apiece for haddock, or one cent per pound." Why, it costs one cent a pound to catch fish. They cannot live on those prices.

We say that if the fishermen were given a chance, if they were given a sufficiently high price to give them some heart to remain in the industry, to get better equipment, we believe it would not be necessary to have trawlers to supply the market. Our fishermen say they can fish in all seasons to supply the market, and if they can fish off Boston and Gloucester in open vessels at all seasons of the year, there is no reason why it should not be done in Nova Scotia just as well as at Boston.

But they cannot get better equipment at one cent per pound for fish. If there is a possibility of supplying the market, and if they are given a chance, if they are told "We are going to give you a paying price for your fish, go to it and see what you can do," you would find out that in a short space of time the fishermen would be able to get all the fish they could handle.

By Mr. Short:

Q. That one cent per pound you refer to, is that not the summer price?—

A. Yes, I think I mentioned that at the beginning.

Q. I thought you said that was the price the year round.—A. No sir, that was the spring and summer price. In the fall the prices go up gradually. They might begin at one cent, then go up to a cent and a quarter, then to a cent and a half, and on haddock to two cents. That was at the close of the last fishing dates. Last summer they got one cent per pound, and a cent and a quarter for steak cod. We might consider that an improvement over summer conditions.

By Mr. McQuarrie:

Q. Would you suggest that the steam trawlers be prohibited altogether?—

A. Yes sir.

Q. You would?—A. Yes.

Q. There must be quite a large amount of money invested in trawlers operating at the present time; would you compensate those people, or what would you do about that?—A. Would they not be able to make a better use of those boats?

Q. Have you considered that phase of it?—A. However, this is yet to be said, there is this phase to it, that it must be remembered that the fishermen themselves have more money invested in the fish business than the corporations have.

Q. That may be true.—A. Here you have hundreds of boats the poor fishermen have had to buy, and they are rotting on the shore. They have had to board up their houses and leave for the United States, while their properties are going to ruin. The fishermen as a whole have between \$15,000,000 and \$20,000,000 invested in the industry.

By Mr. Garland (Bow River):

Q. Would not the question asked by Mr. McQuarrie involve the question as to whether the financial investment was more important than the human element.

By Mr. McQuarrie:

Q. Your proposal, Father Boudreau, must be one thing or the other, either that you should compensate the owners of these trawlers, or that they should be prohibited without compensation.—A. Some are owned in England. We have sixty million invested at the present time.

Q. If you prohibit the use of trawlers, do you think it would be possible to get good prices for the fishermen.—A. Yes sir.

Q. That is the solution?—A. Yes.

By Mr. Short:

Q. If they have no fresh fish in the winter season, how are you going to supply the markets when the fish go off shore, and they cannot get them in rough weather, or by hook and line.—A. I have had fishermen tell me that when it is too rough for fishing vessels to fish, it is too rough for the trawlers to fish. I have never been on the Banks, myself.

I want to say this, before I forget it, that the Chairman of the Royal Commission offered his four colleagues to compromise on the question; he offered to recommend that only five medium trawlers be allowed to operate. You see, even the Chairman himself was in favour of some restrictions upon them.

By Mr. McQuarrie:

Q. Did he state that himself publicly?—A. Not himself, but the other commissioners did.

Q. Where did you get that information.—A. From one of the other commissioners; he wrote me about it, and asked me what I thought about it.

Q. I suppose you would not care to say who that Commissioner was?—A. No, I would not like to mention his name. He wrote to me about it, and I said I was not on the Royal Commission, that he could use his own judgment about the matter. I thought perhaps a compromise would be acceptable, if there was no other way out of it.

I am only here to express the views of the fishermen; that is why they sent me here. They sent me here especially. When they got their copies of the Bill, of the Amendment to the Fisheries Act, which says something about the trawlers but places no restrictions upon them except that they must be of Canadian register—if they are of Canadian register they might have one hundred of them.

If they are going to bring in more trawlers it will leave our fishermen more at the mercy of the big corporations than before. The fishermen wired me about it, asking me if I would be able to go to Ottawa and see if this was the last word on the trawler question, that they would pay my expenses, and that if that was the last word they might as well pack up and "git". I have here a statement of what they think about it. They claim that if given a chance they can supply the markets. Since the service was inaugurated in the fall of 1927 we have increased our supply of fresh fish immensely. In that service large sections of the coast that were unable to sell fresh fish before are now selling fresh fish, and at certain times of the year, even now, with the poor equipment the fishermen are doing so despite adverse conditions. The Maritime Fish Corporation is kept busy with shore-caught fish. We have increased the quantity of our production immensely since these boats were put out, and if given a chance the fishermen will double and treble their catch in no time.

Last year the in-shore fishermen landed about 73,000,000 pounds of fresh fish, and these figures do not refer to fish put up in fillet form; almost 73,000,000 pounds of fresh fish landed by the shore fishermen, not counting what was sold as filets. That goes up into millions of pounds also.

I am told that some years ago, perhaps fifteen or twenty years ago, the Federal Government put restrictions upon the lobster canneries; and they forbade any more canneries to be erected, and no more canneries could be erected unless a license were given by the government. I am told further that all those who applied for licenses were refused. That is putting restrictions upon trade.

If the reports were correct, an order in council was passed last year forbidding the killing of the walrus up north, which was a severe blow to the fur-traders. That was done to protect the aborigines. The walrus was being depleted. It was for the benefit of the aborigines that that order in council was passed.

All these are restrictions. Would it not be better also to pass restrictions upon the steam trawlers, since the Royal Commission say that it is of no use, that either the trawler must go or the fishermen must go. Is it not a better policy for the government to retain our people here? We have no better class of men, no braver class of men, and no more rugged class of people than our fishermen. There are no more expert sailors in the British Navy than our fishermen on the coasts of Canada. They go out in snow storms at two or three o'clock in the morning, in an open boat, to do their work. They are iron men. The biggest asset we have in the country are our men; the biggest asset we have is the human asset.

By Mr. Neill:

Q. Where do the men on the trawlers come from?—A. Some are strangers, some are foreigners, some Canadians. There are only 249 men employed on trawlers. On the fishing vessels, smacks and other vessels they have about 48,000 men employed. That is what the report says; men employed on steam trawlers 249; men employed on smacks, etc., 48,519. More men are engaged in the in-shore fishing than in trawler fishing. We have more men, and our men have a lot more money invested in the fishing business than the corporations have.

When it comes to a question of formulating a policy for the fisheries, in all fairness we must consider these things. It is not fair to reject the claims of our fishermen. It is not their fault, that conditions are as they are. It is not fair that they should be told that they can go away and leave their houses to rot, that they can board up their homes and leave their lands to go to ruin, while you take care of our fish curers and our fish corporations.

We claim that that is not right, and we will not be satisfied with any policy which sacrifices the interest of thousands of our people to the interests of a few.

Permit me to say generally that our people are bitterly disappointed with this bill which is to be presented to parliament; they hope it will not go through as it is. I do not know that I have anything more to say on the question.

By Mr. MacLean:

Q. What about the destruction of fish by the trawlers?—A. The fishermen do not agree at all with that. They declare that they have found spawn floating. I will take their word for that. The fishermen themselves who have fished on trawlers say that they have pulled up a lot of spawn with the trawl, and that there must be some on the bottom also. Let us leave that side of it. Grant for the sake of argument that fish spawn has been destroyed, it cannot be denied that when you have trawlers dragging the bottom of the fishing grounds during the spawning season they will drag up a lot of fish before they have time to deposit their spawn, and they drag up a lot of young fish. On the other side of the Atlantic the fish are being depleted. On the banks they are being depleted. The minority report of the Royal Commission says that it might be advisable that the different governments interested in this fishing question should try to come to some arrangement whereby the fishing grounds would be protected from complete destruction.

It might be a good thing if some international agreement could be arrived at by which trawlers would not fish through the spawning season. We have a close season on salmon, we have a close season on trout, and we have a close season on smelts. Possibly it would be a good thing to have a close season on cod and haddock. If not, it may be found in the course of years that our fishing grounds have become depleted.

I do not know, gentlemen, that I have anything else to say on the question. There are a few other things in the bill that we do not approve of. To make the lobster season fixed by law is something that on the eastern coast of Nova Scotia is not going to work very well. Sometimes we have ice to contend with.

By Mr. Short:

Q. We have it fixed now by regulation, but the idea is to make it statutory instead of leaving it in the hands of the Department.

By Mr. Ernst:

Q. This bill provides that the season shall be changed only by Act of Parliament, not by the Department. The idea is to make it statutory, so that it cannot be changed, it cannot be extended. You have to do with ice conditions?—A. Yes. It does not happen often, but it does now and again. We have heavy ice down there now.

I will not take up any more of your time, gentlemen. I have told you what we think on these questions, and on the trawler question. Of course it is up to you to deal with the question as you think best. We have to submit to the laws of the country, and we have to abide by them, but we are not going to be satisfied unless severe restrictions are put upon the operations of steam trawlers. We consider that the fisheries question is not settled at all unless

something of that kind is done. We consider we will never have an opportunity of improving our conditions materially unless we get out of the conditions which exist at the present time, and we say that the trawler in Nova Scotia is the cause of it all.

We have the western shore fishermen, who are not in favour of the trawlers, neither are the western dealers. Mr. Bill, who signs his name to the majority report, is a fish expert, and we have the Lunenburg people, who have a trawler now. The owner of that trawler told me himself, "I am getting a trawler, not because I like trawlers but because I have to meet the competition of the other companies that have them." We have all the small operators trying to meet the competition of these big corporations who have trawlers and who get an immense quantity of fish through their trawlers. Then, in order to secure a sale they must at times quote very low prices on the market. Therefore we have very keen competition at the selling end, due to the fact that the small operators are kind of squeezed out of the markets, while the big corporations have immense quantities of fish to put on the market. The small fisherman gets a poor price, and when the price of fish is low, you can easily understand what that means to him. All that is materially affected by this question.

I do not think I have anything else to say about this matter. I am ready to answer any questions which may be asked, if I can answer them, either in French or in English. I am obliged to you gentlemen for having allowed me to put my views before the Committee to-day.

By Mr. Ernst:

Q. I would like to ask just one question. You used the words, "further restrictions." Have you any definite project in mind with regard to further restrictions? You used the words "further restrictions on the trawlers" and I was wondering if you had anything definite in mind.—A. It would be up to you people to work that out. We would be very much pleased with total abolition. We will not be pleased if we have nothing. If the majority report is kicked out altogether, it is going to be the cause of discontent and disappointment down our way.

Q. You have nothing definite to suggest?—A. I have not worked out any definite plan. You might substitute for the word "restriction" the word "abolition" if you like.

By Mr. Garland (Bow River):

Q. Father Boudreau, you quoted some figures at which fish were purchased from the shore fishermen by the corporations, I think around one cent to three cents per pound for haddock during the summer months; during the summer months, I think you said, haddock are sold by the piece?—A. In former years.

Q. In June last they were selling for 2½ cents per piece?—A. Not this last June. They were selling for one cent per pound at Antigonish. They have been sold by the piece at Antigonish for two cents apiece.

Q. I think I remember that, when I was there. Can you give the Committee any idea of the retail price of fish at that time?—A. I am told that in Halifax it was around fifteen cents; fish on the round with heads off were retailing at fifteen cents a pound, and with heads for twenty cents a pound.

Q. Mr. Chairman, I would like to ask Father Boudreau to clear up the questions asked by these gentlemen, whether he was quoting the summer prices. The summer prices were from one to one and a half cents per pound.—A. One cent to one and a quarter for steak cod, and in September and October it went up a little, until it finally ended at the last fishing days at two and a quarter cents for steak cod, one and a quarter for market cod.

Q. That is, in the round?—A. Yes.

[Rev. Father Alfred Boudreau.]

By the Chairman:

Q. With the guts out?—A. Yes, gutted.

Q. During which period of the year do the shore fishermen get the most fish?—A. There is quite a heavy run in the spring.

Q. Can you give us any idea of the aggregate price given to fishermen for their shore catch?—A. If you begin in the spring, it is pretty hard to say. It might be one cent per pound for two or three months, and then it goes up to one and a half cents. I suppose the average would be around one and a half cents off the Inverness coast. The Inverness coast was offered a collecting boat service last year, I was told, and no buyers, although we have three large cold storages, one in Port Hawkesbury, one in Mulgrave, and one in Canso. The buyers there would not guarantee to take all that the boats would bring to them.

By Mr. Short:

Q. How far are these Inverness plants away from the cold storage plants?—A. Seventy or eighty miles.

By the Chairman:

Q. They would run from ten to seventy miles?—A. About seventy miles would be the farthest. The fishermen along that coast had to salt their fish, and all they got from the local dealers was \$1.40 per hundred pounds, that is, dressed, heads off, split, the bones taken out, and all ready for the flakes. That would not amount to one cent a pound, which is a ridiculous price. Fishermen cannot live on those prices. On the eastern coast of Cape Breton, in Victoria County, we have people buying haddock for two cents apiece.

By Mr. Short:

Q. For salting purposes, or for export?—A. For both.

The CHAIRMAN: Any other questions?

By Mr. Short:

Q. Are they all the one type of trawlers that are used, or are the small baby trawlers used there too?—A. No. We have only one baby trawler in Nova Scotia.

The CHAIRMAN: They are still in their swaddling clothes.

The WITNESS: They do not condemn that kind of fishing at all. They only condemn the steam trawlers.

By Mr. MacLean (Prince):

Q. There would be only a limited number of fishermen who could get these steam trawlers?—A. Yes. They cost a good deal of money.

Q. That would work some hardship?—A. If the fishermen had them they would be all right.

Q. It seems hopeless unless a system of loans is introduced.—A. They are insistent upon that point. Some have been built this winter, but what is two or three new boats in a community of 150 or 200 fishing families.

Q. They have no capital to invest in anything?—A. They have hardly money to buy a barrel of flour, let alone buy boats.

By Mr. McQuarrie:

Q. You would prohibit the use of steam trawlers; that is all you are asking for?—A. This report is all very well. I do not want to keep you gentlemen too long. I have only taken up a few of the major recommendations. There are just two or three points; first the establishment of a Minister of Fisheries,

second, long term loans to fishermen, and steam trawlers. They consider these matters of extra importance. They say that unless these questions are settled satisfactorily, they will never be settled, no matter how much legislation you pass.

The CHAIRMAN: It seems to me that it is impossible for us to deal with a matter of such grave importance at this meeting. We are all interested. I suggest that we read the report of the Commission and then come before the Committee at a later date and give our views. If that is satisfactory, we will go on to something else.

By Mr. Garland (Bow River):

Q. There is one question I would like to have cleared up. When I was in Canso last June, I found complaints circulating there by fishermen as to their treatment by some of these fish corporations. If a man wants to buy bait, he has nowhere else to go but to the fish corporations for their bait and it was being sold then at a rate of seven cents per pound, frozen bait. Suppose by any chance he had sold his fish to somebody else—for instance, to a private dealer from Boston. The fishermen tell me they were refused bait by the fish corporation, the only place where they could get it. Do you know whether that is true or not?—A. That is perfectly true, and the same thing obtains everywhere. You cannot get bait from the fishing concern unless you sell your fish to that concern. If you are not pleased with that concern, and can get more for your fish from somebody else, you cannot get bait from that particular concern.

Q. You always have to sell your fish at the price set by the corporation?—A. Of course we do.

Q. Without regard to the market price?—A. We have to take the price they offer, that is all. We have no say in it at all. Last fall the Canso fellows had to import bait from the States, and had to pay six cents for it, and the fish they caught from that bait they could only sell for three cents. I was in Canso last summer; the fishermen's Union had a meeting one night and they were talking pretty loud. There is a cold storage plant there that had some bait in it which the fishermen could not get, and they were talking about going down and taking it. I told them they had better be careful. But just the same the situation is rather peculiar when there is bait there and they cannot get it, and they have to sell their fish to the company from whom they get the bait, no matter what the price is, or they cannot get any more bait. The same thing obtains all along the coast. There is a crying need for bait freezers all along the coast.

By Mr. MacLean (Prince):

Q. Coming back to that question of the destruction of their fish: there is a closed season for lobsters. Have you any information as to whether or not these trawlers destroy lobsters, or do they take in lobsters or fish which are prohibited in certain closed seasons.—A. I never heard a fisherman say he brought up any lobsters from the bottom. They scrape up anything that is on the bottom; they cannot escape. If there are lobsters there, they get them.

Mr. SHORT: The trawlers usually do not fish on the ground where the lobsters are.

Mr. MACDONALD (Richmond-West Cape Breton) They fish any place they can. I have seen them myself fishing in the Straits of Canso where it is only a mile or two wide.

Mr. Chairman, I have here a resolution from the report of the Special Committee on Fisheries appointed by the Municipal Council of Richmond County.

The CHAIRMAN: Is that the resolution from the Municipal Clerk?

Mr. MACDONALD (Richmond-West Cape Breton): Yes.

The CHAIRMAN: There are other matters in it.

Mr. MACDONALD (Richmond-West Cape Breton): Yes, but it refers largely to aids for fishing.

The CHAIRMAN: Read the clauses having regard to fishing.

Mr. MACDONALD (Richmond-West Cape Breton): (Reading):

REPORT OF SPECIAL COMMITTEE ON FISHERIES APPOINTED BY THE MUNICIPAL COUNCIL OF RICHMOND COUNTY

JANUARY SESSION, 1929.

To the Warden and Council:

GENTLEMEN,—Having been honoured by your honourable body to draft suitable resolutions in regard to our fisheries, we beg to report as follows:—

1. As a foreword we beg to stress the importance of the fisheries to the County of Richmond being our chief industry with an annual value of not less than \$300,000.

2. As a result of poor prices prevailing after the late war, due in part to a falling off in the demand for the commodity, and in part to the fallen exchanges in the currencies of continental Europe and South America, but largely in our opinion to lack of proper transportation facilities as well as advertising that would enable our people to learn of the food value of this commodity as well as place it upon the tables of the mass of consumers in the great cities of eastern and western Canada, there has been a general decline in the industry, and a consequent exodus of these hardy toilers of the deep to the United States.

In order to stem this rising tide, and restore peace and contentment in fishing communities we recommend:—

1. That the Report of the Royal Commission on Fisheries be implemented by the Federal Government to the fullest extent.

2. That during the spawning season the cod and haddock be protected from the depredations of steam-tractors. An effort should be made to control their activities by international treaties.

3. That better railway facilities should be granted to Richmond County. The line of railway to St. Peter's should be extended to Louisbourg, and a branch constructed on Isle Madame terminating at Petit de Grat. We solicit the co-operation of Canso in this respect as with steamboat connection with Petit de Grat the fishermen of that place would be but ten miles from the railway centre instead of thirty as at present.

4. We urge that our water transportation service be immediately improved, as at present our fishermen have to depend on this solely for export. Freight rates should be lowered, ample subsidies should be provided so that better and faster boats can be placed on the routes.

5. The harbours of Petit de Grat, L'Ardoise, Grand River and Fourchu should be dredged at once thus enabling the fishermen of those places to ply their avocation, which they are now attempting to do at the risk of their lives and property. We cannot urge this upon the federal government too strongly.

6. Immediate attention should be given by the government to the cultivation of the oyster and scallop industry in Richmond which promises to be a source of revenue to our county.

[Rev. Father Alfred Boudreau.]

7. As a fish-plant in Richmond is an absolute necessity, we demand in behalf of the fishermen that the government take the initiative in encouraging Richmond County fishers to organize and establish a fish-plant somewhere in the county, at the most suitable point of course, which in our opinion would be either St. Peter's or Petit de Grat, the former being a railway centre and the latter on tidewater. At present our fish are all transported to Guysboro and Inverness counties and manufactured there.

8. We urge that a Fish Loan Board be created by the government whereby financial assistance could be given to fishermen by way of long term loans at moderate rates of interest. These would enable them to equip themselves with proper boats and gear, which are beyond the reach of the average fisherman to-day, large boats equipped with power being absolutely necessary if the shore fishermen are to be in a position to supply the markets. The day of the small fishing punt is over.

We believe that with proper equipment the shore fishermen can supply the markets of Canada despite all propaganda to the contrary.

9. We urge that every publicity be given the fishermen by radio or bulletin regarding supplies of fish taken and in storage plants also market conditions. These broadcasts would enable them to sell or hold their catches as conditions warranted.

10. We commend the short educational courses in vogue for fishermen, but believe they could be made more beneficial if a practical fisherman were employed to give instruction in such branches of the fishing industry as setting and handling of gear, ganging of hooks, make-up of trawls, nets, seines, etc.

We urge that these recommendations of ours be forwarded to the Department of Fisheries, Ottawa, and to every federal member in Nova Scotia, with the request that they do everything in their power to have the suggestions made by us, which have been ratified by council, put into effect.

Respectfully submitted,

(Sgd.) REV. A. BOUDREAU,
D. H. CAMPBELL,
Special Committee.

Arichat, N.S.,
January 15, 1929.

Approved by Council unanimously, and ordered forwarded to Ottawa.

D. H. CAMPBELL,
Municipal Clerk.

Municipal Clerk's Office,
Arichat, N.S.,
March 7, 1929.

The CHAIRMAN: I think before we discuss this matter we had better look over the minutes of Father Boudreau's remarks and also study the report of the Commisison and then we can deal with it much better. If that is satisfactory, that will be done. Is there anything else?

Mr. MACDONALD (Richmond-West, Cape Breton): There are one or two practical points I would like to bring before the Committee.

Q. You have organized the fishermen and understand what is going on in Nova Scotia, and realize that our fishermen are alive and will demand their rights, and fight for them. As regards the appointment of a minister, we are expecting that the recommendation of the Royal Commission will be carried out. What is the opinion of the people of Nova Scotia? Is it that he should be a practical man, one who understands the fishing industry?—A. Well, of course, the head of a department must have good executive ability. Then, on top of that, if he has a good knowledge of the fishing industry, it will come in very useful, but first of all we recognize that he must be a man of good executive ability. The industry has to be entirely organized. It has never been organized; it is a big job and we need a big man, with practical experience.

Q. Just another question; in regard to vocational training for the fishermen, there was a fishermen's school established in 1928. How did it work out?—A. We were very much disappointed owing to the fact that the promises which were made that the government would provide scholarships for fifty students were not carried out. In fact, I do not know whether there was any provision made at all, but about twenty-five went anyhow. The clergy of Nova Scotia went around begging and collecting money to help pay for these courses, and only nineteen or twenty took them. We had been promised that provision would be made for fifty scholarships. All the students who took the course think it was very good. I had some of my boys there; there were four from Canso, and all to whom I spoke about the course claimed it was a very good thing and that they received a lot of information, and are hoping it will be continued.

Q. What is the opinion of the fishermen regarding the fish inspectors, as to what class of men they should be?—A. Well, these are difficult questions to answer. Some of the fish inspectors are well liked, while others are not. When we were discussing the question in 1926 or 1927 the fishermen claimed they should be given preference in the appointment of fish inspectors. They claim they know the game, and they do not like to see a business man or a farmer come along and tell them what to do. Some of our fish inspectors do not know trout from a sucker and the people feel very sore about it, and do not want to accept the leadership of such men, who, they feel, are not able to teach them anything. These officials seem to be unwilling to learn anything, and a man who is able to teach them anything must know a good deal about it himself.

Q. The fishermen realize that they are not only to be governed but led by these inspectors in an advancement of the fishing industry. What is their feeling in regard to that?—A. I understand that the Department of Marine and Fisheries is giving courses to the inspectors also. I suppose they will learn something from those courses.

Q. Are not some of the farmers a little too old to learn the fishing industry? Should not a man be born into his occupation?—A. (No audible reply.)

By Mr. MacLean (Prince):

Q. Are the inspectors appointed by the Civil Service Committee?—A. Yes.

The witness retired.

The committee adjourned.

SESSION 1929

HOUSE OF COMMONS

SELECT STANDING COMMITTEE

ON

Marine and Fisheries

MINUTES OF PROCEEDINGS AND EVIDENCE
AND ORDERS OF REFERENCE

No. 2—THURSDAY, MAY 23, 1929

WITNESS:

Mr. W. A. Found, Deputy Minister of Fisheries.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1929

ORDERS OF REFERENCE

MONDAY, May 20, 1929.

Ordered,—That the subject matter of the Government Notice of Motion standing on the order of proceedings for this day, respecting the protection, preservation and extension of the sockeye salmon fisheries in the Fraser River System, be referred to the said Committee as follows:—

That it is expedient that Parliament do approve of the convention for the protection, preservation and extension of the Sockeye Salmon Fisheries in the Fraser River System, which was signed at Washington on the twenty-Seventh day of March, nineteen hundred and twenty-nine, on behalf of His Majesty for the Dominion of Canada, by the Plenipotentiary named therein, and that this House do approve of the same.

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

THURSDAY, May 23, 1929.

Ordered,—That the said Committee be given leave to sit while the House is in session.

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

MINUTES OF PROCEEDINGS

COMMITTEE ROOM 425,

HOUSE OF COMMONS,

THURSDAY, May 23, 1929.

The Select Standing Committee on Marine and Fisheries met at 11 o'clock a.m., Mr. Duff, the Chairman, presiding.

The following members of the Committee were present: Messieurs Beaubien, Bissett, Blanchard, Bourgeois, Brady, Dickie, Duff, Dussault, Jenkins, MacDonald (Cape Breton South), Macdonald (Richmond West Cape Breton), MacLean (Prince), McQuarrie, McRae, Morrissy, Neill, Quinn, Short, Sinclair (Queens)—19.

The Chairman declared the meeting open, and explained that the Committee had been called together to consider the matter referred to the Committee in connection with the Convention of the United States and Canada for the protection, preservation and extension of the Sockeye Salmon fisheries in the Fraser River system.

Mr. W. A. Found, Deputy Minister of Fisheries, being in attendance, was requested by the Committee to make a statement giving a resume of the events prior to and leading up to the signing of the Convention now referred to the Committee for consideration, with reference also to the conditions surrounding the salmon fishing industry of the Fraser River and other waters adjacent thereto, in which the United States and Canada were mutually interested.

Mr. Found addressed the meeting, and during the period of his remarks answered many questions by members of the Committee. A map, supplied for the purpose, was used to explain conditions and the habits of salmon during the period of their growth and their final return to their native spawning areas. (see evidence).

Mr. McQuarrie thought that the Committee should have had some knowledge before the final action was taken in regard to the Treaty. He read a motion which he moved before the Committee on June 17th, 1926, in which he made strong representations that the Government should take such action.

Considerable discussion arose in this connection, and also in connection with a meeting held in the City of Vancouver last winter, at which the Deputy Minister met with fishery organizations of British Columbia, and Mr. McQuarrie claimed that the Members of Parliament had not been sufficiently apprised and in consequence were not present for the most part.

Mr. McRae stated that he desired to register his complaint before the Committee. He had spoken strongly on the matter in 1927, at a meeting of the Committee on March 28th, of that year, and thought it was understood then that an opportunity was to be given to discuss the Treaty before it was signed.

Mr. McQuarrie read a telegram respecting Treaty. Mr. McRae also read a telegram in the same connection, both of which are shown in the evidence.

Mr. Neill made a statement in reference to the meeting held in Vancouver and gave a partial list of those present, and read the resolution passed by that meeting. He also read telegrams from organizations in respect to the Treaty, which appear in the evidence of this date.

Some further discussion ensued and some further remarks by Mr. Found. Mr. McRae suggested that the Committee have a meeting to get the whole treaty before them. The Witness retired.

Mr. McRae moved that the Committee recommend to the House that they be given leave to sit while the House is in session.

Agreed to.

The Committee adjourned to meet again on Monday, May 27th, at 11 o'clock a.m.

E. L. MORRIS,
Clerk of the Committee.

MINUTES OF EVIDENCE

ROOM 425, HOUSE OF COMMONS,

THURSDAY, May 23, 1929.

The Select Standing Committee on Marine and Fisheries met at 11:00 a.m., the Chairman, Mr. Wm. Duff, presiding.

Mr. SINCLAIR (*Queens*): Would it not be well to ask leave to have the proceedings printed?

The CHAIRMAN: The suggestion is just to have copies for the members.

Mr. SINCLAIR (*Queens*): For leave to have the report printed.

The CHAIRMAN: We will deal with that afterwards.

Mr. SINCLAIR (*Queens*): I would move that we ask leave to have the report of the proceedings printed.

Motion agreed to.

W. A. FOUND, called.

The WITNESS: Mr. Chairman, let me just say this word, that I will have to speak without reflection, as I did not know until this minute that I was going to be expected to make a statement of this kind. However, I am so familiar with it that I think possibly I can give you, if you will question me at any time on any matter not made clear, the information you may need.

Briefly, the situation is this: the Fraser River is, potentially, the greatest sockeye salmon producing area on this Continent, and for that matter, in the world. What the capability of the Fraser River is is measured by what was known in years gone by as the big years. Right there, let me say that from the earliest records that we have there was the peculiar phenomenon in the Fraser River, so far as the sockeye salmon fishery is concerned, of one very large run followed by three smaller ones. These came to be known as big years and off years. There are only theories as to the reason for this. Certain facts we know. One fact is that the sockeye salmon of the Fraser River is predominantly a four-year fish, that is, it reaches maturity; spawns and dies when it is four years old. Hence it is that on the progeny of the seeding of any one year depends, in the first instance, the run the fourth year thereafter.

About 100 miles from the mouth of the Fraser River, or a little over, there is what is known as the Great Canyon where the Coast Range and Cascade Range of mountains come so nearly together that the river is compressed through a great canyon, and emerges from that canyon through a narrow gate, caused by an out-jutting rock where the whole width of the river is not more than approximately 140 feet. The progress through that canyon which is 60 miles long, is always difficult to those who have not seen the salmon make their way against the obstacles that they must make; it would be almost inconceivable to realize the waters that they must progress against, and the falls over which they can go. The greatest difficulty in that canyon was not, as might be expected, right at that gate. It was inside the gate, and at a number of places farther on. That gate is known as Hell's Gate, on account possibly of its very turbulent condition.

[Mr. W. A. Found.]

One theory, and this theory seems to have a lot to support it, is that the big year of the past was due to the fact that in some of the very early days a great slide came from the mountain into that canyon and blocked the fish from getting up any farther that year. As a result, four years thereafter, the run had to depend on the spawning areas below Hell's Gate, which are not more at the outside than 25 per cent of the whole.

By Mr. Neill:

Q. You said the big year. You mean the small year. You said that the big year was caused by the slide, it was the small year.

By Mr. Brady:

Q. Please give the year.—A. The big year was an odd year, 1905, 1909, 1913, and so on. I am just getting at one theory so that you will have the picture of it before you as to what caused that big year and the off-years. I am corrected by Mr. Neill, and I thank him. One theory is that it was caused by a slide from the mountain into the canyon which prevented the salmon getting up that year to the spawning areas above so that four years hence the run depended on the restriction of the spawning areas below Hell's Gate, which are not more than 25 per cent of whole.

The next year the effect of the water would possibly remove some of that obstruction; the third year more of it. These three off years were in that progression, in any event, a smaller one, a larger one, and then a little larger one, and by the fourth year it had all been cleared out, so that in the fourth year it was an unobstructed one.

By Mr. MacDonald (Cape Breton South):

Q. Why should that continue right along from that time to this?—A. Because the Fraser River Sockeye is a four year fish, so that the fish of any year dying after it spawns will affect the run four years thereafter.

Q. Would it not apply the same in any year?—A. This has occurred year by year. 1901 was a big year, 1905 a big year, 1909 a big year and 1913 a big year, and through all years the same.

By Mr. Sinclair (Queens):

Q. This obstruction was removed altogether.—A. I do not think I made myself clear. The theory is that a slide from the mountain came into that canyon, and it took, if you like, three years for the water to wipe it out.

Q. Have those obstructions been occurring every four years?—A. Oh, no. It would be one year permanently. I should have made one other statement to make this clear. The sockeye salmon—and most salmon—has the characteristic of going back to spawn in the area in which it was hatched, so that those fish that were hatched in those off years below Hell's Gate would not have instinct when they were coming back to go back above, so that while the obstruction was out the fish just would not come.

The CHAIRMAN: This obstruction was made when they built the Canadian Northern Railway.

The WITNESS: This I am speaking about is one that occurred several hundred or a thousand years ago. That is, it was there when we knew the fishery. That condition existed when the fishery began. There were these three off years and the big year.

When the fishery began it was started on the Canadian side of the Fraser River. That was about 1876, I think, and it was not a large fishery as the demand was not great. But there were plenty of fish for all requirements in the

off years, as well as in the big years. Some few years later the State of Washington came into the field. Their fishing conditions, their coastal conditions being different, they had to adopt the different method of fishing, and they started out with the method of fishing, but building large traps. The fish in coming in from the ocean—I should say here that the sockeye salmon goes to sea when it is in its second year, and remains there until it matures. In coming back they come in mainly through Juan de Fuca Strait to the Gulf of Georgia, but unfortunately they are few in Juan de Fuca Strait, reaching to about the southern end of Vancouver Island, when they pass over to the United States side and come along on the United States side, and do not emerge in any numbers there until they reach the Canadian boundary above Point Robert.

By Mr. McQuarrie:

Q. Could you point that out on the map?—A. Now, Mr. Chairman, what I was trying to explain was this; that the young sockeyes are hatched in the streams usually which flow into the lakes; that is, they come up the main river and go up the tributaries, through the lakes and into the streams which flow into the lakes. They remain in the lakes until they are in their second year when they come down toward the sea and go out to the Pacific Ocean where they remain until they reach maturity, and nature bids them go back to spawn. In doing so, while there is a small number come down from the North, the vast majority come in from the Pacific Ocean through Juan de Fuca Straits. While they go on both sides of this Strait, when they get down to about the southwestern end of Vancouver Island, they pass over to the United States side and follow along that side through these torturous channels and islands, and emerge again, in some instances going into Boundary Bay and out again, and then on to Point Robert, and on up into the Fraser River. That is possibly due to the fact—and those who are familiar with that territory will understand me—that the waters of the Fraser River, after emerging from the river, come along this United States side of the Gulf of Georgia and Juan de Fuca Strait. The cause for that I am not prepared to say, but the fact is there.

By Mr. Chairman:

Q. Probably due to the current of the tide?—A. Yes, and possibly the swirl of the earth.

By Mr. McQuarrie:

Q. Mr. Found, will you mark with a blue pencil the most southerly limit of the course taken by the sockeye?—A. They come in both sides there, largely through these various channels. They do not go into Puget Sound. It is impossible for me, offhand, to tell you all these channels they go through, but they do not go down into Puget Sound.

Q. Where is the southern line?—A. Right here. (Indicating.) If you will refer to the treaty which is before you, the south line is indicated in the first article there. It is well defined in article 1.

Q. With what you have before you, we can follow it without any difficulty?—A. Yes. I was leading up to the fishery conditions. In the United States they have different conditions than we have; instead of using long drift gill nets, they build traps. Later on they went in for purse seining, which became more important than trap fishing within this area amongst the islands.

By Mr. Brady:

Q. That is American water?—A. Yes. The first big chance at that run of fish was in the State of Washington. When the fisheries on both sides of the line became intensive the off years began to go down. That developed in

the 90's. The off years were being overdone, but regardless of the attack that was being made on the fish in the big years, the numbers were so great that notwithstanding the great catch made there was no diminution of the runs indicated. That is evidenced by the facts. For instance, in 1901 and 1905 the pack of sockeye salmon on both sides was 1,662,942 cases; four years later, in 1909, it was 1,640,152; in 1913, it was 2,357,695.

By Hon. Mr. Sinclair (Queens):

Q. Have you a record of each year?—A. I have.

Q. Could that be incorporated in the report?—A. I intended to give you that a little later on.

By Mr. McRae:

Q. Does that statement include 1928?—A. That includes 1928.

Q. The figures I have here are rather illuminating. My report is—and you will correct me if it is not right—is that Canada got 26,000, the United States got 60,000, a total of 86,000—A. That is right, in round figures.

By Mr. Neill:

Q. What was the largest in any year?—A. 2,357,695 in 1913. Negotiations to try to offset what was going to be the evident result of excessive fishing in the small years began. Speaking from memory, as long ago as 1904 or 1905, a special commission was appointed to go into the matter, and endeavoured to arrange regulations with the State of Washington, which would apply to these off-years only. In 1913, which was a big year, there was a disaster, international in its effect, in that owing to railroad construction deposits of the rock which was blasted out fell into Great Canyon and so obstructed that canyon as to make it impossible for the fish to go to their spawning areas and get up. No one, either engineer or fishery expert, had any idea that the effects of these comparatively small portions of rock going into the Great Canyon, would be what they were, but the result became evident when the fish got into the canyon and tried to get out again. Then it became evident that disaster was facing us. Immediate action was taken to have the obstruction removed. They were commonly said to be at Hell's Gate, but the fact is that they were above Hell's Gate in the canyon at three different places. Every possible effort was made to have the fish of that year pass up, but it could not be done. The result was that the spawning of that year, like that of the off-years, was practically restricted to the area below Hell's Gate, and from that time on the big years ceased to exist.

By Mr. Dickie:

Q. Four years after that there was a pack of 500,000 cases, so some fish must have escaped?—A. Yes, a considerable number escaped. There were some that got up, but nothing like the big year's pack, and not anything like a run which could stand the onslaught which was being made on it from every side.

By Mr. McRae:

Q. Was that the year of the 500,000?—A. 1917.

Q. Then, in the cycle year of 1921—what was it then?—A. It was considerably less, 138,867; then in 1925 it was 137,587.

Q. That would be the last big year?—A. Yes.

By Mr. Brady:

Q. In your report of the Fisheries Commission you mention that in 1917 the pack was only 148,000 cases.—A. Yes, on the Canadian side.

Q. You are referring to the total pack?—A. That was 123,614 on the Canadian side and 411,538 on the United States side.

Q. Now, I think I have made reasonably clear the conditions which caused it to cease to exist. Let me now come to the point that is of important interest, as I understand it, to the Committee.

By Mr. McRae:

Q. Before you go into that, would it not be all right to enlarge again on the method of fishing on both sides of the line? I think that would be interesting to the Committee.—A. On the United States side, in the State of Washington, owing to the fact that conditions there are not suitable for extensive drift gill net fishing, fishing developed there by the building of large trap nets.

Q. Is it true that gill nets would not catch fish down there, or that they did not consider it a good commercial way of doing it?—A. It is not a good commercial way of doing it, and the conditions there are not as favourable as those which we have.

By Mr. Brady:

Q. It is owing to the number of islands?—A. Owing to various things. One is that successful drift net fishing needs turbulent waters, and the waters of the Fraser River and its tributaries are very muddy and dirty, so that the gill nets are not readily visible to the fish, and fishing is much more successful with gill nets in an area of that kind.

By Mr. McRae:

Q. There are some gill nets used?—A. Yes, but in a comparatively small way.

Q. Three hundred and some?—A. I have not the number with me, but I can get it. It is comparatively small, and in certain areas around the mouth of Skagit River. The fishing there developed in the first instance with traps. That is, first a long leader is built out from the shore and attached to piles. The fish coming up would come against that leader and be led out by it into a trap at the end where they would be caught.

Q. That trap is about 2,900 feet long—a little over half a mile?—A. It depends entirely where it is built. If it is built where that water is so deep that it can be only a short leader, it is a short leader, but if it is built where they can use a long leader, it is a long leader. The distance between the traps is regulated and the extreme length is regulated.

Q. The average is about 2,500 feet?—A. I would not like to say that without refreshing my memory; that may be true.

Q. The web that is used on those traps— —A. It is usually galvanized wire on the leads.

Q. With a small mesh?—A. Yes.

Q. About two inches?—A. Yes.

Q. Which lets no commercial fish escape?—A. It would not let any through.

Q. There are two hundred licenses out for traps in Washington?—A. I have not the number with me at the moment. That may be. These traps, of course, are very easily regulated. Do not let us get into any misconception regarding them. The trap is an instrument more easily regulated than any other machine which we have in fishing, because if you want to put it out of commission all you have to do it to open up the trap end, so the fish hit the lead, and go right through so it is not a hard instrument to regulate and control.

Q. That is true of all fishing implements?—A. No, that is not the case with the gill nets or the purse seines. Of course if it is not seen, you can get away with it.

By Mr. Neill:

Q. The trap fishing is the most destructive?—A. One of the most capable if it is in a suitable place; not the slightest doubt about that. I am trying to get before the Committee what the actual conditions are. That was the method of fishing developed at first, and later on we had the purse seines which are more important than trap fishing.

By Mr. McRae:

Q: Purse seines are about half a mile long?—A. Not far off that.

Q. There is no limit to the depth?—A. There is a limit to the depth, yes.

Q. Roughly, about one hundred feet?—A. I would have to have the regulations before me. I am sorry I did not know that I was to be called upon.

Q. I am told that there is no depth limit in Puget Sound.—A. So I am told.

Q. We will say that a purse seine is 2,500 feet long; they all use heavy powered boats?—A. Yes.

Q. The Committee will be interested in this, that we have the most modern fishing equipment on the Pacific coast. These purse seines are handled in gasoline driven power boats, 50 to 75 horse power, with a crew of about 12 men, and the seine is drawn in and pursed by power. The seine is run around a school of salmon, and then both ends are drawn together. The top edge is made to float by sufficient corks, and the bottom ends sink rapidly by heavy weights, and there are rings in the bottom edge through which ropes are drawn. Two ends of the ropes are brought together and put over a windlass, and the power turned on, and it closes the seine right up.

Q. The power seines have a small mesh, about three inches?—A. Yes.

Q. So it catches all commercial fish?—A. Yes.

Q. How many purse seines are out?—A. I have not got that information here.

Q. My information is that there are 1900 of them—present licenses?—

A. Well, I would like to check that up; I do not know what it actually is.

By Mr. McQuarrie:

Q. How far out to sea do the purse seines go?—A. They are being used for some kind of fishing out a very considerable distance. I would not like to say how far; at least to the Swiftsure Banks. It would be about 12 or 15 miles approximately.

Hon. Mr. STEVENS: Forty miles out from Vancouver Island.

By Mr. McQuarrie:

Q. American purse seines operate out there?—A. Yes, but mainly they are fishing for young salmon.

Q. They would be used out there also for the purpose of catching sockeye?—A. If sockeye salmon were schooled there.

By Mr. McRae:

Q. They do catch some sockeye?—A. Very few.

By Mr. McQuarrie:

Q. If you had a big run of sockeye they could probably catch them with that seine?—A. Not unless they would school; you cannot catch fish with a purse not unless they are schooled. It is an implement that is used where you find the fish bunching together.

By Mr. McRae:

Q. In that case, is it not true that they have gone out there and when they see a certain class of birds flying around they throw the seine around the area, and catch these fish without seeing them at all?—A. But the school must be there.

By Mr. McQuarrie:

Q. The sockeye salmon does come in schools?—A. It schools up when they get into the areas—certain areas. We do not know enough about the sockeye life history in the sea to say definitely.

Q. You do not know how far out they go?—A. Nor where they stay.

Q. But you know when they are coming down the west coast of Vancouver Island, and also the south coast of Vancouver Island, that they do school?—A. When they are in the Strait, yes. I can refer you to Mr. Burke, whom I am glad to see here to-day, and who has practical knowledge. We do know as a fact that purse seining is not a method of catching sockeye outside to any extent.

Hon. Mr. SINCLAIR: Could Mr. Found make a statement, then we could ask questions?

The WITNESS: I was coming to what I understand to be, in my humble way, that which the Committee is anxious to know; that is, the negotiations which have taken place looking to a remedy for this situation.

By Mr. McRae:

Q. Before you do that, let us clear up the method of catching fish. We have dealt with the American side. My information is that on the American side, 93 per cent of the fish are caught with traps and only about 7 per cent with gill nets. That is approximately right?—A. I would not be prepared to dispute that.

Q. In the United States the fishing is done with heavy power and the use of few men, and by equipment which takes all the commercial fish, purse seines, drag seines, open seines and traps.—A. I think that is a proper statement.

Q. How do they handle it on the Canadian side?—A. On the Canadian side our fishing is almost exclusively carried on in that district (indicating) with long gill nets, 250 fathoms long. Let me say here, so that there may be no misconception, that the Fraser River is possibly the most heavily fished area of any area of its size anywhere. When you get, like there were in the big year, 3,000 fishermen fishing in the restricted area, each using a net 250 fathoms long, 6 feet to the fathom, you can conceive at once how much net is in the water there. We have on our side rules where we have had consistently long closed times when we required all the nets to be taken out of the water. These nets are thrown across the current and drift with the current and the fish ascending run into the nets and cannot back out. They are caught by the gills in the so-called gill nets, as some people call them, or drift nets as they are called by others, both describing them rightly. That fishing was first restricted to the Fraser River, but now extends away out into the Gulf of Georgia.

Q. The regulations agree with my report, 150 fathoms in district No. 1?—A. Yes, 150; 200 fathoms in the north; the 150 fathom nets are deeper.

Q. You had a 5 $\frac{3}{4}$ inch mesh up until this year?—A. Yes.

Q. What was the idea?—A. The claim was made by the late Dr. Gilbert that the result of a small mesh was to sift out the big fish and allow too great a majority of the small fish to get away and go to the spawning areas with the result that the size of the run was being brought downward. The size of the fish is now, on the whole, considerably lower on an average than it was a number of years ago. There is with these double purses something in regard to the regulations of the nets, whether a small mesh is wise or is not, it certainly

has the effect that while it is in operation it prevents the big fish from getting through and getting on to the spawning grounds, and leaving the large fish to reproduce.

Q. How many gill-nets were set last year—1,068 and 235 transfers, making 1,303?—A. That is about it.

Q. Now, that is a two-man boat, is it not; there are two men to the boat?—A. Usually.

Q. And they pull them in by hand the same as they did in Galilee two thousand years ago?—A. Oh, well, a great number of vessels, or a great number of fishermen use gasoline boats.

Q. They did not have gasoline in those days?—A. No.

Q. But they pull them in over the side of the boat?—A. They pull them in by hand.

Q. Then you would have about 2,600 people fishing, two men to the boat?—A. Roughly.

Q. And in a big year, what would you estimate?—A. I am speaking from memory. There were 3,200 fishermen fishing there in 1913.

Q. That would be about 6,500, two to the boat? So that we would have in a fishing season, with that river at its flood, a big year, employment for ten thousand or fifteen thousand fishermen, would we not, in canneries and all that, if we were getting up to the old run?—A. I would not say that that picture was wrong.

Q. I notice, Mr. Found, that the government in their correspondence with the Secretary of External Affairs stated that the whole run would be worth \$35,000,000 at the present time as against a depleted run of probably two and one-half million dollars. Is that right?—A. Assuming that \$18 would be a fair price per case—and I think that would be accepted as a reasonably fair price for fish at the present time—it would be about forty-five million dollars, I would say.

Q. So that half of that forty-five million dollars would mean twenty million dollars or more to the country, if the fishery were restored?—A. Quite so.

Q. There is just one other thing that I would like to put on record here, and that is as a result of the fishing, as carried on in the past, the Americans caught on an average 70 per cent of the fish, and the Canadians 30 per cent, and that in one year the Americans caught as much as 77 per cent of the fish. Last year, you will note that they caught 60,000 cases out of a total of 86,000 cases. That would be how much?—A. It is over 90 per cent.

Q. Now, then, when we come to doing something to overcome a situation, such as General McRae has pictured to you, producing a very small run of fish against a possibility of a very large run of fish, obviously the United States could not do it alone, because the fish were all reproduced in our waters. Obviously we could not do it alone, because they had the first go at the fish when they were coming in from the sea, and could catch over 70 per cent of them with their present equipment. So that there was only one way of doing it and that was for the two countries to cooperate. As a matter of fact, Mr. Chairman, with a number of our fisheries they are continental in their character rather than national. That is true of our lake fisheries, for instance. Fish may be on one side of the water to-day and on the other side of the water to-morrow, and we find runs of salmon occurring off our coast which have their spawning areas largely in United States waters. We find runs of fish in our waters that are also passing through American waters in coming there. So we have that condition that we must keep prominently in mind.

If we are going to protect a number of these fisheries to the extent that they need to be protected, there has got to be international co-operation in doing it. As early as 1908, the two countries, realizing that, entered into a treaty for the protection of the fisheries, in all boundary waters from Passamaquoddy Bay to Juan de Fuca Strait. That treaty provided for the appointment of a commission, if I remember rightly the wording of it, to make regulations. It was the understanding at the time that the regulations that would be drawn up by that commission would be enacted and become law. These regulations in the process of time—1910 I think—were concluded. We amended the Fisheries Act so as to enable us to put them into effect, which we could do by Order in Council under the amendment.

It appeared that in the United States these regulations had to receive the same character of approval that the treaty itself had to receive, so they were referred to the United States Senate for approval, and that they did not receive.

Canada continued to urge favourable consideration of these regulations. It became quite obvious that if the United States Senate were permitted to amend some of them nothing would be accomplished, so that it had to be the regulations or nothing. We continued to urge favourable consideration of those regulations, and finally when it became obvious that there was no likelihood of them being approved Canada resumed liberty of action from the treaty. That was, I think, in 1914.

In the fall of 1917 an international commission was appointed to endeavour to bring about a settlement of various outstanding fishery questions between Canada and the United States. Amongst the questions referred to that commission was the Fraser River question. That commission reached unanimous conclusions, unanimous recommendations in the matter, and it endeavoured to profit by the experiences under the 1908 treaty. They recommended a treaty and also specific regulations which should be approved. That treaty was signed in 1919. It developed, when it came up for consideration, that Article 2 of the treaty was so worded that a man might be tried and condemned for an offense in one country, and if he came to the other country he might be tried and condemned for that same offense. There was some objection to that, so the treaty was re-signed the following year, and that article re-written. It was then submitted to the United States for approval, but that approval again was not obtained, objection to the regulations being obviously the cause.

By Mr. Brady:

Q. Was it not that the State of Washington objected to them?—A. That might very well be. All that I can say is that the United States Senate to which it was referred failed to approve these regulations. As to why it did so, you will be able to draw your own conclusions.

By Mr. McRae:

Q. At this point, will you just give a little resume of that 1920 treaty with a view to showing the difference between the present treaty and the 1920 treaty.

Mr. McQUARRIE: 1908 first.

WITNESS: The 1908 treaty provided for the appointment of a commission to make regulations that would affect the boundary waters all along the boundary, which it did. Those regulations were not approved. The machinery was that both countries were to enforce the regulations, and the 1920 treaty provided for the appointment of a commission, to draw up specific regulations which would govern the sockeye salmon fishery.

By Mr. McRae:

Q. How did those regulations affect the American situation? Did it affect the discontinuance of the traps, or anything like that?—A. My understanding is that the effect of those regulations would have been largely to eliminate purse seining on the United States side in as much as it prohibited purse seining amongst the islands, in the areas where purse seining could most effectively be carried on, and you can quite realize the objection that its elimination would cause. In any event, you had these two factions, the trap fishermen and the purse seiners.

Then the State of Washington—I speak subject to correction—I think in 1921 adopted legislation to enable it to appoint a Fisheries Board, which Board was given very broad powers. It was the understanding—and I think that understanding was right—that such a Board would be able to deal with this situation. As the treaty was not being approved that was before the United States Senate, following the appointment of that Board our department arranged for a conference with the representatives of the Washington State Board. That was, I think, in 1921, or 1922. Again I have to speak subject to correction.

Mr. BRADY: 1921.

The WITNESS: 1921. We met in Vancouver, and could not come to a final agreement, a principal reason being that there could be given us no assurance as to what would happen if we, for instance, closed all fishing for a certain time, as to what would happen thereafter.

By Mr. MacDonald (Cape Breton South):

Q. Can you tell us what are the respective powers of the State of Washington, with their federal authorities and ours? Are they the same?—A. No. In the United States each state controls and administers its own fisheries, makes its own laws, and administers its own fisheries. In the United States, however, as here, a treaty with a foreign country overrides all conflicting state or federal laws, so that it becomes the paramount law of the land, and hence a treaty with the federal government of the United States takes the matter to the extent that that treaty is supreme. With us the administration of the fisheries in all tidal waters is vested in the federal government. The regulations of the fisheries everywhere is vested in the federal government. So that in British Columbia both the regulation and the administration of the commercial fisheries are in the hands of the federal government. It was impossible to reach a satisfactory agreement with the Washington State Fishery Board, which Board has since disappeared, I understand.

The situation, so far as the Fraser river was concerned, was growing worse year by year, as a statement of the packs on each side of the line, which I will be glad to hand to the stenographer, and which can be incorporated in the record will show. This statement shows the packs on each side, from 1902 to the present year inclusive.

STATEMENT SHOWING THE PACKS OF SOCKEYE SALMON IN THE AREA COVERED BY THE FRASER RIVER TREATY SINCE 1902 INCLUSIVE

Year	Fraser River No. cases	Puget Sound No. cases	Total No. cases
1902..	293,477	372,301	665,778
1903..	204,809	167,211	372,020
1904..	72,688	109,264	181,952
1905..	837,489	825,453	1,662,942
1906..	183,007	178,748	361,755
1907..	59,815	93,122	152,937
1908..	63,126	170,951	234,077
1909..	542,248	1,097,904	1,640,152
1910..	133,045	248,014	381,059
1911..	58,487	127,761	186,248
1912..	108,784	184,680	293,464
1913..	684,596	1,673,099	2,357,695
1914..	185,483	335,230	520,713
1915..	89,040	64,584	153,624
1916..	27,394	84,637	112,031
1917..	123,614	411,538	535,152
1918..	16,849	50,723	67,572
1919..	29,628	64,346	93,974
1920..	44,598	62,654	107,252
1921..	35,900	102,967	138,867
1922..	48,744	48,566	97,310
1923..	29,423	47,402	76,825
1924..	36,200	69,369	105,569
1925..	31,523	106,064	137,587
1926..	83,589	44,569	128,158
1927..	57,085	96,343	153,428
1928..	26,530	60,081	86,611

We then came to consider how this matter really could be dealt with. It was fairly obvious, in the light of experience, that favourable consideration of regulations in the United States Senate could not be relied upon, conflicting interests in the State of Washington possibly being the cause. So that after canvassing the situation, in the light of 20 years experience, from all sides, it did seem that the only effective method of reaching conclusions was to give control of the situation, so far as was necessary to handle this particular fishery, to a competent commission. Negotiations for the present treaty, with that in mind—

By Mr. McRae:

Q. When was the commission appointed, Mr. Found, that negotiated the present treaty?—A. There was no commission, it was negotiated by the governments of the two countries.

By Mr. McQuarrie:

Q. You have not touched the 1922 commission?—A. There was no commission appointed.

Q. There was the B.C. Fisheries Committee of which the present Chairman was the Chairman.—A. The recommendations there, as I recall them, were for an agreement with the State of Washington.

By Mr. Neill:

Q. And it was a divided report, was it not?—A. It was a divided report.

By Mr. McQuarrie:

Q. You have not given a resume of that; just to make the record complete.—A. I dislike to speak entirely from memory, but my recollection is that it recommended an arrangement between the State of Washington and Canada.

Q. The pages are marked on the outside.—A. The majority of the commissioners recommend:

That authority be given with the least possible delay for taking up with the Washington State Board the constitution of such a commission as is proposed, with a view to its operating on the basis of the understanding reached at the aforementioned conference.

By the Chairman:

Q. Read the recommendation, Mr. Found?—A. I had better just read this paragraph, if I may:

By Mr. McQuarrie:

Q. Why was that agreement not made effective then?

Mr. NEILL: Get the minority report now.

WITNESS: There was a minority and majority report.

By Mr. McQuarrie:

Q. Why was it that that arrangement was not brought into effect?—A. The government did not approve of it. I do not know whether there would be anything gained by us going into a dissertation which would only raise a discussion, but the fact of the matter is that the government did not approve of the majority report, as I read it.

Now, then, the treaty—

Q. Before you get to that treaty, Mr. Found. I see in the Minutes of the Committee, that is, this Marine and Fisheries Committee, of Thursday, June 17th, 1926, the following motion:

That in the opinion of this Committee immediate action should be taken by the Government with a view to restoring the run of Sockeye salmon on the Fraser River, provided however that before any definite arrangement is made with the authorities of the United States of America, or State of Washington, details thereof shall be communicated to the Cannermen' and Fishermen's Association of British Columbia and they be afforded an opportunity to make representations in reference thereto.

That motion was agreed to and a report afterwards was adopted by the House?—A. Yes.

Mr. SINCLAIR (*Queens*): What was the consideration before the Committee when that was made?

Mr. McQUARRIE: "The Chairman stated that he understood Mr. McQuarrie had a resolution to submit to the Committee, in connection with the Fraser River salmon fisheries, which had been spoken of at a previous meeting, and it would, perhaps, be best to put his resolution before the Committee at once."

Mr. SINCLAIR (*Queens*): It is not a reference from the House.

The WITNESS: Mr. Chairman, that was done, so we need not argue about it.

The CHAIRMAN: I do not see what it has got to do with this.

Mr. McQUARRIE: The point is this: I want to ask Mr. Found why this treaty was signed without this Committee and the interested parties knowing something about the details of it. My understanding was this, Mr. Chairman, that before the treaty was concluded, that is, before the details were settled, this Committee should have the right to know what they were, and what was proposed to be done, and instead of that, this treaty was signed up without this Committee and other interested parties knowing anything about the details

of the proposed treaty at all. Speaking for myself, I want to say that I did not know anything about this matter until the treaty was brought down in the House; that is, as to the details of it. I knew that negotiations were going on, but I did not know anything about the details of this treaty at all, and I think I can say that that is true in the case of all the Conservative members from British Columbia.

The CHAIRMAN: Mr. McQuarrie, in the first place I do not think it is necessary for the Government to discuss matters of treaty with the United States Government with individual members of the House of Commons, or the Senate. You said that Conservative members from British Columbia were not consulted. I may say that I was not consulted about it, or any Liberal member.

Mr. McQUARRIE: Well, that was the arrangement. I understand from Mr. Neill, however, that there was a meeting in Vancouver this last winter, which was attended by Mr. Neill, but none of the rest of the members from British Columbia even knew that such a meeting was going to take place.

Mr. McRAE: I would like to register my complaint here before this Committee. I came in here, and at my request, Mr. Chairman, you called a meeting. The record shows it was March 28, 1927. At that meeting I dealt at length with the uneasiness felt by the citizens of British Columbia, as to the necessity for a treaty, and the uneasiness that they felt with regard to the press reports then in circulation. I will not attempt to dwell on it at length now. I notice there is very small mention made of it in the Minutes. It says I made some remarks respecting the conditions surrounding the salmon fisheries of British Columbia. I spoke here for about twenty minutes, as all the members will remember, those who are here. I placed the matter strictly up to the Committee, and I thought I had an understanding with the Deputy Minister who was then the Director of Fisheries, that before a treaty was signed we would have an opportunity to discuss it. As the Chairman says the Government did not have to discuss the treaty, but I leave it to all of you to say whether it would not have been better to discuss this treaty before it was signed than to discuss it now. This treaty was under negotiation in March, when this House was sitting, and I want to know why the Deputy Minister did not carry out the understanding we had here two years ago.

The WITNESS: Mr. Chairman, so far as any understanding of that character is concerned, it is certainly quite foreign to any understanding I had. Moreover, I would not, being an officer of the Government, be prepared to do anything of that nature, without the direction of the Government. So far as this resolution is concerned that was passed by this Committee, the facts are these: that when I was going to British Columbia last year I had the associations referred to in that resolution notified that I would be there, and that I would be glad to meet them to discuss the situation. I, of course, was unable to submit to them a treaty. I explained to them, as fully as I could explain, what we felt should be in any treaty, what the main provisions of such should be, and at the conclusion of that conference—

By Mr. McQuarrie:

Q. Who were at the meeting?—A. I cannot tell you. I asked that the association be notified, that I would be glad to meet representatives. I can tell you some, but I would not like to say that those were the persons who were there—

Q. You have not got the record here?—A. I have not got the record of the people who were present. The B. C. Fishermen's Protective Association of New Westminster, and the Canned Section of the Manufacturers Association.

Q. The Cannery Association? You say the Canned Fish Section of the Board of Trade?—A. No, I said of the Manufacturers Association.

Q. Well, is that the same thing as the Cannery Association of British Columbia?—A. I understand so.

Q. Because I have a telegram here, which was given to me by Hon. Mr. Stevens, as follows:

VANCOUVER, May 20, 1929.

Have seen yesterday's wires Gosse yourself. Stop. Treaty not yet considered by association. Stop. My personal view retention Dominion control Canadian waters absolutely necessary. Stop. Proposed terms constitute alarming precedent.

(Signed) H. BELL IRVING.

He is one of the leading cannery men in British Columbia.

Mr. McRAE: I have a wire here, Mr. Chairman, dated May 20, as follows:

Referring your wire Treaty considered by Association to-day all agreeing necessity retention Dominion control Canadian waters though agreeing terms Treaty in principal.

(Sgd.) RICHARD J. GOSSE.

Mr. NEILL: I could give you some light on this. This resolution which Mr. McQuarrie has read out from the minutes of June, 1926, says: "The details of the arrangement should be communicated to the cannery men and fishermen's associations of British Columbia and they should be afforded an opportunity to make representations in reference thereto." There is nothing said about referring it to this Committee, as the Committee meets only occasionally in certain seasons of the year. At any rate no reference was made to this Committee. This resolution was absolutely and entirely carried out. There was a meeting on November 10th of last year in Vancouver of representatives of the Department, officials of the B.C. Fishermen's Protective Association, and of the Cannery Association. They included Mr. Thomas Hager, H. P. Bell-Irving, G. Bushby, R. Bell-Irving, and Messrs. Dalton and Lanning, W. E. Maiden, and I think Mr. Marshall was there. The latter two represented the B.C. Fishermen's Protective Association. Mr. Maiden is the secretary and is a very capable man, well qualified to be their mouthpiece.

Mr. McQUARRIE: How did you come to be there?

Mr. NEILL: I always make it my business to be on hand where the interests of my constituents are concerned. This is the resolution which they passed:

That this assembly representing fishermen, cannery men and others interested in the rehabilitation of the Fraser River fisheries had heard with interest Mr. Found's remarks in this connection and wishes to go on record as being in favour of the principle of such proposed treaty.

I may say that at that meeting in addition to discussing in general terms of the treaty they dealt very particularly and at some length with the composition of the proposed commission. I want to preserve my right to refer to that later on.

Mr. McQUARRIE: Mr. Neill, may I ask, as a matter of information, if they had this treaty before them?

Mr. NEILL: No, it was simply outlined. There was one phase in which the treaty has been altered since then, but it was an unimportant matter, and they were all furnished with copies and made no objection. At that time it was proposed to give the commissioners power to regulate the sockeye salmon for the whole year; afterwards it was changed, limiting it to eleven weeks from the 1st of June to the 20th of August. We did not know anything about that at the

[Mr. W. A. Found.]

time. It would not have been proper when a treaty was being negotiated with a foreign power to have the exact wording before those who had no official standing.

Now, here is a telegram dated May 20th, 1929:

Industry here whole-heartedly approve Fraser River treaty. American packers on Puget Sound are the only interests opposing treaty. We urge you to give this measure your support.

Mr. McQUARRIE: That was signed "Richard Gosse, Chairman, Canned Salmon Association."

Mr. NEILL: There is another one:

Those interested in fishing industry on Pacific coast including packers and fishermen were very pleased when Canada and United States representatives signed Fraser River Treaty. Every one appears satisfied that something should be done to rehabilitate Fraser River sockeye salmon supply and this is the only constructive and fair Fraser River treaty that has ever been proposed. Treaty covers appointment of commissioners who would have jurisdiction over Fraser river watershed, also water sheds at Puget Sound. With three strong Canadian commissioners we should have nothing to fear and Americans could get no advantage without approval Canadian commissioners. Treaty calls for fifty fifty division sockeye production whereas in past Canada has been getting less than twenty-five per cent. We sincerely trust you will support treaty.

BRITISH COLUMBIA PACKERS, Ltd.

That is signed by the British Columbia Packers, Limited. I may say that I have others here. I have heard from the British Columbia Fishermen's Association since they got the treaty, and all they appeared to be worrying about what was the matter of representation. They apparently wanted representation on that commission.

By the Chairman:

Q. Will you go on now, Mr. Found?—A. I think I have led up to the treaty.

Mr. McRAE: We will have to have a meeting to get this whole treaty before us, and I think if Mr. Found would not mind giving the Committee a little information as to the efforts made to restore the Fraser for Canada in the last few years, that will complete the whole preamble to the treaty.

The WITNESS: Mr. Chairman, Canada has not felt justified, under existing conditions, in going into any costly, extensive program beyond what it has been doing in the way of rehabilitating the Fraser River, inasmuch as under present conditions it could expect no more than 30 per cent of the run which would result from such increased conditions. We were seeking to reach arrangements whereby we would have a treaty which would rectify for us a condition which was unfair to us, but which would enable us to co-operatively build up for both of us a fishing industry which would be worth a vast amount more than it could be worth to us or others now.

By Mr. Dickie:

Q. Will you explain how it was that in 1926 we got 80,000 cases of sockeye and the Americans got but 40,000?—A. I am not very sure that I can give an explanation that would be accepted as final by everybody.

Q. It shows that they had not been catching all the time from 68 to 75 per cent, or whatever it was.—A. That was an off-year for the pinks, as I recall it, and only a very small effort was being made on the part of the United States,

[Mr. W. A. Found.]

as there was an anticipated small run. Probably that is the explanation of it, more than any other. I do think the conditions were different that year from any other year, so far as their not going after the fish as they might have done, was concerned.

By Mr. Brady:

Q. Going back over a period of years, I would like to know exactly how much money has been spent in the propagation of our spawning grounds in the Fraser River area.—A. I think there has been a return in the House in answer to a question, giving that in detail.

By Mr. McRae:

Q. I think they said that they were not able to divide it, but that you had spent on cultures since the Department started a little over \$2,000,000?—A. That was given as near as we could.

Q. That was divided between the Fraser River and the rest of the province. Would it be too much to say that you spent \$1,000,000 on the Fraser—that is only a guess?—A. I would like to be in a position to tell you definitely; I would rather not guess.

Q. There was one thing in connection with the Fraser river cultures which was answered the other day in the House and which was very interesting, and you could probably explain it, and that was concerning taking the spawn out of the head waters of the Skeena river where Canadians catch every fish, and sort of robbing the headwaters of that river by taking the spawn over and putting them in the head waters of the Fraser river, so that when they went out to sea the Americans grabbed 70 per cent, while if they had been left in the Skeena we would get 100 per cent. Where was the logic in that?—A. It was not without logic. In the first place, the Stewart Lake hatchery is at the head of the Fraser river and it was impracticable to send eggs from there. It is a short distance from the head watershed of the Skeena to the head watershed of Stewart lake where these hatcheries existed, and it was a matter of putting eggs in it or not operating it at all. There are certain areas around Babine lake which were being overstocked. That is where the eggs were going to waste. Anyone who is familiar with the situation there knows that is the case. Also, while eggs were taken from there they were sent over to the Fraser, but they were also sent to the Skeena.

Q. Not last year?—A. I would not like to speak finally on that, but I think practically as many eggs have been taken to the Skeena as have been taken away. It was a question of seeing what the result of that would be. As a matter of fact, there have been some interesting developments from these hatching experiments which were carried out at Stewart lake.

Q. Commercially, with the Americans catching 70 per cent of our fish, it would not be good business?—A. No; that is one of the reasons why we have not gone into any extensive program.

Witness retired.

The Committee adjourned until Monday, May 27, 1929, at 11 a.m.

SESSION 1929

HOUSE OF COMMONS

SELECT STANDING COMMITTEE

ON

Marine and Fisheries

MINUTES OF PROCEEDINGS AND EVIDENCE
AND ORDERS OF REFERENCE

No. 3—MONDAY, MAY 27, 1929

WITNESS:

Mr. W. A. Found, Deputy Minister of Fisheries.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1929

ORDERS OF REFERENCE

MONDAY, May 20, 1929.

Ordered,—That the subject matter of the Government Notice of Motion standing on the order of proceedings for this day, respecting the protection, preservation and extension of the sockeye salmon fisheries in the Fraser River System, be referred to the said Committee as follows:—

That it is expedient that Parliament do approve of the convention for the protection, preservation and extension of the Sockeye Salmon Fisheries in the Fraser River System, which was signed at Washington on the twenty-seventh day of March, nineteen hundred and twenty-nine, on behalf of His Majesty for the Dominion of Canada, by the Plenipotentiary named therein, and that this House do approve of the same.

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

THURSDAY, May 23, 1929.

Ordered,—That the said Committee be given leave to sit while the House is in session.

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

MINUTES OF PROCEEDINGS

COMMITTEE ROOM 425,

HOUSE OF COMMONS,

MONDAY, May 27, 1929.

The Select Standing Committee on Marine and Fisheries met at 11 o'clock a.m. this day, Mr. Duff, the Chairman, presiding.

The following members of the Committee were present:—

Messieurs: Bissett, Bourgeois, Brady, Dickie, Duff, MacDonald (Cape Breton South), Macdonald (Kings), Macdonald (Richmond-West Cape Breton), MacLaren, MacLean (Prince), McQuarrie, McRae, Morrissy, Neill, Quinn, Short—16.

Mr. W. A. Found, Deputy Minister of Fisheries, in attendance.

The Chairman declared the meeting open for the business before it.

Mr. McRae, also Mr. Neill, asked to have certain corrections made in the evidence of the meetings of the previous date, which were recorded by the reporter and incorporated in the evidence of this date.

The consideration of the order of reference was taken up.

Mr. Found recalled.

Mr. Brady read an article, respecting the "trap regulations for 1929 for Alaska" as announced by the United States Commissioner of Fisheries, when referring to comparative conditions in northern and southern waters.

An active discussion of matters in connection with the Treaty followed in which Mr. McRae and Mr. McQuarrie took a major part, other members of the Committee and the Chairman interjecting occasional questions and remarks. Mr. Found was asked to explain different matters in connection with the Treaty with the United States.

Mr. McRae thought that the file showing the correspondence and communications passing between the Department and different authorities, leading up to the Treaty should be produced for the information of the Committee, and it was later decided that request should be made to the Minister to submit the file in question to the inspection of the Committee.

Mr. McQuarrie read an article from the Daily Colonist bearing on the then proposed Treaty which is included in the evidence of this date.

The Chairman read a communication from the Provincial Secretary of British Columbia, enclosing an Order in Council of the B.C. Government, conveying the satisfaction of the Government of that Province at the conclusion of the Treaty.

Mr. Neill also read an article from the Toronto Mail and Empire quoting the Premier of British Columbia in connection with the safeguarding of the rights of the Province in the terms of the Treaty (all of the above appear in the evidence).

The Chairman read Article 1 of the Treaty.

Mr. Ladner, by permission of the Committee, asked for information as to the 50-50 regulations to be established, which was given by Mr. Found.

Mr. Brady wished to have some questions answered in regard to the Treaty waters as specified in the Treaty.

Mr. Pettit, by permission of the Committee, asked the privilege of making a suggestion in respect to Article 3 in connection with the proposed hatcheries.

Discussion having continued until one o'clock, by general consent the Committee adjourned to meet again on Tuesday, May 28th, at 4 p.m.

E. L. MORRIS,
Clerk of the Committee.

MINUTES OF EVIDENCE

COMMITTEE ROOM 425,

HOUSE OF COMMONS,

MONDAY, May 27th, 1929.

The Select Standing Committee on Marine and Fisheries met at 11 a.m., the Chairman, Mr. Wm. Duff, presiding.

Mr. McRAE: There are two or three corrections I want to draw attention to this morning. On page 20 we have, I think, the length of the seines mixed up with the number, and we should change the "1,900" to "266". There are 266 seines of 1,900 foot length; there is no limit as to depth.

I notice on page 21 it says that 93 per cent of the fish are caught with traps. "And seines" should be added there. The other I think is a typographical error. Mr. Found answered on page 22, "Over 90 per cent". That should be "About 70 per cent".

Mr. FOUND: That is right

Mr. NEILL: I have a couple of corrections I would like to make. On page 29 I am reported as saying: "I have heard from the British Columbia Fishermen's Association since they got the treaty and all they appeared concerned about was the matter of representation; they apparently wanted representation on that commission". It should be: "urgently wanted". The other is a mistake of my own. On page 28 I said that Maiden was at this meeting in Vancouver and I thought Mr. Marshall. I have refreshed my memory and find there were three and possibly four representatives at that meeting. I think a man named Broderick—or a name something like that—was there.

W. A. FOUND recalled.

By Mr. McRae:

Q. Who represented the province at that meeting?—A. I do not think there was anybody.

Q. And Mr. Neill was the only Member of Parliament present?—A. Yes.

Q. Did you notify him?—A. I certainly did not.

Q. He just fell in?—A. The situation was that this committee had passed a unanimous resolution that before the treaty was reached the matter be discussed with representatives of the fishermen and cannerymen.

By the Chairman:

Q. The fishermen and cannerymen were notified?—A. My recollection is that Mr. Neill met me on the street in Vancouver that day and asked me if there was any objection to his being there and I said "By no means". I would have given the same answer to Mr. McRae or Mr. McQuarrie or anybody else.

By Mr. Brady:

Q. I have one question to ask. You mentioned the other day that the reason why traps and purse seines were used practically exclusively in Puget Sound, south of Cape Roberts, was owing to the configuration of the shore line, and

[Mr. W. A. Found.]

that the waters there were more suitable for trap and purse seines than for gill net fishing. Is that right?—A. I stated that the conditions were more favourable.

Q. In other words, that it was more suitable. Do the same conditions prevail in southeastern Alaska?—A. Yes, no question about that.

Q. The same conditions prevail owing to the configuration of the shore line?—A. I would not like to be quoted as saying that, but I would say the general conditions.

Q. On that point I have the trap regulations for 1929 for Alaska as announced by Henry O'Malley, United States Commissioner of Fisheries. (Reading):—

It is announced that principle adopted a year ago for the southeastern Alaska and Prince William Sound areas, of declaring all waters closed to trap fishing, except in specified waters outside bays and estuaries, will be extended next season to Alaska Peninsula, Chignik, Kodiak, and Cook Inlet areas, which are remaining areas where the trap fishing is permitted.

Action has been taken to further reduce the total number of traps that will be operated in 1929. It is computed that in several areas affected the reduction in traps will be approximately 95, of which about 60 will be in southeastern Alaska. . . . The traps eliminated will include especially those affecting the run to streams in certain bays. In this connection the comment is made that there has been a very poor escapement on the east side of Behm Canal, where it has been considered advisable to eliminate about 17 traps. It is stated that past season's escapement in some parts of southeastern Alaska was not in keeping with the volume of the run.

The CHAIRMAN: Are you making a comparison between the north and south? We cannot deal with conditions in Alaska.

Mr. BRADY: It is all coming down to Puget Sound. I feel, Mr. Found, that looking at the two and knowing the waters of the north I would hesitate to think that the reason advanced is sound. I think that the traps and the purse seines are undoubtedly the cleverest devices possible to catch the run of fish along those shores before they get into fresh water—while they are spawning; and I would like to know, for my own information, if it looks to you as if the purse seines and fish traps used as they are, are for the purpose of having a continuous supply of fish for the canners, and a better quality seemingly obtained. I hesitate to think that the Americans are using traps for that purpose, and that they think the gill nets cannot be used.

The WITNESS: Well, Mr. Chairman, I find some difficulty in seeing any very close analogy between conditions in Alaska and in Puget Sound. I think it may be well to point out, in order that there be no misconception, that the reduction in traps there is a straight reduction in the quantity of fishing by any method; that is, that too much fishing has been going on and as a consequence there was no adequate protection so that certain areas through which the fish, passing to the rivers, were going up, are being required to have the traps removed from them. So far as the different methods of fishing are concerned, those familiar with the situation know that drift netting to be successfully carried on needs coloured water. When we get out to clear water where the fish can see the nets in the daytime, they will not strike them, and those who are familiar with the waters along the Pacific coast know the conditions there and know that the water contains a great deal of phosphorus which lights it up, so the gill nets are not practical in certain areas, while they may be in others. In British Columbia we have a number of large river end

areas which are suitable for gill netting, and these have been extended out as far as practicable, and we are encouraging that in every instance. To that end we have curtailed purse seining wherever possible. I would like to say that the conditions on the United States side are such that no successful industry could be carried on with gill nets, because as a matter of fact gill netting is being and has been carried on to a very limited extent, while the two other methods have been built up during the past years.

By Mr. McRae:

Q. It seems to me that probably this whole matter could be summed up by one statement if Mr. Found concurs; and I observe that had we followed in the Fraser River section of British Columbia the same methods that are in vogue in the state of Washington, our Fraser River sockeye salmon would have been fished out a good many years ago; is that right? Had we employed traps and seines and such things, we could have met this situation long ago.—A. I think that it can safely be said that we have within our power to practically clean up the Fraser River alone. That is, if one method is not adopted, we could adopt others that would.

Q. There is another matter, Mr. Chairman, that I would like to clean up: that is the transfer of spawn from the Fraser River to the Skeena?—A. I did not look it up.

Q. It is not very important. I had noticed from the records that we started to transfer from the Skeena to the Fraser our fishing spawn in 1915, which I presume was immediately after the slide, and continued until 1928 reaching as high as fourteen and one-half million; and what I want to observe is that we were transferring the best fish in the world so far as price is concerned, from the Skeena into the Fraser River and that we get only 30 per cent of the 100 per cent that we put in. I think that is a fair statement?—A. Let me make just one explanation before there is any misconception. I am sorry I did not look it up. It escaped my memory. We have still a good deal to learn about the sockeye salmon. Let me put it this way to be cautious: there is at least room for a good deal of doubt that the salmon that would be hatched from eggs taken from Henderson Lake fish, if transferred to the Stewart Lake Hatchery at the head waters of the Fraser, that the fish that would be produced from these eggs would have the going power to get back to Stewart Lake. So it becomes a question as to whether or not in the up-building of any process of that kind we must depend on the river itself—it must not be a stepping up process. We have, on the other hand, the next biggest river in British Columbia, the Skeena, with its headwaters a few miles away from the waters of the Fraser, so we had a tribe of fish to take eggs from that had shown that capability of getting these long distances. There is that to be considered in connection with your statement. I would be glad to get the full information as to the transfers.

Q. Just one further observation. The sockeye catch from 1915 to 1920, inclusive, averaged 116,000 cases according to the records of the Department. For the period from 1921 to 1924, inclusive, they averaged 104,000 cases, a dropping off of 12,000 cases a year, and since the year 1924, it works out at 80,000, a further drop of 25 per cent. I think the wisdom of transferring fish from the Skeena river to the Fraser river—transferring spawn—is certainly, to say the least, open to serious question, and can hardly be justified on the ground that the Skeena had all the spawn they needed, because the catch has fallen off by about 25 or 30 per cent. Now, Mr. Chairman, I would like to ask Mr. Found if he happens to be able to give the Committee the reason why the treaty of 1920 was rejected by the Senate of the United States; what was the report? Is there any correspondence on the file with respect to that?—A. No.

Q. No acknowledgments from the United States Government?—A. No, the fact is that the treaty was referred to the Senate by the President. The members of this Committee have the same avenues of information as I have.

Q. There is no report from the United States Government that the treaty was rejected in the Senate—A. It was not rejected.

Q. It was allowed to go by default?—A. It was not approved.

Q. Does not the correspondence on the file throw any light on that matter?—A. No. You mean as to the reasons?

Q. Yes.—A. No. Mr. Chairman, I would like to modify that statement. I am not sure that there may not have been.

Q. Mr. Chairman, could the files be looked over and be made available to see whether there is anything?—A. It would be diplomatic correspondence.

Q. We have had access to the diplomatic correspondence so far. Possibly that could be made available. Now, coming back, Mr. Chairman, I would like to get all the ground work covered before we go into the treaty. Could Mr. Found give us the number of conferences he had, first with our own people, with the province of British Columbia, and later an outline of the negotiations with the Government at Washington?—A. Mr. Chairman, sometimes I begin to feel that some of the members of this Committee think I am a much more important individual than I am. As a matter of fact, I had what I could not dignify as long negotiations in the matter. Several times when I have been on the Pacific coast I have, in the very nature of things, been meeting those who were really interested in this question, and we have had several conferences in which the whole situation was quite fully discussed between us; but I was not acting as a representative or delegate from the government—I mean I was not acting in any authorized way to deal with that particular subject. I cannot say how often I have discussed the question. Certainly, I have discussed it several times in Vancouver and several times in Seattle, and I have talked it over very frequently with Mr. Babcock, the provincial Commissioner of Fisheries. If there is anything special you wish to ask, I will answer it.

Q. This subject has been brought up since our last meeting. There was an interview given by Hon. Dr. Tolmie on the 23rd which appeared in the Montreal Gazette, and which says, "The Dominion conducted negotiations and conferred several times with the province which fully approved and has recently endorsed the treaty." So that refers to several conferences.

Mr. SHORT: I think it would be good for the Committee to know what these conferences were.

By Mr. Short:

Q. How did this treaty originate?—A. I tried to explain that before.

Q. Was it on account of recommendations made by the Commission in 1920 and 1921?—A. No. It was the sum total of all that had gone before. I could say that more correctly than I could say anything more. We have been trying to reach an agreement to rehabilitate, in the interests of both countries, these great fisheries ever since they began to go down, and particularly since the matter became serious. Several previous treaties or attempts did not prove successful. Now, in view of the experience gained in this matter, last year when I was on the Pacific coast I had a conference with the provincial Commissioner of Fisheries on this subject.

By Mr. McRae:

Q. Last fall?—A. Yes.

Q. Was there anybody there other than the Assistant Commissioner, Mr. Babcock?—A. No.

Q. Have you ever met any of the B.C. Cabinet or members at any of the conferences?—A. Not beyond—not in any combined way.

Q. That matter has been left entirely to Mr. Babcock?—A. Well, the Commissioner of Fisheries.

Q. That is Mr.— —A. Mr. Howe.

By Mr. McQuarrie:

Q. You had a conference with him?—A. I had a conference with him last fall, and the view of the provincial government was obtained before the treaty was gone on with.

By Mr. Short:

Q. Did not that Committee of 1922 recommend that a commission be appointed?—A. They recommended an arrangement with the State of Washington.

Mr. SHORT: Nothing was done with that recommendation until just recently?

The CHAIRMAN: It had to be confirmed. Anything that might have been done with the state of Washington had to be confirmed by the Washington authorities, Congress and the Senate.

Mr. MCQUARRIE: It was nothing like this treaty.

By Mr. Brady:

Q. I would like to ask the Deputy Minister this question: With regard to this treaty, did it emanate primarily from the Canadians? In other words, had it its origin on this side, by our urging it upon the States which were more kindly disposed to the treaty than we were? That is the point that I would like to get at. In other words, did we bring this matter from the Canadian side or from the United States?—A. We did. We certainly did; and we were certainly urged very strongly to do it by this Committee.

By Mr. McRae:

Q. By whom?—A. By this Committee.

Q. Mr. Chairman, in the files which I have looked over, there is a letter dated December 5th, 1928, which Mr. Found sent to Mr. Skelton in which he refers to the government of British Columbia. He says he received a telegram from the Assistant to the Commissioner of Fisheries which reads as follows—and then he quotes the telegram. In effect, it gives approval by the province of British Columbia. On December 7th, there is a note from Mr. Skelton to the Prime Minister which calls his attention to the importance of this. Now, I do not find in the files either this wire or any other correspondence with the province of British Columbia, and I wonder if those letters are in the file of the Deputy Minister?—A. I do not follow you.

Q. Under date of December 5th you wrote the Under-Secretary of State?—A. I recall that quite well.

Q. That wire is not on the file?—A. That wire was to me. That is on our file. You are looking at the External Affairs file.

Q. Yes. If we had the files of the Deputy Minister, I presume that would give a lot of information with respect to the negotiations between your Department and all those concerned in the treaty; is that right?—A. I should say so.

Mr. McRAE: I think, Mr. Chairman, we ought to have those files tabled in the House, or, at least, we should have access to them.

The CHAIRMAN: You will have to ask for an order.

Mr. McRAE: We did not get the Deputy Minister's file. I think it is important, because before this thing is through there is going to be a great deal of importance put on the approval of the province of British Columbia. What I am particularly anxious to see is how much consideration the province of British Columbia gave to this matter.

Mr. McQUARRIE: And I want to see the same thing with regard to the fishermen and the cannery business.

Mr. McRAE: It seems to me that if those files were made available for us so that we could go into them it would not take long, because we only want to get the essentials.

By Mr. McRae:

Q. Mr. Found, they will show the chain of negotiations over a period?—
A. They will show all there is to show.

Q. I have in mind the file I looked over. The negotiations up to our meeting here in March, 1927—for eleven months there was nothing on the file, and it then appears that the subject was revived by yourself and carried on. But I take it that we must see the files of your own department to ascertain whether there was anything you did not think sufficiently important to report to Council or to the Under-Secretary?—A. Quite so. When things reach a certain point they are taken up with the Department of External Affairs.

Q. If we had your files they will show the report of the negotiations complete?—A. As far as there was any official correspondence. Of course, the talks that you refer to, and that are mentioned there, were not correspondence.

Q. Did you carry on any negotiations at all with Mr. O'Malley, the Director of Fisheries?—A. No negotiations. We have discussed the matter many, many times, but neither of us was in a position to negotiate.

Q. You did not discuss the draft of the treaty with him?—A. Ah, well, the draft of a treaty. I certainly have discussed that with him many times—what should be in the treaty.

Q. Who drew that treaty, or document? I notice it is submitted by Mr. Johnston, the then Deputy Minister, to the Under-Secretary of External Affairs; but I was interested in knowing who drew it?—A. Well, I submitted the draft myself.

Q. You drew it yourself?—A. Yes.

Q. I do not wish to be uncomplimentary, but I am told by our legal colleagues that it is very amateurish in its drafting.—A. That might very well be, but these cases are always submitted to the Justice Department.

Q. Were there any material changes made in it by the Justice Department?—A. I do not recall such.

Q. Your file would show such?—A. Yes.

Q. And the treaty practically went as it is, to Washington, did it not?—
A. Well, you are asking me questions to answer from memory that I cannot very well answer from memory.

Q. The files will disclose that, will they? Is that correct, that the file will show any changes or alterations?—A. The files will show any official correspondence, any correspondence on the subject.

Q. You had a draft at the coast at that conference?—A. I submitted no draft at that conference. I just had a discussion on proposals to be covered by the treaty.

Q. What assistance did you have in considering this matter? Did the Minister take any part in it?—A. The Minister was necessarily consulted.

Q. Did he give any time to the consideration of the thing or did he leave it to you?—A. Undoubtedly, the Minister would give consideration to these matters.

Q. So that this had the Minister's serious consideration as well as your own?—A. No doubt about that.

Q. That is quite reasonable. Then, the draft of this treaty has been sponsored by yourself with the approval of the Minister?—A. The draft is the draft which was approved by the Government.

Q. Was that draft submitted to British Columbia before they approved of it?—A. The Commissioner of Fisheries for British Columbia was informed of what we proposed, what was considered should be covered by the treaty.

Q. But the draft of it was not submitted to him?—A. I am not at all sure that I did not have a copy with me and showed it to him in a personal way.

Q. Perhaps you could look that matter up?—A. That would be in a personal way, as I would not then be in a position to do anything else.

Mr. McQUARRIE: There would be an official communication.

Mr. McRAE: The files will disclose those official communications.

Mr. McQUARRIE: There must have been an official communication between you and Mr. Babcock.

The CHAIRMAN: The only way to get the whole thing is to ask the Minister in the House if he will allow it to come before the Committee. Mr. Found cannot produce it. Now, gentlemen, shall we go on with the treaty?

Mr. McQUARRIE: There should be a recommendation from this Committee.

The CHAIRMAN: I think, perhaps, one of the members had better ask on the floor of the House.

Mr. McQUARRIE: I think a recommendation from this Committee would be a proper thing.

The CHAIRMAN: I do not think that is necessary. Someone can ask the Minister if he will produce the file. I presume he will have no objection.

By Mr. McRae:

Q. Have you had any consultation with the state officials at Washington who have had a prominent part in the treaty, Mr. Found?—A. I have discussed the matter of an arrangement on several occasions.

Q. Who were the officials at that time?—A. The State Board at that time consisted of Mr. Simms—

Q. Mr. Freeman?—A. He is not a member of the Board. The name of the Supervisor of Fisheries for the state of Washington—he was, unfortunately, drowned—I forget his name at the moment.

Mr. McRAE: There is one thing, Mr. Chairman, I would like to call to the attention of the Committee, and that is, after the special meeting that he had in 1927, in view of all these conferences in Vancouver with the fishermen and everybody else, I think this Committee had every reason to expect that this draft would have been submitted to us for discussion before it was signed, especially when it was signed on the 28th of March, and this House had been nearly two months in session. I think it is a very unfortunate thing indeed that these questions were not raised before the treaty was signed, because, it is true that every man on the Pacific coast wants a treaty, they are all in favour of a treaty to restore the sockeye salmon in the Fraser River, but they do not want this treaty. I think it is too bad that we could not give our views before this treaty was signed. I mention that again; I mentioned it the other day; and I want to repeat it. I do not wish to burden the Committee with this, but there is a reason for it. An editorial appeared in the Daily Colonist under date of May 21st which I think might well be filed for the information of the Committee, as showing the position of that paper at that time.

The CHAIRMAN: What is it?

Mr. NEILL: Does an editorial in a newspaper, however respectably held, represent any views of the Government?

The CHAIRMAN: No, of course not.

Mr. McRAE: Perhaps Mr. McQuarrie will read this editorial; he is a good reader.

Mr. McQUARRIE: It is dated May 21st, 1929, and is an editorial appearing in *The Daily Colonist* as follows:—

Fisheries and Power

A Sockeye Salmon Treaty, for the conservation of this species is about to be approved between Canada and the United States. It provides for power to suspend commercial fishing by Canadian and American fishermen for a certain term in each year. The object is the conservation of the Fraser River sockeye salmon, with the goal in view of restoring this most important natural resource to its maximum possible yearly crop and packs such as maintained prior to 1913. The treaty is also devised to insure development and maintenance of this fishery industry on a reliable and permanent basis. Fishery experts believe that the loss experienced since 1913 has become so serious that if unrestricted fishing is allowed to continue the sockeye salmon as a commercial species will be wiped out in the immediate future.

The protection of the Fraser River breeding waters, spawning grounds and the seeding of same is a matter for which the British Columbia Government is responsible. The whole drainage area of the Fraser River basin, the main river and all its tributaries lie within this province. In other words, the United States has no concern with these all-important matters and responsibilities. Despite this it is doubtful if British Columbia fishermen, and the industry generally in this province gets more than 35 to 40 per cent of the pack, while fishermen and cannerymen on the American side secure the balance. The Americans thus get the lion's share, although having no responsibility or expense in connection with the lands or waters of the Fraser River. Up to the time of the framing of the present treaty the cannerymen of the American side steadily refused to co-operate with Canada, although repeatedly requested to suspend commercial fishing in order to restore the pack to its maximum.

The fishing treaty now being considered will eventually help the Americans more than it will the fishermen and cannerymen on this side of the line. What should be recollected is that the people of British Columbia will expect that their rights in every respect will be protected. In other words, the whole water interests of the Fraser River, and all dependent interests in them must be reserved for the people of this province. The Provincial Government should see to it that the treaty is drawn in such a fashion that it will reserve a free hand regarding any interference with the flow of river water, in order to store or conserve the flood waters for irrigation or power development. There should be no question of any negotiation with the United States, and yet that is a danger which resides in the new treaty now being considered.

The treaty calls for united action and co-operation in conserving a branch of the fishing industry on the part of the two nations. It should not be possible for it to be interpreted, at some time in the future, as liable in any way to interfere with what may be proposed for power or irrigation development in this province. British Columbia should, most

undoubtedly, retain for herself and her people her rights for all time to the free use of all the Fraser River drainage basin, its waterways, streams and lakes, their beds, banks and foreshores, in whatever way may be found desirable in the future. It would clearly seem to be the duty of Mr. S. L. Howe, the Commissioner of Fisheries, to watch British Columbia's interests closely in the wording of the treaty so that no situation will arise respecting the Fraser River in the future such as has arisen regarding the development of the St. Lawrence.

The CHAIRMAN: That is fatherly advice that The Colonist is giving. It has no bearing. Here is a letter signed April 13, 1929, at Government House, Victoria, British Columbia. This is addressed to the Under-Secretary of State, Ottawa, Canada and reads as follows:—

SIR,—I have the honour to enclose, herewith, certified copy of Order in Council No. 478, which my Government has requested me to convey to the Government of Canada relative to the Fraser River Salmon Treaty.

I have the honour to be,

Sir,

Your obedient servant,

(Sgd.) R. RANDOLPH BRUCE,

Lieutenant-Governor.

Then follows: —

P. WALKER,

Deputy Clerk, Executive Council.

Certified copy of a Minute of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor on the 4th day of April, A.D. 1929.

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To His Honour,

The Lieutenant-Governor in Council.

The undersigned has the honour to recommend that His Honour the Lieutenant-Governor be requested to convey to the Government of Canada, through the Secretary of State, the strong sense of satisfaction and gratification felt by the Government of this Province upon learning of the conclusion in Washington of the Fraser River Salmon Treaty. Dated this 3rd day of April, A.D. 1929.

S. L. HOWE,

Provincial Secretary.

Approved this 3rd day of April, A.D. 1929.

R. W. BRUHN,

Presiding Member of the Executive Council.

I asked Mr. Found if, before they signed that on the part of the Government, they had seen a copy of the treaty, and he said they had, and they knew what was in that treaty.

The WITNESS: The treaty was dated the 27th of April.

[Mr. W. A. Found.]

The CHAIRMAN: 27th of March.

The WITNESS: 27th of March.

The CHAIRMAN: The order was on the fourth of April.

Mr. NEILL: I think it would be appropriate to put in this statement. Perhaps Mr. Found can say whether it is correct. It is not an editorial. It reads as follows:—

In a statement issued to-day, Premier S. F. Tolmie said:—

According to our views and legal advice there is no provision in the treaty which either impliedly or directly contains any interference either territorially or in administrative sense with or surrender of Canadian rights. The province was at all times completely represented and fully informed during the negotiations leading to the signing of the treaty.

The Dominion conducted the negotiations but conferred at all times with the province which fully approved and has repeatedly endorsed the treaty.

I would ask Mr. Found if that is correct, because I found it in a paper called The Mail and Empire of Toronto, of the 24th of May. Has Mr. Found any knowledge of it?

The WITNESS: It is part of a despatch which I saw in a Montreal paper. I could not say more than that. I had also a telegram from the Assistant to the Commissioner of Fisheries for British Columbia saying that such an interview had been given.

Mr. NEILL: That such an interview had been given?

The WITNESS: Yes; or rather, that such a statement had been made.

Mr. McRAE: I think when we get your files everything concerning this whole transaction will be of record.

The CHAIRMAN: Do you wish to go on?

Mr. McRAE: Go on with the treaty.

The CHAIRMAN: (Reading):—

Article I^a

The provisions of this Convention and the regulations issued pursuant thereto shall apply to the Fraser River and the streams and lakes tributary thereto and to all waters frequented by sockeye salmon included within the following boundaries:

Mr. BRADY: Read the preamble.

The CHAIRMAN: (Reading):—

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and the President of the United States of America, recognizing that the protection, preservation and extension of the sockeye salmon fisheries in the Fraser River system are of common concern to the Dominion of Canada and the United States of America; that the supply of this fish in recent years has been gravely depleted and that it is of the utmost importance in the mutual interest of both countries that this source of wealth should be restored and maintained, have resolved to conclude a convention and to that end have named as their respective plenipotentiaries:

Mr. McRAE: There is one thing that might be left out. I would not say "common concern" but "concern" because I think the "concern" is much greater to the Fraser River within our territory that it could possibly be to the United States.

[Mr. W. A. Found.]

The CHAIRMAN: I do not know whether we can change it.

Mr. McRAE: I do not think so, but I think it is unfortunate.

Mr. McQUARRIE: There are one or two things we will have to change in this treaty.

The CHAIRMAN: We can recommend, but we cannot change a part of the treaty.

Mr. McQUARRIE: I do not think we can let a treaty like this go through. We will not be able to leave this treaty the way it is now.

The CHAIRMAN: They may amend it later, but we cannot change the treaty itself.

By Mr. McQuarrie:

Q. How does this description in article 1 check up with the description in the previous treaty of 1920?—A. It is the same description until you get to Point Gray.

Q. I think the southern boundary is the same?—A. I do not think there is a word of difference. I have the other here, and you can compare them word for word.

Q. Will you explain to the Committee if there is any difference, and if so, what it is?—A. Not in the southern end of it.

By Mr. Neill:

Q. Where did the first line strike Vancouver Island?—A. Boat harbour, just below Nanaimo.

By Mr. McQuarrie:

Q. So the southern boundary is the same, but to the north more area is used?—A. Yes.

By Mr. McRae:

Q. The treaty carries along on the shore line. The southern boundary of these treaty waters is very well marked out, but after it strikes the mainland it follows very much in detail the shore line except in one place where it makes an exception following the Great Northern tracks cutting across a slough.—A. You have to cut across that, because it makes an island.

Q. Then you pass through two or three streams, and I take it that these rivers do not come within the scope of the treaty waters to the south, because all these streams are eliminated?—A. Yes.

Q. Then one question arises upon which you can satisfy the Committee, and that is that the second boundary is far enough to include all the sockeye running to the Fraser river?—A. Yes.

Q. Now with regard to the balance to the south; is it possible that any sockeye, or any fish destined for the Oregon hatcheries farther up the Sound, will come under the same fishing regulations, and will there be any similar regulations on the Sound itself? Is there any opportunity for conflict between the fishing regulations as put in effect for Sound fishing at other points than on the Fraser river?—A. I do not see any room for conflict to the extent that any fishing that is carried on in the treaty waters before the first of June is liable to have the mesh of the nets regulated.

By Mr. Neill:

Q. Are there any sockeye spawning grounds tributary to Puget Sound not included?—A. None.

By Mr. McRae:

Q. I wish to take strong objection to the change in the northern boundary. The treaty of 1920 could not be objected to, but I am at a loss to understand why in this treaty you go farther north up to Lasqueti island.—A. That seems a fair proposition, and I think there is a fair answer to it. The answer is this: that any sockeye which are there will be going to the Fraser river. We know there is going to the Fraser river a late run of fish that is not of a desirable type; whether they are these fish or not we do not know. If they are it may be in the interests of both countries not to develop that run. If any question arises there, I would say that these fish come down through some narrow passages north of that area and they are entirely within the purview of our own regulations, so that keeping in view the fact that we are dealing with the Fraser river, we are trying to make it of the most value to us all, and it was considered best that the treaty should be extended to where the gill net fishing is stretching out.

Q. That limits it in the south to the boundaries of the Fraser river run?—A. Yes.

Q. Why should we go farther north than that run? Why should we go a hundred miles north and seriously interfere with a very large number of fishermen who are depending for their livelihood upon 100 per cent Canadian fish around Lasqueti island? Why deprive our fishermen of that area and put them under the direction of the International Commission?—A. They have the whole range of these fisheries from the north end of Vancouver island down. I do not want to be understood as saying that any fish coming from that area are coming from the north. I do not know; I do not think anybody knows. It is a matter of conjecture whether or not there is a considerable spreading around.

Q. The old idea was all right, but as a matter of policy putting Burrard island in there is absurd, and when you come to extending the northern limits into the sockeye fishing territory of the constituencies of myself and Mr. Neill, you have gone a long way out of your way to divide the market with the American fishermen for fish that are 100 per cent Canadian.—A. I say that there is an undesirable late run. Whether they come from the north or not is yet to be determined. There is a strong suggestion that they do.

By Mr. MacLaren:

Q. What do you mean by "undesirable run"?—A. A fair quality of fish.

By Mr. Brady:

Q. That is the late run?—A. Yes; they are soft, lacking in oil and in the markets are not keeping up the good name of the Fraser river sockeye.

By Mr. Short:

Q. Is that class of fish caught up in the northern waters?—A. The fish which are caught in the northern waters are far and away in the best condition.

By Mr. Macdonald (Richmond-West Cape Breton):

Q. Does that catch of what you call undesirable fish enter into these calculations of the 50-50 division?—A. It certainly does.

Q. Is that not a little unfair?—A. I think it is a very strong argument for having this area included in the treaty, so that the fishing may be regulated by the Commission.

By Mr. Neill:

Q. It seems to me that there is a good deal in what the General says. If they are going to fish in the Lasqueti island territory why should they not know if they come from the north? There is some evidence there that will be caught

higher up. Is there any record of sockeye being caught further north—not so far north as to be remote?—A. There is a considerable catch of sockeye around Deep Water Bay.

Q. Do you suggest that the fish coming through Deep Water Bay are going into the Fraser, or headed for the Fraser?—A. There is no question but that the sockeye coming through by Deep Water Bay are going to the Fraser. A number were tagged at Deep Water Bay, practically all of which were caught in the Fraser.

Q. Then why not catch them around Lasqueti Island?—A. They may be.

Q. No, the treaty line is drawn south of Lasqueti Island.—A. The reason is that this treaty contemplates giving proper control to a commission appointed over the sockeye fisheries on the Fraser River, so that it can develop those fisheries to the best interests of everybody. The catch there is not large; there are not many fishermen drifting across there. The whole line of fishing is above, and if we allow certain kinds of fishing up in the northern areas, not many will come down.

By Mr. Short:

Q. What was the idea of extending that line? Was it on the suggestion of the American commissioners?—A. Later on, on going into the matter, it was found that the fishermen were, to a certain extent, drifting out over that area, a distance of 89 miles.

By Mr. McRae:

Q. Do you think that in practice the Commission will not be dealing with two regulations under this treaty, one for Canadian waters and one for American waters?—A. If that run does depend on the Fraser River for its replenishment then it is in the interests of those fishermen that that replenishment should be properly safeguarded. The extent to which those fisheries can be fished will depend on the extent to which they are reproduced.

Q. I am not disputing that, but I do not wish an international commission which has no interest in the northern run to replenish the river practically 100 per cent at the expense of this country. I contend that the Americans have no interest in that at all.—A. They have not. There is not an American fish there. The fish which are caught do enter into that 50-50 basis. The 50-50 per cent of the division is embraced in that fisheries now. The fish which you are getting are fish which embrace that division in that area.

Q. And when we come to make a treaty why do we deprive Canada from catching her own fish which are not in waters tributary to American waters at all?

By Mr. Ladner:

Q. Will you say exactly what this 50-50 means? Does it mean that regulations will be established so that on the American side they will catch 50 per cent, and 50 per cent on the Canadian side, or whether there will be a distribution of 100 per cent on the basis of 50-50?—A. The treaty is very clear. It provides:—

Inasmuch as the purpose of this Convention is to establish for the High Contracting Parties, by their joint effort and expense, a fishery that is now largely non-existent, each of the High Contracting Parties should share equally in the fishery. The Commission shall, consequently, in regulating the fishery do so with the object of enabling, as nearly as they can, an equal portion of the fish that is allowed to be caught each year to be taken by the fishermen of each High Contracting Party.

Q. Suppose it turns out that the United States actually catches, under that interpretation, 75 per cent? Is there any way of adjusting that distribution so that each will be allowed an equal proportion?—A. It will be clearly the work of the Commission to see that that situation is allowed to develop, and there will be no difficulty in doing that. When you are dealing with implements like traps and seines on the American side, you can make arrangements having regard for the catch. All you have to do is to establish the area on each side.

Q. Once the State of Washington which controls the licensing has issued the license do you say that under this treaty the Joint Commission has authority to close them down?—A. Absolutely; no question about that.

Q. In order to make a 50-50 catch on each side?—A. No doubt about it.

Q. Under your interpretation this treaty does not provide for the distribution of 50-50 on the total catch?—A. No, that is not practicable.

Mr. BRADY: We are at article 1, and I think we had better finish it. I naturally am indirectly concerned in the treaty, as a member of this Committee. I tried to find out as much as possible regarding it, and any questions I put forward are asked with the motive of getting light upon this subject. I would like to draw your attention to the waters as I think undoubtedly adequate consideration has not been given to their allocation. I went to some trouble and found out that from a point on the line adjoining Carmanah Lighthouse down to Cape Flattery and following along these international waters to Point Roberts is a distance of 130 miles. That is one portion of the treaty waters; that is one area and we get practically a division there of 50-50.

The WITNESS: What do you mean by international waters?

Mr. BRADY: We have waters on the Canadian side on one side and the United States boundary on the other, so they are national in that sense.

The WITNESS: Yes, but not international.

Mr. BRADY: No, but practically half and half. When we go from Point Roberts we find there is a portion of waters included in these treaty waters extending up to Lasqueti Island a distance of 60 miles—another 60 miles of water purely Canadian. We have a short portion of water starting with Fidalgo, or, I think it was Reservation Bay, extending down to Puget Sound about 75 miles or 100 miles. Now, in other words, between Carmanah and Flattery we find, you might say, three distinct portions of water, two of which are within the treaty, and one is a side issue, namely, Puget Sound. Now, sir, I find that all the Canadian waters are tied up by this treaty, and that a great portion of Puget Sound is outside the treaty. Now, the Deputy Minister said the other day that the reason it was not included was because the sockeye was not running down there. That was the reason alleged. What I contend, Mr. Chairman, is that there should be an equitable agreement in respect to these waters, whether the fish go down into Puget Sound, or do not. If these 60 miles of purely Canadian waters are included in the treaty, there should be at least another sixty miles of Puget Sound included in the treaty—whether the fish are there or not. I do consider that we should have an equitable agreement, or division, in these waters, Mr. Chairman. It is said that the fish do not go down there; but as the Deputy Minister has said repeatedly to-day there is nothing concrete or established regarding the movements of these fish, and, therefore, I say—

The CHAIRMAN: Is not your argument that the Americans would fish for sockeye in Puget Sound in spite of the treaty?

Mr. BRADY: They would be at perfect liberty, because it is outside treaty waters.

Mr. SHORT: Do they catch any salmon in Puget Sound?

[Mr. W. A. Found.]

Mr. BRADY: I believe that they do. Another thing that struck me was this: instead of having all-Canadian waters then tied up to Lasqueti Island why not say all the waters within the line drawn from Carmanah to Flattery, and including those under should be treaty waters? I think that would be an equitable arrangement. If you are going to take 60 miles of Canadian waters, whether the fish are in Puget Sound or not, Puget Sound should be included in the treaty waters. Take 60 miles down—you take 60 miles up north—

The CHAIRMAN: The difference is, I understand, that there are fish up north and none in Puget Sound?

Mr. BRADY: That is what they say; but I am not sure of that. I am looking at that from this viewpoint, that I feel that that would be a good thing to do.

By Mr. Short:

Q. Do you know whether the Americans do any fishing in Puget Sound? —A. Not sockeye. Let me ask one question to try to get some of our comparisons square. If we are going to look at it from the standpoint of so many miles of water, of Canadian water and so many miles of the other, then, should we not follow that reasoning a little bit further and see how much fishing value is in the waters of either side? Now, if we are going to define it from that narrow standpoint we will get nowhere with the protection of the run of fish, for, as a matter of fact, 70 per cent of the fish taken in this whole system are caught in the portion of the United States waters that are covered by the treaty, and what the treaty is seeking to do is not a matter of determining waters, but of reestablishing the fisheries in these waters.

Mr. BRADY: The treaty line goes to the west of Fidalgo Island. Now, why is it that this part of these waters was left out?

The WITNESS: Because, as I said before, Mr. Chairman, the area is that area through which the sockeye pass. This treaty is restricted to dealing only with one particular species of fish. There are six species of salmon frequenting these waters. This treaty deals only with the one—the most important one in past years; and only during a certain period of the year when that fishery is the main fishery. What would be the use of us doing things that will not affect the situation as far as the rebuilding of that fishery is concerned?

Mr. BRADY: We are likewise interested in other kinds of salmon.

The WITNESS: Not so far as these treaty waters are concerned.

Mr. McQUARRIE: Following up Mr. Brady's statement, I think he is perfectly right. I want to know what authority you have, Mr. Found, for saying that the line which is marked on the map which is on the wall—I do not know what we call that map—

The CHAIRMAN: The map of British Columbia.

Mr. McQUARRIE: It is General McRae's map—a map produced by General McRae. The blue line on that does mark out the area into which the Fraser sockeye go. Now, what authority have you got for that? I suggest this to Mr. Found. As a matter of fact, the Fraser River water permeates Puget Sound.

The CHAIRMAN: The fish do not.

Mr. McQUARRIE: I tell him that the information which I have received over a period of some forty years, from fishermen and others, is that the Fraser River sockeye do go down into Puget Sound, because the Fraser River water is there. These fish are always looking for the Fraser River, and they will go into waters where they find Fraser River water. As far as I can see

it, there is nothing to prevent them. You draw a line on the sea or across the mouths of indentations, and across the mouth of Puget Sound, and you say that the fish stay outside and do not come in. That does not seem to be reasonable at all, as far as I can see. I would like to know, Mr. Found, what authority you have for making the statement which you have made, and, further than that, what investigations have you made, and what investigations have been made by anyone on behalf of Canada to fix the area within which the sockeye is confined?

The WITNESS: So far as that area is concerned—marked in blue on that map—let me point out this so that there may be no misconception, that when you come to British Columbia that blue line encloses all the land, all the area of British Columbia that is within the Fraser River watershed.

By Mr. McQuarrie:

Q. How many square miles, Mr. Found?—A. It is stated in an article that I saw, and I will not contradict it, to be one hundred thousand square miles.

By Mr. McRae:

Q. Between 90,000 and 100,000?—A. The waters that are covered—and those are the only things that are covered by the treaty—are less than two thousand.

Q. Could you give the approximate amount of Canadian water and the approximate amount of American water that is included in the two thousand miles within the treaty?—A. Yes, the approximate amount of the Canadian tidal waters is 2,067 square miles, and the United States tidal waters are 1,602 square miles.

By Mr. Neill:

Q. That is 1,602 square miles of tidal waters—United States waters?—A. 1,602 square miles of United States waters and 2,067 square miles of Canadian waters. The Fraser River and lakes comprise approximately 1,730 square miles; that is the waters of the Fraser River Watershed.

By Mr. Brady:

Q. 1,730 square miles?—A. About 1,730 square miles. That is my information after having an engineer check it up. That is included in that big area in blue.

By Mr. McQuarrie:

Q. It is included in that area of 100,000 square miles, you say?—A. It is approximate. It is not far wrong. It may not be entirely correct—1,730 square miles.

By Mr. McRae:

Q. That is fresh water?—A. Yes, that is fresh water.

Q. In Canada there are 1,730 square miles of fresh water included. How much fresh water in the United States?—A. I would say none.

Q. None? Yes, that is right?—A. I come back to the other point, that Canada, of course, has not made any direct investigation in the United States any more than the United States has made any direct investigation in Canada as to where the fish go. Our information is, however—

By Mr. McQuarrie:

Q. You have not got any. You take the information given to you by the United States?—A. And they take ours.

Q. As far as we are concerned, we take the information that is given by the United States?—A. And which we can also check up with the packs of the United States.

Q. What you have done up to date is to take the word of the United States as being correct?—A. Quite right; and they take our word as being correct.

Q. Now, what have you got from them?—A. That is our information—that that area covers the area through which the sockeye pass.

Q. You got that from the United States. In what form have you got it from the United States?—A. It is in various forms.

Q. Have you got anything in writing from them, from the United States—anything at all from them that can be produced?—A. I have no doubt that a great deal of information can be produced to show that. It is of common consent. General McRae stated this morning that in his opinion it was correct. I do not think that anybody has stated that it was incorrect.

Q. The General does not know anything about it. I am not willing to admit that he could give evidence on it.

Mr. McRAE: Generally, I think that is right.

Mr. McQUARRIE: General McRae would not be accepted as a witness on that point.

The CHAIRMAN: Is it material? Is the whole thing material?

Mr. McQUARRIE: Certainly it is.

The CHAIRMAN: Why?

Mr. McQUARRIE: It is one of the most important points in the treaty, for this reason, as I say, Mr. Chairman, if you fix a southern area for this territory which is to come within the treaty, and if the line of that area is north of where the sockeye actually go, then the Americans will be able to catch any sockeyes they like in the area south of the line. Now, if it is a fact that the sockeye do go down into Puget Sound—if that is a fact—then, of course, Puget Sound is not in that area at all.

The CHAIRMAN: Mr. McQuarrie—

Mr. McQUARRIE: I am asking this question. It is a fair question. I have so far got from Mr. Found that he has no information except what has been given to him by the Americans as to where the line should be, and I have asked him what investigations he has made. I have asked him what we have from the Americans and what he could produce from the Americans to show that the information that they have given is correct, and he has said that no doubt he can produce a lot of information, documents and so forth. Now, I was trying to get Mr. Found to answer the question.

The WITNESS: Now, let me answer it fairly, because, after all, I take it that we want to get at the pith of it. What is the treaty seeking to do? In the first place it is seeking to restore a fishery. Suppose it is a fact that a few salmon stray hither and yon, if you are going to follow all these technicalities then the other side could say that they will control the fisheries right from the north end of Vancouver Island down. The fact is that there is a considerable run coming down there.

Mr. McRAE: I do not agree with that at all.

The WITNESS: I do not either. I am taking the analogy for the moment. This treaty sets out to do a job, and we know that the area covered by the treaty is the area which is directly concerned with the fisheries, the upbuilding of which we are seeking to bring about. Now, I cannot say more.

By Mr. Short:

Q. Why did you change the boundaries north from the 1920 treaty this time, and not change any boundaries down in the south?—A. Because it was no doubt shown that the fishing for the Fraser River fishermen did extend out beyond the boundaries of the previous treaty.

Q. You cannot say that there were no sockeye salmon in the Puget Sound?—A. Quite so.

By Mr. McRae:

Q. Is there anything on record to show that that was the contention of our American friends in this treaty, or is it just your own viewpoint?—A. No, it was not my own viewpoint. It was a matter that came out of either discussions or correspondence. I really cannot tell you off hand.

Mr. McRAE: There is one thing, Mr. Chairman, that I think would clear this matter up a bit. Mr. Found referred to there being 1730 square miles of fresh water, approximately. Of this, so far as Canada is concerned, none of it is in the United States—no fresh water whatever. Now, I would like to know from Mr. Found, as a matter of record, the approximate area which that covers. Looking at the map on the wall, I would say, roughly, it is an area of 250 miles wide by 400 miles north and south—250 miles east and west by 400 miles north and south. That is the watershed of the Fraser River approximately, and I take it that this 1,730 square miles of fresh water, lakes and rivers, is the measurement of all the rivers and lakes in that area; is that right?

The WITNESS: That is my information.

By Mr. McRae:

Q. So that we have a penetration of roughly four hundred miles into our country so far as the province of British Columbia is concerned, and no penetration into the state of Washington as far as that state is concerned?—A. Not fresh waters; but we have all the United States other waters.

Q. Treaty waters you are speaking of. I am referring to fresh waters.—A. I am speaking of the territorial waters of the United States.

Q. Treaty waters?—A. Territorial waters.

Q. I would like to ask if there is any other treaty affecting those treaty water in existence?—A. Affecting them? In what way?

Q. Dealing with them in any way?—A. I cannot answer that positively. My impression would be that the boundaries commission treaty would cover it to some extent.

Q. I want to ask another question before we get away from this point. Who first suggested including the Fraser River? It was not included in the 1920 treaty?—A. Yes, it was.

Q. Not in this way?—A. Yes, it was.

Q. Did the Commission deal with it?—A. It is the winding up of the article. Article 3 of the Treaty, after quoting the treaty of 1918, says: "also the Fraser River and its tributaries."

Q. I am speaking of 1920?—A. I am speaking of the 1920 treaty.

By Mr. McQuarrie:

Q. I know what the General is getting at. They had no right to go into our territory.—A. Our territory is both tidal and non-tidal, but so is their's.

Q. You say that under this 1920 treaty the Americans had the right to go in and build hatcheries?—A. The Americans have no right to build hatcheries now.

Q. Under the 1920 treaty could they come in to British Columbia and build hatcheries?—A. It was a different proposition altogether.

Q. Of course it was.—A. You are speaking of the regulations of the fisheries internationally.

Q. That is what the General is trying to get at.—A. I am answering the question as I understand it.

Q. I am asking you who suggested this new arrangement?

By Mr. McRae:

Q. Yes. Who suggested the new arrangement regarding the Fraser River; it is a new arrangement, of course?—A. I can only say this that in the light of some twenty odd years' experience of trying to find a means, this means suggested itself as being the only one that was likely to bring about the end in view.

Q. So you assume responsibility for it yourself?—A. I am not assuming responsibility for it myself excepting so far as I am concerned; and the treaty speaks for itself as far as that is concerned.

By Mr. McQuarrie:

Q. Did you come to the conclusion that Canada was not capable of building hatcheries, and spawning grounds, and all that kind of thing; and looking after the spawning grounds?—A. Mr. Chairman, is a question of that kind fair? What does it involve? Of course we are capable of building hatcheries. We have built a great number, and we are operating a great number. It is not a question of that. It is a question of the two countries that are concerned sharing the expense in doing certain things that are essential—to build up a run of fish that are common to the two peoples. Now, the whole spawning area is on our side. That is an incident in our waters. The bulk of the fishery is in their waters.

Q. There is no doubt about that. You need not elaborate on that.—A. But, Mr. Chairman, I stress that point.

Q. You are getting away from the question altogether. According to Article 3, "The Commission shall conduct salmon fish cultural operations" in the area described in Article 1?—A. Yes.

Q. Now, to that end it "shall have power to improve spawning grounds?"—A. Yes.

Q. "Acquire, construct and maintain hatcheries, ponds, and other such facilities as may be determined to be necessary for the propagation of sockeye salmon" in the waters covered?—A. Quite so.

The CHAIRMAN: The United States will have to bear half the cost.

Mr. MCQUARRIE: Never mind the cost feature. I am not dealing with the cost feature at all; I am dealing with this feature.

The CHAIRMAN: That is the important thing.

Mr. MCQUARRIE: That is another thing altogether.

By Mr. McQuarrie:

Q. As a matter of fact, all these operations were formerly carried on by Canada; is that right?—A. That is quite right.

Q. My question was this: did you come to the conclusion that Canada was incompetent to carry on those operations? You took exception to that and said it was an unfair question, but I submit it is not. Before you attempt to answer, just let me ask you to try, if possible, to forget anything about costs, just for the present. But, as to carrying out these operations, would you not say that Canada is quite capable of constructing and maintaining hatcheries, rearing ponds, and other facilities necessary for the conservation and propagation of fish in Canada; that Canada is quite able to look after all that part

herself, outside altogether of the question of costs?—A. Obviously, Canada is so able, but obviously, Canada is not able to prevent the United States from reaping 70 per cent and more of the results of it. Therefore, without getting into technicalities, to come down to practicalities, in seeking to do something—if we are going to do this job at all—those who are both parties to it must do it together or it cannot be effected.

Q. Now, let me ask this question then: did the United States insist on this arrangement, this new arrangement that I am talking about?—A. I can only say that the United States agreed to it.

Q. That is not my question at all.

The CHAIRMAN: I do not see that it matters. We are getting the advantage.

Mr. McQUARRIE: This is the important feature. It seems to me to be the most important feature in this whole business—the whole transaction. I am asking who proposed that the United States should take a part in the construction and maintenance of our hatcheries and other facilities for the propagation of salmon in Canada? Who proposed that?

The WITNESS: I think the only answer I can give, Mr. Chairman, is that as a result of the development of negotiations this method was conceded—agreed to be the best one.

By Mr. McQuarrie:

Q. That is not good enough. It is a new departure, an entirely new departure. It has never been in any of the treaties or draft treaties that we have had before?—A. Quite so; it is a new departure.

Q. And my question, I submit, is fair. Who proposed it? Somebody must have proposed it. I asked you, in the first place, if you proposed it?

The CHAIRMAN: I think he answered that question. He said that it was a mutual understanding between the two parties interested. That is a fair answer.

Mr. McQUARRIE: No, it is not a fair answer at all.

The CHAIRMAN: Oh, yes, it is a fair answer.

Mr. McQUARRIE: We have to start some place.

The CHAIRMAN: And when we have an alarming proposition like this put up, something entirely new, surely it must have been proposed by the United States or by Canada?

The CHAIRMAN: I do not see what objection there is to it if the United States is willing to pay half the cost.

By Mr. McRae:

Q. I have something to say on that. There is one thing that I would like to ask before we adjourn. I would like to clear up the title to the Fraser River waters; that is as to whether all the land are lands of the province of British Columbia or not. I can answer it. It is the property of British Columbia except the railway belt.—A. That is my understanding.

Mr. NEILL: What is that?

Mr. McRAE: The ownership of all that land in the watershed is under the direction of the province itself, except the railway belt.

Mr. PETTIT: I am not a member of the Committee, but as a member of the House, may I ask a question for information? Could it not have been very easily provided in Article 3, somewhere in the treaty, that Canada would obligate itself to do these things with regard to spawning grounds, hatcheries, and

so on—but that the United States should stand one-half of the cost, rather than give the United States officials power to do it. In that way we would eliminate the very objectionable feature, namely, that representatives of the United States should have control over Canadian territory to some extent.

The WITNESS: There is just this one word, Mr. Chairman, that I would like to leave in the Committee's mind in considering this matter, and that is that the crux of this treaty is to rehabilitate this fishery. To do that, a Commission, consisting of members from each side is to be appointed to study the fishery. Now, if such a course as that suggested by Mr. Pettit is taken, it would, I suppose, imply that the study would be all made by the one side and they would determine what they would do. Here we are trying to get at it in a bona fide way and to have both sides joined together with the best experts in studying the actual history of the fish and acting in the light of that study.

The CHAIRMAN: There would be no control of territory?

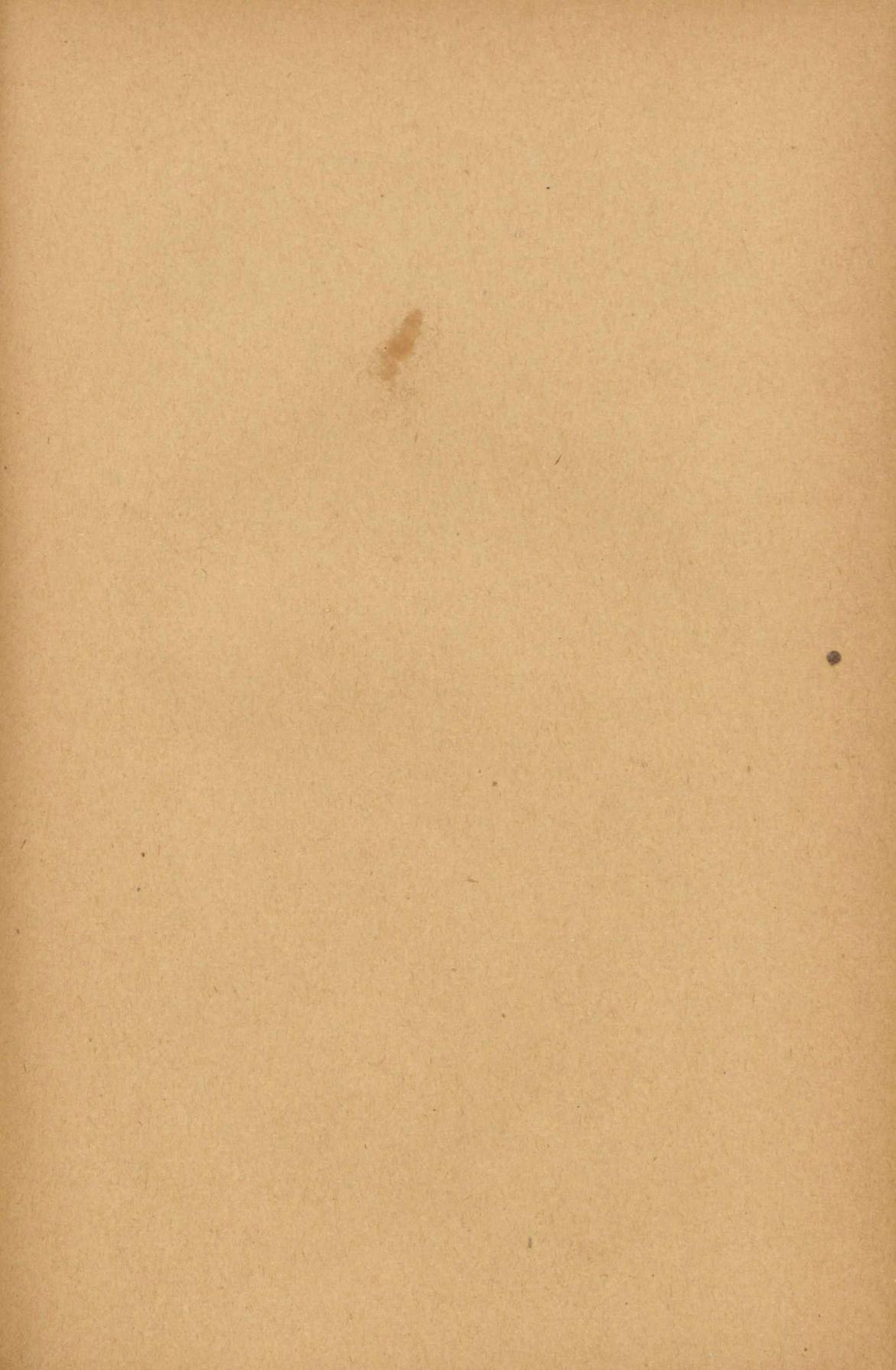
The WITNESS: No.

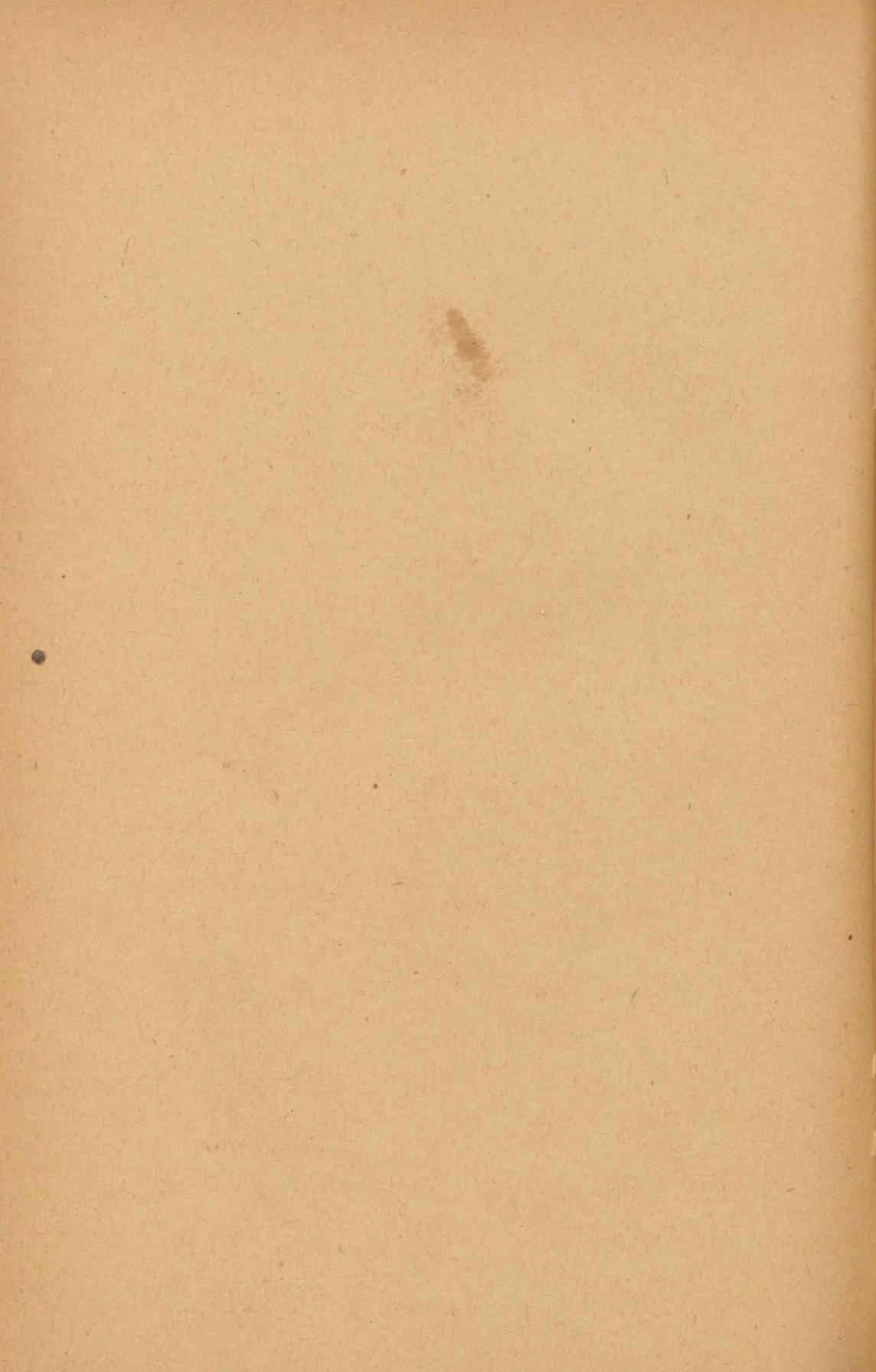
Mr. McRAE: Who will own the hatcheries at the end of eighteen years?

The WITNESS: Canada.

The witness retired.

The Committee adjourned until Tuesday, May 28th, 1929, at 4 p.m.





SESSION 1929

HOUSE OF COMMONS

SELECT STANDING COMMITTEE

ON

Marine and Fisheries

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 4—TUESDAY, MAY 28, 1929

WEDNESDAY, MAY 29, 1929

WITNESS:

Mr. W. A. Found, Deputy Minister of Fisheries.

OTTAWA

F. A. ACLAND

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1929

MINUTES OF PROCEEDINGS

COMMITTEE ROOM 425,

HOUSE OF COMMONS,

TUESDAY, May 28, 1929.

AFTERNOON SITTING

The Committee met at 4 p.m., Mr. Duff, the Chairman, presiding, and the following members of the Committee present:—

Messieurs. Bissett, Blanchard, Bourgeois, Brady, Dickie, Dionne, Duff, Grimmer, Macdonald (Cape Breton South), Macdonald (Kings), Macdonald (Richmond-West Cape Breton), MacLaren, MacLean (Prince), McQuarrie, McRae, Morrissy, Neill and Short—18.

The Treaty Convention with the United States was again taken up, Mr. Found, Deputy Minister of Fisheries, being present as a witness. Mr. Found recalled.

Article I considered and passed over.

Article II considered.

Remarks by Mr. McRae, and general discussion.

Mr. Neill made suggestions regarding the personnel of the Commission to be appointed to represent Canada.

Article II passed over.

Article III taken up. General discussion.

Mr. Neill read an article from the Daily Province in reference to the Treaty.

Mr. McRae read an article from the Victoria Colonist.

Mr. Brady also read an article, all of the above being recorded in the evidence of this date.

It being one o'clock the Committee adjourned to meet again at 8 o'clock, evening.

EVENING SITTING

The Committee opened proceedings at 8 o'clock, Mr. Duff, presiding.

The following members of the Committee present: Messieurs. Bancroft, Beaubien, Bissett, Blanchard, Bourgeois, Delisle, Dickie, Dionne, Duff, King (Kootenay East), MacDonald (Cape Breton South), Macdonald (Richmond-West Cape Breton), MacLaren, MacLean (Prince), McPherson, McQuarrie, McRae, Morrissy, Neill, Pouliot and Ward.—21.

Mr. Found again in attendance.

Some discussion as to what should be taken down as evidence. Letter addressed to Committee clerks from the Chief Reporter, instructing as to the decision of the Board of Internal Economy with reference to the taking of evidence in Committees.

The Treaty again taken up at Article III; further considered.

Remarks by Mr. McRae, Mr. Dickie, Mr. Neill, Mr. McQuarrie, Mr. Brady, Mr. MacLaren, Mr. MacLean (Prince), Mr. Macdonald (Cape Breton South), and others during the course of the discussion on Articles III, IV, V, VII, VIII, and IX.

Having discussed all the articles of the Treaty the Chairman asked if the Committee desired to submit to the House the Report of the Committee. Some of the members wished to have another short meeting before presenting the Report. By general consent the Committee agreed to meet again on Wednesday at 12 o'clock noon.

The Committee adjourned.

E. L. MORRIS,
Clerk of the Committee.

COMMITTEE ROOM 425,
HOUSE OF COMMONS,
WEDNESDAY, May 29, 1929.

The Committee met at 12 o'clock noon this day, Mr. Duff, the Chairman, presiding, and the following members of the Committee present:—

Messieurs. Bancroft, Beaubien, Bissett, Blanchard, Bourgeois, Brady, Dickie, Dionne, Duff, Grimmer, King (Kootenay East), MacDonald (Cape Breton South), Macdonald (Kings), Macdonald (Richmond-West Cape Breton), MacLaren, MacLean (Prince), McPherson, McQuarrie, McRae, Morrissy, Neill, Short, Smith (Stormont), and Ward.—24.

The Chairman stated that this meeting had been called to give a short final consideration to the Treaty before submitting the Report to the House.

After a short discussion, Mr. Beaubien moved, seconded by Mr. Morrissy, That this Committee present a Report to the House recommending that the Treaty in its present form be approved.

As this view was not unanimous a registered division of the members of the Committee present was called for.

A division was taken with the result of a tie, 10 to 10.

The Chairman gave the casting vote, and the motion was declared carried.

Report to be made to the House.

The Committee adjourned to meet again on Thursday, at 11.30 a.m., May 30.

E. L. MORRIS,
Clerk of the Committee.

MINUTES OF EVIDENCE

COMMITTEE ROOM 425,

HOUSE OF COMMONS,

TUESDAY, May 28, 1929.

The Select Standing Committee on Marine and Fisheries met at 4 o'clock, p.m., the Chairman, Mr. Wm. Duff, presiding.

The CHAIRMAN: Shall we commence with article 2?

Mr. McRAE: Read the last paragraph of article 1.

The CHAIRMAN: (Reading):—

The High Contracting Parties engage to have prepared as soon as practicable charts of the waters described in this Article, with the above described boundaries and the International boundary line indicated thereon. They further agree to establish within the territory of the Dominion of Canada and the territory of the United States such buoys and marks for the purposes of this Convention as may be recommended by the Commission hereinafter authorized to be established, and to refer such of these recommendations as relate to points on the boundary to the International Boundary Commission. United States-Alaska and Canada, for action pursuant to the provisions of the Treaty respecting the boundary between Canada and the United States signed February 24, 1925.

Now we will go on with article 2. (Reading):—

ARTICLE II

The High Contracting Parties agree to establish and maintain a Commission to be known as the International Pacific Salmon Fisheries Commission, hereinafter called the Commission, consisting of six members, three on the part of the Dominion of Canada, and three on the part of the United States of America.

The Commissioners on the part of the Dominion of Canada shall be appointed by His Majesty on the recommendation of the Governor General in Council. The Commissioners on the part of the United States shall be appointed by the President of the United States, and the Commissioner of Fisheries of the United States shall be one of them.

The Commission shall continue in existence so long as this Convention shall continue in force, and each High Contracting Party shall have power to fill and shall fill from time to time vacancies which may occur in its representation on the Commission in the same manner as the original appointments are made. Each High Contracting Party shall pay the salaries and expenses of its own Commissioners, and the joint expense incurred by the Commission shall be paid by the two High Contracting Parties in equal moieties.

Mr. MACDONALD (Richmond-West Cape Breton): What is the idea of putting in there "The Commissioner of Fisheries of the United States"? They have the power to make their own appointments. Why should that be put in the treaty?

Mr. W. A. FOUND: It is their own provision; I do not know the reason why; it was put in by them.

Mr. McRAE: There is one thing I want to comment upon; what has been called the novice work in drawing this treaty. Here in article II you will notice it is called "The International Pacific Salmon Fisheries Commission, hereinafter called the Commission". That is quite in order, but coming down to Article IV you will notice that it called "The International Salmon Fisheries Commission". The word "Pacific" is left out. The same thing applies to Article V. I call your attention to that to show the amateurishness of the whole thing. We are in a serious international treaty and it should not be possible for little inconsistencies like that to get by. Technically it is not right.

Mr. SHORT: It also says that this treaty was signed March 27, 1925. This House was in session. Why was this not brought up before this Committee then? If there were any recommendations they could have been made, and the flaws could have been picked out and removed, and there would have been no trouble about it going through. I would have thought that would have been the most natural way to handle this thing. If we have to pass on this, we might have done it before it was signed.

The CHAIRMAN: We will point that out in our report.

Mr. McRAE: There is one thing that is most unusual in any treaty, and that is this provision for a treaty in which three proposed commissioners are to act as a commission, and that an agreement signed by Canada should stipulate that the Commissioner of Fisheries of the United States shall be one of the United States commissioners. There must be some excuse for that. Otherwise there is no sound reason why that should be in the treaty.

The CHAIRMAN: Shall we proceed with Article II?

Mr. McRAE: This is a very important question for each country.

Mr. NEILL: I want to say a few words about the personnel of this Commission, because, as I said before, the whole thing hinges on that. This is a very difficult situation; it has baffled the brains of all succeeding governments for something like thirty years. There was a commission went out there, composed of members, in 1922, and even we could not agree on it, and we made a divided report, and there has not been ten men yet who have agreed as to what the remedy is, and so it is highly necessary that the very best brains be obtained, and the personnel be selected in such a way as to leave no opportunity for criticism. I am repeating what Mr. Found heard me say at the meeting, that what we want to get away from now is to keep it out of the hands of what I call "political hacks." I also suggested, in order to do away with any possibility of anything of that kind—I said, "Do not let us pay these fellows; pay them \$10 or \$15 a day, for the days they actually sit, so that the men who represent the fishermen will not be out of pocket, but otherwise they should be proud to do the work without remuneration."

My idea is that the United States government insisting that the United States Commissioner of Fisheries be one of them makes it necessary for an official of our own to sit on that Board, and certainly the Deputy Minister would be the appropriate man, but, as I said, do not leave it to the government for fear that it fall upon evil times and gets to the political hacks. We can recommend to the Government that in the appointment of the personnel of this Commission from our side they appoint the Deputy Minister, one man, not a representative of the canners but to be nominated by the canners, and one man not a representative of the fishermen, but to be nominated by the fishermen. These shall be appointed by the Government. How can that be done? Quite easily. The canners all belong to one large organization, and there is nothing easier than for them to get together and nominate one of

themselves, in whom they have confidence. Then the fishermen have a big organization, composed of something like 1,200 men. I believe that every Fraser River fishermen belongs to the British Columbia Fishermen's Protective Association; they have regular meetings and some very able men. This man Maiden is a very able man; he has been secretary for years. I have telegrams and letters urging that Maiden be made the fishermen's representative.

If this suggestion is followed you will have this result; that you have a man in whom the Government has confidence, a man in whom the canners have confidence, and a man in whom the fishermen have confidence. If you do it any other way you will create a feeling of ill-will and suspicion because the fishermen will not accept the canners' representative and vice versa.

There is another benefit which will result and that is that it will preclude the bringing in of the Assistant Commissioner of Fisheries, a man named Mr. Babcock, a very excellent man, and yet if we go to breaking up this personnel it will end in having Mr. Found the representative of the Dominion Government, and Mr. Babcock representing the Provincial Government and there will be absolute discord because we will have one man representing both conflicting interests of cannerymen and fishermen and that cannot be done. If you endorse the suggestions I have made it will do away with a great deal of unnecessary friction. There is no need for the province to be represented. Their interest is very subordinate, they have no other interest than any ordinary citizen of British Columbia, and I really urge with all the earnestness of which I am capable that we make a recommendation of this kind to the Government.

Mr. McQUARRIE: Referring to Article II and the previous Article I, and all the other articles in this treaty, there should not be any misunderstanding at all; nothing should be taken for granted at any time. That, I think, ought to be perfectly clear. We have not agreed to the first article; we are discussing it. We do not agree, as far as Mr. Found is concerned anyway; and we do not agree to the first one. That being understood, I do not mind discussing this Article 2:

The Commission shall continue in existence so long as this convention shall continue in force, and each high contracting party shall have power to fill and shall fill from time to time vacancies which may occur in its representation on the Commission in the same manner as the original appointments are made.

But that does not give Canada any power to change our Commissioners. If a man dies or resigns they have a right to fill the vacancy; but if we find that Commissioners who are appointed to represent Canada are not satisfactory, there is no power for us to change them.

The CHAIRMAN: I would think so.

Mr. McQUARRIE: Absolutely no. I think that that provision should be made. Mr. Neill has stated that Commissioners may be appointed who will not be satisfactory. Now, there should be power surely for the contracting parties to remove their Commissioners when and as they think fit.

The CHAIRMAN: I think it is taken for granted.

Mr. McQUARRIE: It is not.

Mr. MACLAREN: I do not think you can take it for granted.

Mr. McQUARRIE: No. The Commission shall continue in existence as long as the convention shall continue in force.

The CHAIRMAN: That is the whole Commission.

Mr. McQUARRIE: Have you considered this Article 2? More or less it states the manner in which Commissioners shall be appointed and then those

Commissioners become the Commission, and then the Commission as proposed in that manner shall continue in existence so long as this convention shall continue in force.

The CHAIRMAN: That is the Commission, not the Commissioners.

Mr. McQUARRIE: The Commission is appointed—"and each High Contracting Party shall have power to fill and shall fill from time to time vacancies which may occur in its representation."

Mr. BRADY: The whole thing is the vacancy.

Mr. McQUARRIE: Now, a vacancy can really occur by reason of the death or resignation of a Commissioner. Consequently,—

The CHAIRMAN: Or removal from office.

Mr. McQUARRIE: There is no power to remove them.

The CHAIRMAN: Yes, under an Order in Council.

Mr. McQUARRIE: No. There is no power to remove them, and those men who are appointed will stay there for sixteen years if they see fit, and this Government has no right to change them.

The CHAIRMAN: I hardly think so.

Mr. McRAE: I think what Mr. McQuarrie claims with respect to the Commission certainly applies to the big man on this Commission, that is the Commissioner of Fisheries in the United States. He is fixed if any man is. Now, Mr. Found will correct me if my report on Mr. O'Malley, who is the Director of Fisheries in the United States, is wrong. Mr. O'Malley, I believe, was the right hand man of the President when he was Secretary of Commerce. I presume he is the right hand man to-day. Mr. O'Malley is represented as a most courageous and outstanding American gentleman. He is said to have taken the Alaska canners by the neck and made them lie down, be good, and like it. I take it that that is the one reason why he is put on this Commission, that he may do the same thing exactly with the Canadian canners, and I am not sure it is not coming to them. But I want to point out to you that Mr. O'Malley is, perhaps, the outstanding and strongest man in the government of the United States, if not on this Continent with respect to this particular business. Now, there is a great deal in what Mr. Neill has said as to having in the interests of Canadians, the right kind of Commission. In that connection, I may say the common report on the coast is that Mr. Freeman—they will have two members on the Commission who will be appointed by the state of Washington, actually appointed by the state of Washington, but who will be nominated by the President, and they will be, so I am told at the moment, Mr. Millar Freeman, who is the representative of the American fishermen, and is on the Halibut Commission at the present time—a very able American—and Mr. Edward Simms, one of the large cannery men.

Mr. McQUARRIE: I think he is one of the Washington Trade Commissioners.

Mr. McRAE: There is one thing we must remember, and that is that the fishery business on Puget Sound, and what affects that section affects British Columbia, is in the hands of the state politicians of Washington. It has never been free from that domination, and I do not suppose it ever will be, because I notice in Mr. Found's file to-day a very interesting paragraph which I would like to read into the Minutes. It is an address by Mr. Coolidge to the Governors of the thirteen original states regarding the Puget Sound fisheries. He emphasizes the necessity of local self government and the functions of the state in administering their own affairs, and the danger of extending federal authority to matters which are properly under state jurisdiction. He goes on to say that as long as the spawning ground in a large part of the fishing area was in

Canada, the present situation could only be dealt with by treaty. And then this statement follows:—

In order to preserve a measure of prerogative and the functions of Washington it is desired that we ought to commence by communicating with the Governor of Washington although the high power could rest with the President, etc.

The article which is a printed article on the first of your file, Mr. Found, is a very clear indication of the rights of the state of Washington, and the desire of the United States not to interfere with those rights. We will come to that in a few minutes under this treaty. It speaks of how far they are going to interfere with state direction under this fishery treaty, and when I say direction, I mean state political direction, because that is, apparently, what the canneries of Puget Sound have been under for the last fifteen or twenty years. Just how far the state and state politicians are going to interfere with this treaty is a subject that is going to make something very interesting in the article that is ahead. Now, I have spent quite a bit of the time of the Committee to show you the big Americans you are going to have to deal with, and you are going to have to put great big Canadians up or you will find that these three men are going to come into this country but are not going to run the whole province of British Columbia as far as fisheries are concerned.

Mr. NEILL: Perhaps I might be permitted to refer to a telegram on the file. There is a letter and a telegram. The letter is dated February 9th. I received this letter from New Westminster. It is headed, "B.C. Fishermen's Protective Association" and it reads as follows:—

DEAR MR. NEILL,—At the regular monthly meeting of the B.C.F.P., held on the 2nd inst., at G.H.Q. here, with representatives from other locals present, including those at Port Haney, Bella Bella and Sointula, it was unanimously decided to ask the Dominion Government to give the B.C. fishermen representation on the proposed joint commission to deal with B.C. fisheries by appointing on said board Mr. William Maiden of New Westminster, long associated with salmon industry of British Columbia.

By concurrent mail I am notifying Mr. W. A. Found of the action taken, with the request that he forward the letter to the executive head if it is beyond his authority.

Anything that you may do to further the wishes of the fishermen in this respect will be appreciated by them and,

Yours truly,

RICHARD MARSHALL,
President.

The wire is dated April 17th and it is addressed to me here at Ottawa and it reads:—

Urgently request you present demands fishermen for their representative be appointed on Joint Commission under Fraser River Treaty stop. Remember Vancouver meeting favoured fishermen and cannerymen representative and one from Dominion Government or independent man stop. Fishermen want representation.

R. MARSHALL,
President B.C.F.P.A.

The CHAIRMAN: It seems to me it is not necessary for us to go into that. The government will have to take the responsibility.

Mr. McQUARRIE: I would like Mr. Found to explain why the United States insisted upon naming the Commissioner of Fisheries in the United States as well as the Commissioners?

The WITNESS: No, I would not like to undertake any explanation.

Mr. McRAE: You said yesterday that you drew the treaty. You drafted the treaty.

The WITNESS: Mr. Chairman, I said yesterday that I made a draft. That is another thing.

By Mr. McRae:

Q. Did they add this on, or did you put this in?—A. It certainly was not in any draft of mine.

By Mr. McQuarrie:

Q. It came by way of a suggestion from them?—A. That is in the signed treaty, Mr. Chairman. I think it must be reasonable to assume that the United States had their own reasons for it. I do not see that it is a matter of very much interest to us.

Q. They did not give any reasons; there are no reasons given for that?—A. None that I know of.

By Mr. McRae:

Q. We would like to know regarding the negotiations; what the original ideas were and what they were originally changed to and found their way into the completed treaty. Now, in your original draft which you prepared, and which I take it from the correspondence was not materially changed—I think if you say that the original draft was substantially the treaty—if you would say that, we would realize what the original draft was; but if, on the other hand, your original draft is materially different from the finished draft, I think this Committee should have this original draft and what your own ideas were that you put forward in its original form.—A. It is a matter entirely for the government. I, as an officer, submit my views which I gave in the usual official way, and which, so far as that is concerned, are confidential. They had their beginning by the head of the Department or by Parliament. I would not like to be brought into doing or saying anything which I should not do or should not say, no matter how much I should like to.

Mr. McRAE: I have no desire to embarrass the Deputy. I realize that in the negotiations of the treaty there were probably conclusions that were reached, and that sort of thing, and that we have to get back to a compromise basis. But there is some place where a start is made.

There are on the file documents which the Deputy Minister will not say are confidential—a number of draft treaties which I have not read over.

The WITNESS: Those are all confidential.

Mr. McRAE: The correspondence goes on to change those drafts though not materially. They were changed in the phrasing, but not in the working clauses of the treaty—not in the working articles—and I would like to have from the Deputy Minister either his concurrence or denial of that impression. I may be right or wrong. I want to know if this finished treaty is changed in substance, so far as its working out is concerned and so far as the changes apply to the working out—whether it is substantially the same as the files disclose. If the Deputy Minister will say that is true, we will get on with this treaty.

The CHAIRMAN: I do not see what bearing it has on it.

Mr. McRAE: It has a very direct bearing, Mr. Chairman, in this respect: I take it the Committee want to know whether this is a desirable treaty or not, and we want to know how far—

The CHAIRMAN: We will be governed by the treaty, not by any draft.

Mr. McRAE: Not at all. Quite the contrary. Treaties are all compromises. We want to know how far we have compromised.

Mr. McQUARRIE: Perhaps we might start from the treaty.

Mr. McRAE: I am perfectly frank in saying this, that, as I see them, the drafts on file are substantially this finished treaty, which is not materially changed.

The CHAIRMAN: What is the use of going into the previous drafts, if this is substantially the same as the draft?

Mr. McRAE: I would like to know if the Deputy Minister agrees.

The WITNESS: Mr. Chairman, I cannot say more than I said before. As an officer of the government, I submit my views to the government. The government considers these and acts on them. It may approve or disapprove. It is not for me to answer a question like that.

By Mr. McQuarrie:

Q. As to the first draft submitted by you to the United States, there would not be the same objection.—A. There was no draft submitted by me to the United States. It would be submitted to the government.

By Mr. Short:

Q. The Americans submitted one to us eventually, from this file.—A. No, they did not.

Q. They submitted a draft on the file?—A. That is very unfair, Mr. Short. I explained—

Q. I know; but the file shows it.—A. No, it does not show that at all, any more than that you and I might work together, Mr. Short, to help each other.

Mr. MACDONALD (*Cape Breton South*): If the Deputy Minister has been insisting on certain features going into the treaty, and they have been turned down, the Committee have a right to know that, and to back him up. That is the only feature I can see.

Mr. BRADY: I would like to ask the Deputy Minister this. Naturally, there would be a beginning to the treaty, some draft—some draft of the treaty forwarded to the United States, and naturally there might be changes made, drawn and returned in the usual way. Would that not be the usual procedure, to send a draft, say, to Washington, of the proposed treaty. There must have been a draft of the proposed treaty since it emanated in Canada, sent to the United States for their agreement to it or to make some changes, or there might be local obstacles in the way of certain articles in that proposed draft. I would like to know, sir, if it is a fair question? Would that be the procedure, or what was the procedure?

The CHAIRMAN: There is no question; that is the procedure. Mr. Found's position is that he does not want to answer a question which is entirely confidential between governments. We can draw our own conclusions. There must have been negotiations and draft treaties both backward and forward, and this is the final treaty approved by the two parties. Now, I think you should not go outside of this.

Mr. McQUARRIE: I submit, Mr. Chairman, we are entitled to know. We have before us a copy of a draft submitted to Canada and the United States—and then we will be able to know what changes the United States made in our draft. There is nothing unfair to that.

The CHAIRMAN: I think we are past that stage, Mr. McQuarrie.

Mr. McQUARRIE: No, we are in it.

The CHAIRMAN: No, we are dealing with this treaty; we are not interested in any draft.

Mr. McQUARRIE: You rule that we cannot get any information as to the drafts?

The CHAIRMAN: I would think so. That is fair.

By Mr. McRae:

Q. Might I ask, Mr. Found, if in your conferences with the province of British Columbia—if you secured what was, in effect, a draft treaty?—A. At all discussions to which I referred yesterday that I had with the Commissioner of Fisheries for the province, I explained to him quite fully what was considered should be in what should be the provisions of the treaty.

By Mr. Brady:

Q. Verbally? It was a verbal message you gave him; not a written one?—A. No. I was in the office with him.

The CHAIRMAN: Verbal.

By Mr. Short:

Q. Did that treaty that you submitted to them verbally differ very much from this present treaty?—A. Not in principle.

By Mr. McQuarrie:

Q. Was it the first draft, or a later draft?—A. Ah,—

By Mr. Ladner:

Q. Was it to Mr. Babcock or Mr. Howe?—A. Mr. Howe, and Mr. Babcock was there also.

Mr. McQUARRIE: Was that a draft which was afterwards amended, or this treaty? I think we are entitled to an answer.

Mr. MACDONALD (*Cape Breton South*): This treaty was concluded on the 27th of March, and here we have this Order in Council passed on the 4th day of April, so the whole treaty must have been before that British Columbia meeting.

Mr. McRAE: The date was before that. There was the meeting in November, as Mr. Neill says, November 10th. At Victoria they had a meeting. Before that date they had a meeting. I take it that it was previous to the Vancouver meeting you were at, Mr. Found.

The WITNESS: Yes.

By Mr. McRae:

Q. And you met with them?—A. I do not know why there seems to be some air of mystery sought to be given to this matter; there is none. The facts are very briefly these. I had to go to the Pacific coast in connection with a meeting of the Halibut Treaty which took place in Seattle. I took advantage of the time to attend to a great deal of official work in different parts of the province. I went to Seattle, and on my way back I did some work in Vancouver. I went to Seattle to attend the Halibut Commission. On my way back I went to Victoria and had a conference with Mr. Howe. I do not remember what day of the week it was. I was desirous of making every day

count. We went into the matter. I discussed the matter with him fully. I then came to Vancouver, and as quickly as I could arrange matters, had a meeting with the fishermen and the canners in Vancouver. I had arranged meetings before.

Q. I want to read what is on file here—a wire from Mr. Babcock, the Assistant Commissioner of Fisheries in Victoria. This was in the letter. I have not got the date of the wire. But Mr. Found will remember the wire. Here is what Mr. Babcock says:—

I am directed by the Premier and the Commissioner of Fisheries to advise you that the Government of British Columbia endorses and recommends the exchange of a treaty between Canada and the United States dealing with the sockeye salmon fisheries of the Fraser system and containing the provisions read by you at the conference on November eighth.

I ask if that is what you read? That is the treaty. That is what the province agreed to?

Mr. McQUARRIE: The question is what did you read?

By the Chairman:

Q. Does this treaty differ in any way from the negotiations you had with the province of British Columbia?—A. Not in substance as I explained before. I am speaking from memory, and that is a record. It is possible that I read it rather than gave them the verbal substance of it. The principles then put before the Deputy Commissioner were certainly this treaty as this treaty was subsequently when it got before the government in a signed form, and was approved by the government.

Mr. BRADY: In other words, on that point it would mean that the conference held in Seattle—

The CHAIRMAN: Not in Seattle; in Victoria.

Mr. BRADY: The conference held in Victoria was a tentative basis for this treaty. Would that be fair? It would be the tentative basis for this treaty?

The WITNESS: Yes, that is a reasonable way of stating it.

Mr. McRAE: Might we have a copy of that draft that was read at Victoria on the 8th of November? There is nothing confidential in that.

The CHAIRMAN: He might not have it. Have you?

The WITNESS: It is a matter I have no say in.

The CHAIRMAN: You say it does not differ substantially from the present treaty—the negotiation—the draft treaty.

Mr. McQUARRIE: It could not be a private document; it was read at this meeting.

The WITNESS: That was the Commissioner of Fisheries for the province of British Columbia, a Minister of the Crown, and his Deputy.

The CHAIRMAN: It was a confidential meeting.

The WITNESS: Entirely a confidential meeting within the four walls of his office.

Mr. MacDONALD (*Cape Breton South*): They were simply consulting with regard to the province. Is this treaty in any way different from the provisions that you were insisting on?

The WITNESS: Not in substance. There may have been some modifications.

Mr. SHORT: As I understand it, the province of British Columbia accepted the draft treaty that you read to them?

The CHAIRMAN: They have also accepted this of a later date.

Mr. SHORT: Have they accepted this?

The CHAIRMAN: Yes.

Mr. McRAE: Now, Mr. Chairman, we have cleared it up. If Mr. Found says—

The CHAIRMAN: I want to satisfy Mr. Short with regard to this draft. It reads:

Certified copy of a Minute of the Honourable the Executive Council, approved by His Honour the Lieutenant-Governor on the 4th day of April, A.D., 1929.

To His Honour,

The Lieutenant-Governor in Council.

That means the Lieutenant of British Columbia.

The undersigned has the honour to recommend

That His Honour the Lieutenant-Governor be requested to convey to the Government of Canada, through the Secretary of State, the strong sense of satisfaction and gratification felt by the Government of this Province upon learning of the conclusion in Washington of the Fraser River Salmon Treaty.

Dated this 3rd day of April, A.D., 1929,

S. L. HOWE,

Provincial Secretary.

Approved this 3rd day of April, A.D., 1929.

R. W. BRUHN,

Presiding Member of the Executive Council.

Mr. McQUARRIE: Did they have a copy of this treaty before them?

The CHAIRMAN: Yes, Mr. Found told us that yesterday.

Mr. SHORT: That is the first day of April?

The CHAIRMAN: The third of April.

Mr. McRAE: I think that I understand, and if Mr. Found concurs, we have cleared up the situation that the draft treaty submitted to British Columbia on November 8th was substantially the finished article that is before the Committee at the present time.

The CHAIRMAN: That is what I said.

The WITNESS: Substantially, yes.

By Mr. McRae:

Q. No material changes?—A. No.

Mr. McRAE: Now, Mr. Chairman, I notice one other thing on the file—

The WITNESS: I do not know what is in the mind of the Committee. I want to be frank. I want to be careful. I say "substantial". The principles of the draft then are here. There may have been changes.

By the Chairman:

Q. Let me ask you this question. Did you send a copy of this convention as it appears even now to the government of British Columbia?—A. Immediately it was available.

[Mr. W. A. Found.]

Q. Have you received any objections to this treaty?—A. Not one word.

The CHAIRMAN: Then they must be satisfied. There may be some doubt as to when this convention arrived in Victoria; but since that time, I want to say they have had ample time to object.

Mr. MCQUARRIE: When did Mr. Found send that?

The WITNESS: Immediately it was available.

Mr. MCQUARRIE: I was wondering when that would be.

The WITNESS: A very few days after it was signed.

The CHAIRMAN: They have had ample time to raise any objections if they had any.

Mr. McRAE: Mr. Found has cleared that up. He cleared that up without my doing so. But there seems to be some doubt as to what we are driving at. I want to say that that file disclosed one thing: this treaty was presented practically in its present form to the United States for the consideration of their government, and there have been no material changes in it.

By Mr. Neill:

Q. Before we leave that, for my own protection, I would like to ask Mr. Found if at that meeting of the 10th November I suggested—either on that occasion or before or since—that I would like to see a federal member of parliament on that Commission.—A. Certainly such was not my impression in any stage of the proceedings.

Q. Did I not advocate that it should be composed of one Dominion official and one representative each of the canners and the Fishermen?—A. That is my recollection.

By Mr. Brady:

Q. Article II definitely states that the cost of all such work shall be borne by the High Contracting Parties.—A. It does not mention any salaries. It is the same thing in the Halibut Treaty; you are quite welcome to the salary I receive as a commissioner.

Q. For my information; there is a rather definite statement regarding the Commissioner of Fisheries for the United States being on this Commission, while on the other hand the question is left open as regards the Canadian side. On this point was there any conference with the State of Washington?—A. This treaty has nothing to do with the State of Washington. I have repeatedly tried to make that clear.

By Mr. McRae:

Q. The State of Washington is mentioned in it?—A. In what way? The State of Washington has nothing to do with the signing of the treaty.

The CHAIRMAN: Article III reads:

ARTICLE III

The Commission shall make a thorough investigation into the natural history of the Fraser River Sockeye Salmon, into hatchery methods, spawning ground conditions and other related matters. It shall conduct the sockeye salmon fish cultural operations in the area described in Article I, and to that end it shall have power to improve spawning grounds, acquire, construct, and maintain hatcheries, rearing ponds and other such facilities as it may determine to be necessary for the propagation of sockeye salmon in the waters covered by this Convention, and to stock the waters with sockeye salmon by such methods as it may determine to be most advisable. The Commission shall also have authority

[Mr. W. A. Found.]

to recommend to the two Governments the removal of obstructions to the ascent of sockeye salmon in the waters covered by this Convention, that may now exist or may from time to time occur, and to improve conditions for the ascent of sockeye salmon, where investigation may show such to be desirable. The Commission shall report annually to the two Governments what it has accomplished and the results of its investigations.

The cost of all such work shall be borne equally by the two Governments, and the said Governments agree to appropriate annually such money as each may deem desirable for such work in the light of the reports of the Commission.

By Mr. McRae:

Q. Let us start in by taking that sentence by sentence. The first sentence reads:

The Commission shall make a thorough investigation into the natural history of the Fraser River Sockeye Salmon, into hatchery methods, spawning ground conditions and other related matters.

I presume that is pretty much a matter of record with our own department, is it not?—A. We have all that is available.

Q. "It shall conduct the Sockeye Salmon fish cultural operations in the area described in Article I." That would mean the Fraser River, the lakes and tributaries? There is no culture outside of that, so that this function of the Commission is for all purposes concerning only the Fraser River?—A. Yes.

Mr. NELL: It covers the whole area.

The WITNESS: Not unless something is developed.

By Mr. McQuarrie:

Q. Where would that come in?—A. Well, we did not know flying a hundred years ago; we do not know what will develop in the future.

By Mr. McRae:

Q. We cleared it up yesterday that there was no river mentioned except the Fraser. So this refers to the Fraser?—A. Yes.

Q. And the Fraser River is all in Canada?—A. Yes.

Q. And none in the United States?—A. No.

Q. I would like to ask for a little elaboration on these different powers. One is to improve the spawning grounds. Just what improvement do you refer to?—A. One thing might be the removal of enemy fish from the spawning grounds; fish detrimental to the eggs there.

Q. Particularly trout?—A. The Squawfish are a great enemy out there, as well as the trout. I would not like to say that that is what improvement of the spawning grounds will be, as there are many things to be learned, and we may learn later on other things necessary to clear up the situation.

Q. Clearing off the grounds and smoothing them off?—A. Yes, wherever that is needed to make them more reproductive.

Q. The next sentence reads: "Acquire, construct, and maintain hatcheries, rearing ponds, and other such facilities." What would the nature of that construction be? How would you start? Are they going to buy the property or expropriate it?—A. It might be either.

Q. Am I fair in saying that the title to these hatcheries would be vested in this Commission?—A. No, I would not say so at all.

Q. In whom would it be vested?—A. There is nothing in this treaty which would make them be vested anywhere else than in Canada.

By Mr. McQuarrie:

Q. The Commission has the power to acquire; it does not say "Canada" or "the United States," but the Commission.

The CHAIRMAN: Let us admit that the Commission has the power.

By Mr. Brady:

Q. I thought you said the other day that a treaty transcends all other rights; it has power greater than a province.—A. I said that, so far as the United States is concerned. It is quite obvious that when the treaty ends—and presumably it will end—it was never contemplated by the United States that they would do anything else but walk out, as it were, as there is nothing in this treaty to provide for any division of property which may have been acquired, or anything of that nature.

By Mr. McRae:

Q. There is no walkout clause in this treaty.—Yes. It is for sixteen years and thereafter until it is ended.

By Mr. Bissett:

Q. Has the Justice Department passed on this treaty?—A. Yes.

By Mr. McRae:

Q. Here is a rather interesting thing, if I may call attention to it. It may be confidential, but I see nothing on the file where the Justice Department answers a very important question asked by Mr. Found.—A. The answer is here. I went back for it and it was just located in the past few days.

By Mr. McQuarrie:

Q. Could we have the benefit of that?—A. (Reading) "In reply to your letter of the 21st, I may say that I have considered the question you have submitted and am of opinion that if under the provisions of the treaty the United States bears its share of the cost of the works to which you refer and the treaty be thereafter terminated, the United States will not have any legal right, title or interest in any such works which may be situated in Canadian territory."

By Mr. Neill:

Q. Who signed that?—A. The Deputy Minister of Justice.

By Mr. McQuarrie:

Q. What was the question you asked them?

Mr. McRAE: I have a memorandum here which may help. You enquired as to whether the proposed treaty would in any way affect the territorial rights or jurisdiction covered in the treaty should it be terminated. That was on the 11th of February.

By Mr. Neill:

Q. Then you have read the answer to that?—A. Yes.

The CHAIRMAN: I think that is quite clear. (Reading):

In reply to your letter of the 21st, I may say that I have considered the question you have submitted and am of opinion that if under the provisions of the treaty the United States bears its share of the cost of the works to which you refer and the treaty be thereafter terminated, the United States will not have any legal right, title or interest in any such works which may be situated in Canadian territory.

By Mr. McRae:

Q. That letter was not on the file?—A. No, it certainly was not.

Q. That was subsequent to the signing of the treaty?—A. This is dated the 21st of May this year.

Q. I submit that is an entirely different thing from what I am enquiring about. I want to tell you that I am speaking about the 4th of January, 1928—not this year, but a year ago—when this treaty was under consideration, and the Justice Department was asked a question and there is no reply from the Justice Department.—A. Mr. Chairman, I explained a moment ago—but will explain it again—that on my files I have a copy of the letter I wrote to the Justice Department, and the Justice Department did not reply, but asked me for some information which would make my request clearer. The matter remained there until the 21st inst., when I called their attention to the fact, and asked for a reply.

Q. I submit that this treaty was made without that absolutely essential answer to this question which the Deputy Minister asked, when the treaty was being negotiated.

Mr. NEILL: He knew it—

Mr. McRAE: He did not. He was asking for information. He went ahead and made the treaty and then got the confirmation after the facts were on file.

By Mr. Brady:

Q. Some gentleman here mentioned that the treaty is already so-and-so, and I think this is all very educational for the purposes we are seeking information upon. The purpose, of course, is not antagonistic opposition, but to illustrate what each word in the treaty means. I would like to ask you this question: Are you of the opinion that in respect of the rehabilitation of the Fraser River sockeye fisheries the right of the United States to co-operate, control, acquire, construct and maintain hatcheries in the Fraser River watershed is the only and proper security for the future growth and protection of the Fraser River sockeye industry?—A. It seems to me that that has been answered time and time again. It is obvious that the run in the Fraser River cannot be re-established without proper development of the spawning areas. Some one has to the work there. Whether it is done by one country or the other, if it is done sufficiently, it will be done anyway, provided the results are adequately protected. In the light of some thirty years of experience in failures to achieve that very important end, this method was conceived to be one which was practical and fair and one in which both countries would share in the study of the situation and the expenses of the redevelopment.

Mr. NEILL: Perhaps I can confirm that answer by adding to the quotation I gave yesterday from Hon. Mr. Tolmie. The latter papers have come to hand, and here is an addition to his statement. I am quoting now from "The Daily Province" of British Columbia, a Conservative paper and a fine, reliable one. It writes in large headlines "Tolmie Raps Ottawa Attack on Fraser River Salmon Pack". There are only half a dozen lines, and I will read them as an addition to the statement I made yesterday:

The restoration of the sockeye salmon fisheries of the Fraser River system is one of the greatest reclamation projects in which Canada and the United States can jointly engage, and can not be consummated except under the terms of such a treaty as the present. The government of British Columbia, and I believe the whole people of British Columbia desire that Parliament ratify this treaty.

By Mr. McQuarrie:

Q. Now, with regard to Article III. Is there any provision made for improving the spawning grounds? "Constructing and maintaining rearing ponds and other facilities." This Commission cannot interfere with legitimate water power projects.—A. The Commission shall also have authority to recommend to the two governments the removal of any obstruction.

Q. That is not answering the question at all. The question was whether this Commission under the powers as stated in Article III, would have any power to interfere with water power projects in the waters of British Columbia.—A. I should say not.

Q. Why not? They may so improve spawning grounds so as to interfere.—A. Spawning grounds are not in water powers.

Q. How about the rearing ponds?—A. They again are not in the water powers.

Mr. McQUARRIE: "Improved spawning grounds, construct and maintain hatcheries." Now, Mr. Chairman, am I right in assuming that that means to build the buildings and operate them as hatcheries?

The CHAIRMAN: Yes.

By Mr. McRae:

Q. Will the Deputy Minister say what the rearing ponds are? I am familiar with them, and so is he; but the Committee are not?—A. When the fish are hatching in the hatchery, sometimes the method is followed of distributing them and letting them forage for themselves in their native waters. It is becoming more and more considered to be a desirable practice to retain these young fish and to feed them until they reach a considerable size. The rearing ponds are to enable the fish to be so retained.

Q. These are usually constructed out of ponds of water, running water, and you have the rights of the water, naturally, in these rearing ponds?

By Mr. McQuarrie:

Q. I do not think Mr. Found has got my point. What I am suggesting is this: that the Commission may build a hatchery on a lake or put any other works on a lake which will be undesirable, perhaps, for water-power purposes. It may be necessary to raise the level of the lake and to flood the lands on which these hatcheries are situated or, perhaps on which a rearing pond is situated; and would not this provision make it absolutely impossible for such improvements to take place?—A. I do not see why that is so. In such a circumstance the rearing pond and improvements would be out of luck, that is all.

Mr. McRAE: Mr. McQuarrie has brought up a very serious question in connection with this treaty. The watershed of the Fraser, you can well realize aggregates what is, undoubtedly, not even second to the St. Lawrence river, perhaps, in water-power and possible water-power development. The great development of the Fraser itself at Hell's Gate, where the river rises 90 feet in flood, gives some indication of the great power there. Coming into the North Thompson, there is power all the way to the Shuswap Lake, and this has been for years the greatest sockeye spawning ground, I suppose, in the world, the finest grade of fish going from there right up into the glacial lakes. There is tremendous water-power that will undoubtedly soon develop in connection with the resources in that country. Kamloops, and other nearby cities have a scheme for the development of the south branch of the Thompson river leading into Shuswap lake. There are many water-power developments that will probably be made in the next five, ten or fifteen years, and even the Fraser, which has probably the greatest power of any river in the

whole of western Canada, may come in for development. Now, I want to point out to the Committee that if this Commission is established without any protection for this water-power development, in my opinion, at least, it will be impossible, once this Commission is established, to put anything in the river that would obstruct the run of the fish, except with the approval of this Commission; and I would point out to you that it is 50 per cent American, and a strong crowd of Americans too.

The CHAIRMAN: They would have to have the approval of the British Columbia Government?

Mr. McRAE: They would have to get the approval of this Commission regardless of anybody else.

The WITNESS: Where do you find that?

Mr. McRAE: There is nothing to be taken away now in the way of water-power. But they have all the waters in their jurisdiction. Water-power development is in the future, and when this development comes up, it seems to me that these orders for fishery regulation and fish propagation, all being under this International Commission—this International Commission will necessarily have to give their consent to the development, before it is undertaken.

The CHAIRMAN: I do not think so. I think it is quite the reverse.

Mr. McQUARRIE: I think Mr. Found has something from the Justice Department on this; that this International Treaty supersedes any provincial rights.

The WITNESS: I never said any such thing.

The CHAIRMAN: That is impossible. This Commission must go to the British Columbia Government before they can take any steps regarding the development of water-powers, I would think.

Mr. McQUARRIE: The question came up in connection with the state of Washington and the province of British Columbia as to the rights of the state of Washington and the United States respectively, and this is to supersede all the rights of the state by an international treaty, as I understand it.

The WITNESS: As far as the United States are concerned.

Mr. McQUARRIE: That establishes the principle. There is no doubt about this proposition. I take it that this treaty does, in effect, take away from the province any rights which might come in conflict with the rights of the Commission under this treaty.

The CHAIRMAN: The province, evidently, is not objecting to it, if it is true.

Mr. McRAE: I think, probably, what Mr. Neill has stated, that the British Columbia Government, after all, has very little to say about it, is true. That was Mr. Neill's statement sometime ago with regard to it.

Mr. NEILL: May I mention to the Committee this fact. British Columbia's interests are in every respect fully safeguarded by this pact. The Commission is composed of six people, three from each country, and any decision arrived at must have a majority, two of them from Canada and two from the United States. It would not be possible for four men composed of three from the United States and one from Canada to decide. It says the majority vote must include two out of our three representatives who must agree. Does that not give British Columbia every security?

Mr. McRAE: Mr. Chairman, that just goes to show how little the hon. member for Comox-Alberni knows about the treaty. Now, what does he say? He says—and I presume this is the clause he refers to—

No action taken by the Commission under the authority of Articles 4 and 5 of this convention shall be effective unless it is affirmatively voted for by at least two of the Commissioners from each country.

[Mr. W. A. Found.]

Now, I want to point out to you that there is a very pertinent thing, that that refers specifically to Articles 4 and 5 and does not include Article 3 which, in the vernacular, is the guts of the whole thing. It does not include Article 3; and I want to know, Mr. Found, why this treaty was put into that form and does not include Article 3, because I want to tell you that this specific protection that is enumerated to the Committee here refers only to Articles 4 and 5, which are not the guts of the treaty.

The WITNESS: Mr. Chairman, if you will read Article 3, you will see that care was taken to prevent the very danger that is being discussed. The Commission is given power to do certain things; but on another matter which might affect water powers—the removal of obstructions—it is given power only to recommend.

By Mr. McQuarrie:

Q. They can put in obstructions?—A. It is not given power to put in obstructions which would interfere with water powers.

Q. It does not say that at all.—A. Well, common sense says that. We know that in the running of a hatchery you only have need for so many gallons of water a minute.

Q. I am stating a case to you of what might happen. The way we get power is to build a dam on a lake.—A. That might destroy things.

Q. Do you mean to say they could go ahead and do that kind of work in the face of that treaty?—A. I see nothing to prevent it in that treaty.

Mr. McRAE: Mr. Found says that Article 3 is very well safeguarded; but I want to point out to you that in Articles 4 and 5 which are so safeguarded they require this Article 6. You will notice that Article 5 deals with the close season, which the Canadian, much as they might wish to change the season, could not do unless they got all the Americans with them. Then you get to Article 5 which speaks of the size of the mesh—a very important thing in connection with fishing and fishermen, and the industry of our country. And yet we have this protection, that they must have two Canadians as a unanimous vote on the other side. But when we come down to the real article, Article 3, which involves a serious question in our own country, that same protection does not apply.

Mr. NEILL: It is the obstruction of water powers we are talking about.

Mr. McRAE: I am talking about Article 3. I have referred to Article 6. I have told you they applied to things that the Americans are interested in. It does not apply to Article 3 where we want protection, and we have not got it.

By Mr. McQuarrie:

Q. Now, as to the expenditures involved, it appears from this Article 3 that this Commission can go ahead and acquire, build and maintain hatcheries and so forth, and then the cost of the work shall be borne equally by the two governments. Well, now, can Mr. Found give the Committee any idea of the extent of the expenditure which will be involved by this particular Article?—A. I certainly cannot. I can only tell you what we have expended. Speaking from memory, and, therefore, subject to correction, what we contemplated spending on the Fraser River, if the treaty had become effective this season in the way of hatchery work, was \$74,000, so that, under this treaty if no further work than that is done we would only be spending half of that amount for the same work.

Q. It is not likely that the Commission is going to do that in a proposal to restore the sockeye on the Fraser River. It is likely that a very large and extensive program will be undertaken. Now, surely, some idea has been formed

[Mr. W. A. Found.]

as to the amount of money that will likely be spent in the sixteen years. Whether it will run into thousands of dollars or millions of dollars, or hundreds of millions?—A. It is all under the control of the government, because the money has to be voted.

The CHAIRMAN: The Commission recommends, and the government votes.

Mr. McQUARRIE: It is not the Commission which recommends.

The WITNESS: "As each may deem desirable for such work in the light of the reports of the Commission."

By Mr. McQuarrie:

Q. That is the point I was coming to. Now, that surely does not mean that this Commission can go ahead and undertake certain expenditures, certain works and so forth, and then this government of ours can repudiate a part of its share of the cost. Is that what you suggest, Mr. Found?—A. No, Mr. Chairman. I am administering funds all the time, and I have to be very careful not to make any expenditures that Parliament has not voted money for. The Commission will be in the same boat.

Q. No, no. This treaty will be a statutory matter?—A. This will be a statutory matter, depending entirely on appropriations of the two governments.

Q. I submit that this is a statutory matter, and that all this government can do is to vote its share of the cost of the work.

The CHAIRMAN: Would it not be in the same position as a Harbour Commission?

Mr. McQUARRIE: No, it is different entirely. I am raising that point, and I think I am entitled to some information as to what the expenditure is going to amount to.

Mr. McRAE: If I understand the treaty, it is true that this may be left with the government—the right to vote the money, but in good faith, after this Commission starts to function, the government would have to vote what the Commission recommended to each government, otherwise, your work falls down. In that respect I presume they will keep within reasonable requirements. But it seems to me that "may be deemed" means that they may say, "we are going to spend \$100,000 or \$150,000 a year," and they recommend to their governments, and they each vote half. I do not believe that we as members of Parliament would question this much at all, once we went into it. As to the amount of money needed in this work, I do not think the amount would be very great in District No. 1, but in the Columbia River fisheries there is the pound system. I know Mr. Found has not been favourable to the pound system, although it seems to have been successful on the Columbia River and on Puget Sound and gets results. On the Columbia River they spent last year \$118,000, if my memory serves me right, and it is fair to presume even more will be spent. But for the purposes of the Committee I think we may consider that probably \$150,000 would be the average expenditure on the Columbia River. Then, we are taking the Americans into partnership and they pay \$75,000. Now, is it worth while? That is the question. I think it is right for me to say that it will cost \$150,000 a year to rehabilitate the Fraser River. I think that will probably do it.

Mr. BRADY: I find that very extensive powers are really given to the Commission under this section; they practically control the whole of the sock-eye district in the Fraser River. I would like to ask the Deputy Minister, if such extensive powers are granted are we getting adequate consideration?

The WITNESS: Article 7 would be my answer.

[Mr. W. A. Found.]

By Mr. Brady:

Q. You say that Article 7 covers Article 3?—A. No, I say that Article would be my answer as to whether we are getting adequate consideration.

Q. Very good, sir. Now, in Article 7 the answer is this, "that inasmuch as the purpose of this convention is to establish for the high contracting parties, by their joint effort and expense, a fishery that is now largely non-existent, each of the high contracting parties should share equally in the fishery. The Commission shall, consequently, in regulating the fishery do so with the object of enabling, as nearly as they can, an equal portion of the fish that is allowed to be caught each year to be taken by the fishermen of each high contracting party." That is in reply to the question as to the extensive powers granted to the Commission under Article 3, and your answer is that we get adequate consideration under Article 7. But, sir, when we look at Article 3 and realize the extensive powers granted to the Commission, naturally one would think that for that great consideration Canada should get more than what is referred to in Article 7. In the protocol of the Washington treaty dealing with fisheries on the Atlantic coast, the United States offered to exchange for our inshore fisheries the right to fish in their waters—whatever that might be worth—offered to admit Canadian salt, fish and lumber free of duty, and on behalf of Canada the Commission did not consider this to be an adequate consideration or a fair equivalent. Now, I think, sir—we are here really to get illumination upon this treaty—it is not for the purpose of stopping it. I am sure, sir, as regards the Committee we are trying to find what we are getting for it. We are granting very extensive powers to that Commission for sixteen years; the control of that great watershed will be in the hands of that Commission to acquire and maintain control and everything else, and I would like that each of these Articles should be examined into and that every question that is asked should be answered in such a way as to satisfy us that the rights of Canada are attended to. I believe that this treaty, and all treaties are based upon reciprocal rights, equal rights. Now, I would like, before we finish this, to be sure that we are getting reciprocal rights from this treaty with the United States. We must admit that they have been responsible for the destruction of the Fraser River sockeye more than any other factor.

The CHAIRMAN: This Commission is appointed for the purpose of rehabilitating the Fraser River fishery. Suppose we do not approve of this treaty, we will be in the same position as we are at the present time, which is that the United States, through the methods they have adopted, are getting 70 per cent of the total catch of the fishery. If this convention goes into effect and this Commission is appointed, United States does not get that, and we get reciprocity to that extent. Instead of getting 30 per cent we get 50 per cent of the catch of fish.

Mr. BRADY: We want this treaty, Mr. Chairman.

Mr. McQUARRIE: Not this treaty.

Mr. BRADY: No, we want a treaty. We want to rehabilitate the Fraser. Now, Mr. Chairman, the method of catching fish on both sides is completely different, and we cannot eliminate the greatest menace to the industry which is the traps on the other side. So, it is not a reciprocal thing. We are giving a great power, and I feel that it will be well for us to know whether we could not make a treaty with the United States for their benefit as well as ours to rehabilitate the Fraser sockeye industry without granting such very extensive powers of control of our great watershed.

The CHAIRMAN: How would you do it? This is the only way I see.

By Mr. McQuarrie:

Q. I want to ask Mr. Found something in regard to Article 3. I did take up with him at the last meeting the question of why this Article 3 was included in the treaty at all; why it was not left to Canada, as in the past, to conduct the hatcheries and the fish ponds, and those things for the purpose of restoring sockeye on the Fraser River, and I do not think I got a very satisfactory answer from him. I asked him why this Commission was brought into the territory at all; why we were not capable of handling that part of the business ourselves?—A. I think I did answer that very fully yesterday, Mr. Chairman. There are two types of waters here, one of them being fishing waters and the other reproductive waters and both of them national waters. The Commission is given power—

By Mr. McRae:

Q. Pardon me; but the propagation waters will be entirely Canadian waters, not national.—A. The national waters are entirely Canadian waters on the one side, and entirely United States waters on the other side. They are national to the nation to which they belong.

Q. But not common to both?—A. Certainly, not common property; they are national property. This Commission is being given power to control the fishing in the national waters of the United States where 70 per cent of the fish are being taken.

The CHAIRMAN: By the Americans.

By Mr. McQuarrie:

Q. I am not referring to that.—A. I am.

Q. I am referring to the propagation?—A. We must refer to this whole matter now. Let us look at it fairly and squarely. We have been trying to find some method of rehabilitating the Fraser River in the interests of both countries. We thought we had found methods on at least two occasions to enter into treaties. They have both failed of materialization.

Q. Not because of anything on our part?—A. The fact remains that the end in view has failed to be carried out. That is merely my statement. I give it for what it is worth. The existing method, after thinking over it from all stand points, and in the light of experience, was considered to be one that would be likely to achieve that end. It seemed to be a perfectly reasonable thing that if the United States were going to benefit they should bear some of the cost.

Q. It is a different matter altogether?—A. I cannot see it.

Q. It is a different matter. I am not discussing that. What I am discussing is the advisability of letting this Commission, composed of three Americans and three Canadians, come into Canadian territory and carry out these works which we might very well do ourselves?—A. Let me ask this question. Why should the United States let the Commission go into its territory and regulate the fishing that is being carried on there now?

The CHAIRMAN: Pardon me, Mr. Found, Mr. McQuarrie is asking you why the United States should help to bear the expense of the propagation of fish in Canada.

Mr. McQUARRIE: No, that is not the question at all. I am asking him why the United States should come into Canada and take part in the propagation of our fisheries.

The CHAIRMAN: That is the same thing, is it not?

Mr. McQUARRIE: No, it is a different thing altogether.

[Mr. W. A. Found.]

By Mr. McQuarrie:

Q. Now, I will ask Mr. Found this question. This Commission will undoubtedly make all arrangements for the purchase of these properties, for the purchase of material, for the employment of workmen and so forth, will they not?—A. I should say so.

Q. What is to prevent this Commission from buying materials on the United States side?

The CHAIRMAN: Buying materials?

Mr. McQUARRIE: Yes. What is to prevent the Commission employing people from the United States to work in our hatcheries and build our hatcheries, and do this other work? Would that not be taking away from Canada a market to which Canada is entitled and also take away from the people of Canada the work which they are entitled to have.

By the Chairman:

Q. Is it not a fact to-day that from the money which is spent on propagation the United States gets 70 per cent of the total catch of the Fraser River, while under the new agreement—this proposed convention—instead of Canada paying all the expenses, the United States will pay half the expenses and gets only half of the catch?—A. Yes.

The witness retired.

The Committee adjourned until 8 p.m.

EVENING SESSION

The Committee resumed at 8 p.m., Mr. Wm. Duff in the chair.

W. A. FOUND recalled.

By Mr. McQuarrie:

Q. Before we adjourned I was asking about the employment of Americans in Canada on this work of propagation. I would like to know from you whether that is contemplated, that is, the employment of Americans in Canada on work of propagation, construction, maintenance of hatcheries, fishponds, and things of that sort?—A. That will come within the purview of the Commission, supposing this treaty is ratified, and I cannot answer for what the Commission will do.

Q. Would the same thing apply to the purchase of materials, so that the result may be that we will have on this work, which was formerly done by Canadians, a proportion of Americans employed?—A. That might be.

Q. And also in the purchase of materials which were formerly purchased in Canada, a proportion of them might be purchased in the United States?—A. These are possibilities, but would, in the face of them, seem to be very remote.

Mr. MACDONALD (Cape Breton South): They would have to pay the duty on them.

The WITNESS: It is being done in remote portions of the provinces, where it would likely be an expensive matter to take things in a considerable distance.

By Mr. McQuarrie:

Q. As to materials?—A. Quite so.

Q. As to taking the men in—there would not be that objection.—A. It would depend on local conditions. If there were local men there, there would be that objection.

Q. Do you think it would be fair to allow the Americans a 50-50 division on both employment and materials—

The CHAIRMAN: I do not see how the witness can answer those questions, and I must rule that they are out of order.

Mr. McQUARRIE: What is wrong with them?

The CHAIRMAN: You are asking him to answer questions regarding something about which he knows nothing.

Mr. McQUARRIE: Naturally there is work to be done, materials to be purchased.

The WITNESS: The work is to be done by the Commission to be appointed.

By Mr. McRae:

Q. One thing, before leaving Article III, in respect to the division of costs. I want to ask you if there would not be a chance for disagreement, and if it would not have been better in this treaty to have taken a basis of \$50,000 or \$75,000, which the respective governments would have to vote each year under the treaty, and that amount supplemented on the recommendation of the committees of the respective governments; in other words, leaving the whole thing wide open as to what each government might feel disposed to conform to. I think it can be taken for granted that they will follow the wishes of their committees. Does that not invite an opportunity for disagreement?—A. Well, it would be merely my opinion; I do not see how it would. The Commission is there to do a job, and would seek to do that as intelligently and as economically as it possibly could.

Q. Then you agree with what I said before dinner that in passing the treaty the government would honourably be bound to follow the recommendations of the Commission as to the cost?—A. Well, I did not understand myself as acquiescing in that. It is the practice of governments to consider estimates which are placed before them. They may or may not approve of them, and they may cut them down.

Q. The point I am making is this: in living up to the obligations of a treaty, if we are not bound to follow the recommendations of the Commission, I ask you if we do not open up an opportunity for disagreement. If we are bound—and I think we are—then we must naturally take the recommendations of the Committee. Do you see my point?—A. I see your point, but I do not see the force of it. I do not see that it is probable that the Commission would make a recommendation of a character that would not likely be so fully explainable that it would not be accepted.

Q. Then, on the other hand, granting that, the governments will naturally accept the recommendations of the Commission and vote their share of the money accordingly.

The CHAIRMAN: He cannot answer that.

The WITNESS: I cannot answer that.

By Mr. McRae:

Q. Is that not logical?—A. From your standpoint, it may be.

Q. If that is true, have we not got an avenue for disagreement?

The CHAIRMAN: Then the convention can be terminated.

By Mr. McRae:

Q. I grant you that. But it is part of the treaty, and we do not resort to things of that kind because as gentleman nations—if I may use that expression—we live up to our agreement. Do you agree with that?—A. That we live up to our treaties? Yes.

By Mr. Brady:

Q. In regard to the removal of obstruction, which is particularly specified here, I would like to ask if the conditions at Hell's Gate for the ascent of salmon at this moment are as good as they possibly could be?—A. I would answer it this way; that they are as good as they ever were.

Q. Before the slide took place were there any impediments or difficulties in the river?—A. Yes.

Q. At all times?—A. As I stated in my opening remarks, the great canyon formed by these two ranges of mountains has always been a very difficult passage for the fish—sometimes impossible at certain stages of the water, but these stages have never lasted very long.

Q. Is it your intention that further expenses be incurred in removing these obstructions at Hell's Gate?—A. That again would come within the purview of this Commission which is given power to recommend to the government. They cannot do more.

By Mr. McRae:

Q. With respect to their removal?—A. Yes.

By Mr. Dickie:

Q. Is it not a fact that even after that canyon was supposedly blocked, or partially so—four years after—there was a pack of 500,000 cases of salmon which came down?—A. That is so.

Q. They must have gotten out?—A. Yes.

Q. What I am leading up to is this: we of British Columbia—and I presume the balance of the Committee quite agree that some treaty is necessary with the United States States owing to the peculiar conditions which prevail. I have wondered why it is necessary to spend very much money in that watershed. As you know, in 1913 there was a pack of more than 2,000,000 cases put up from the Fraser River, many of these fish coming from the upper waters. Four years later there was a pack of 550,000 cases, I think, put up by the Americans and Canadians together. That shows that there is a spawning ground at the head waters of this river for any number of fish. Why is it necessary to spend much money on hatcheries? It is a moot question whether these hatcheries have done much good or not. You have heard the arguments put up against them by canners and others on the coast. Why, if we allow the escapement of fish say for 15 days in July when there is a good run of good spring fish—why would not the Fraser River rehabilitate itself without the expenditure of a great deal of money? I ask that for the information of the Committee, and partly for my own information.—A. It will necessitate my making a few explanations to make the matter clear to the Committee. The first answer as to why it will not be so is that it has been demonstrated beyond, I think, peradventure, that the native stream theory is, at any rate, substantially true—fish that are spawned in certain areas and certain streams go back to those streams and reproduce; hence the effect of the slide in 1913 was to present a vast mass of fish that previously got back stream and spread themselves all over that 75 per cent of the spawning ground above Hell's Gate, and consequently three years hence it was practically restricted to the areas that kept up the off years. Now then as evidence that the closing up of the river for fourteen days would not have the effect we have in mind, we have this fact that in the earliest history of the province that we know of there was that peculiar phenomenon of one big year and three small years, so that there was no fishing in those three years. Had it not been that some such condition as I am referring to existed these off years would have re-established themselves into big years, if they ever were big years. It is a fact that during that year of the slide a certain number of fish got up. Both the provincial and

federal governments lost no time in doing everything they could when that big run was on. When it was found that they were not getting up, a number of fish were passed up by hand. A sluice-way was made, and a certain number of fish got up that way. But when I say the fish did not get up I am speaking in a comparative way of what would have happened if the blockade had not occurred. That condition was bad enough in 1913 when the fish were coming along, but, unfortunately, in the early months of 1914 that whole situation was rendered tremendously worse by a great slide that came down from the mountain, caused possibly by the tow being cut away in building the railway, and making the whole of what was then a rapid a practical fall. I may say right there that as soon as we had the information from the Provincial Deputy Commissioner who was, at that time, yearly making a survey of the conditions on the Fraser River, that the fish were being blocked—Parliament was not in session—the situation was regarded as so important that a Governor General's warrant was obtained to enable us to get to work and do whatever could be done to overcome the situation; but the fish did not come up in any considerable numbers. Since that time less numbers have been going up, although, a considerable number got up.

Q. In 1927 a good run of fish ran up to Shuswap Lake. They were, perhaps, an inferior grade of salmon, but it demonstrated the fact that they can get up. My question mostly is: suppose we should allow a sufficient escapement of salmon to pass from the American waters into the Fraser, would not those spawning grounds have reseeded in time, say in sixteen years, if we allowed that fifteen days? If we allowed those fifteen days and got a good run of salmon, would not those spawning grounds have further seeded?—A. Well, the question comes back as to why it was that these fish got there in 1927, and we have the result that stocking operations took place that have generally held up matters. As a matter of fact, we have got some fish back as far as Stewart Lake that were propagated.

Q. Several of us were on that Fishery Commission and we obtained some information. I can remember quite definitely when we held our final meeting in Vancouver I said to Mr. Simms, who is going to be on this Commission—and a very clever man he is—I said, “suppose we could re-habilitate the Fraser River will you give us 50 per cent of the fish we hatch in our own waters? He said, “Certainly not.” They were catching 70 per cent. Why this change of heart now that they are willing to take 50 per cent? What we view with considerable alarm is the fact that we are allowing Americans to go into that great territory. I do not say they would obtain vested rights, but I do not think the thing is going to be workable to as fine a degree as you expect. I know what it is to divide up 50-50 between two bodies, of salmon which are caught. The Chairman, who knows a great deal about the fishing business, has suggested that after the Americans had caught their proportion up to the 15th of June they would shut down. Mr. Chairman, the Americans have their salmon fishing methods which are not allowed in our waters, and they can catch more fish in a day with ten men than a hundred fishermen of ours can catch in a week. The whole system of British Columbia is devised for the greatest good for the greatest number. We want to give all of our fishermen a chance to make a living. On the other side of the line with those immense seines and fishing traps which you are particularly familiar with, some of you, a fish has a very small chance indeed with a very few fishermen employed. British Columbia has always looked forward to giving as much work as possible to the fishermen of that country; and I am afraid this is not going to work out to their advantage. I would very much rather say to the American people, “Play the game with us; let us go on and propagate the salmon in the Fraser River.” I do not see why it is necessary to spend a great amount of money; and, Mr. Found, just

as sure as you are sitting there, we will have to allow an escapement of fish for fifteen or twenty days if we are ever going to populate these streams again. Those are arguments that are worth thinking over?—A. Absolutely.

Q. Now, we have always played the game. Great Britain has played the game. There is a case which is almost similar with respect to sealing. I remember when there were 122 sealing vessels on the Pacific coast catching the seals which are born on the Pribiloff Islands and those other sealing islands in the North Pacific. They followed those seals down to the southern coast of California and from the southern coast of California back to the Behring Sea, and the seals were being decimated. The Americans raised a howl, and they said, "These seals are spawned on our islands, and other nations should not be allowed to catch them." George Starr Jordan of Stanford University went so far as to advocate branding the seals so that if they were caught in any part of the Pacific Ocean they would still be American seals. Of course, he got nowhere. But Great Britain, seeing that the seal herd was being decimated, entered, with the concurrence of Canada, into an agreement with the United States, Russia and Japan for the protection of sealing rookeries whereby our sealing schooners were pulled in and no one was allowed to shoot a seal on the Pacific Ocean. We did it because we thought it was just and fair to the Americans. Now, the seals were failing to get back to the Pribiloff Islands. They used to have two and one half million seals there each year. The number had fallen off to about six hundred thousand, and the situation was alarming. Unfortunately, these seal hunters when they killed these seals found that about 75 per cent of them were female seals that were carrying pups. These fur seals have a pup or two every three years, and by killing the females with pups there was just a double quantity of loss. Great Britain saw the error of it, and Canada acquiesced, and we entered into that treaty. They looked after their islands up there, and we did not hunt their seals. There was an immense revenue from seals. I can remember Victoria when the seal hunters came in there and it was some town; they painted it red. They distributed money with abandon and times were good. All that fleet was put out of business, and we left the seal rookeries in the hands of the Americans, and we get from the Americans 15 per cent of the seals that are raised. Now, our salmon in the Fraser River run through their waters. Just as many of those seals went through our waters. Why could not our American friends look at the matter of the salmon in the same way that Great Britain and Canada looked at the sealing industry? We have been trying to do what we can to protect our salmon. We are afraid we cannot protect ourselves against their methods. I do not say they are dishonourable; but they are very smart. Now, we think we are not getting a fair deal with respect to these fish. I know their rights are not vested rights, but just consider the situation, Mr. Found, at the end of sixteen years. That means four of those four year cycles. In that time the run should be pretty well restored to the Fraser River if your methods are effective. After sixteen years of this treaty, what will be done? The Americans will have their purse seines in our water and their traps and they will catch eighty or ninety per cent of that immense run of salmon. What chance have we got with our antiquated methods in British Columbia which are conducive to what is best for the majority of our fishermen? We have no chance at all. They get us both going and coming. That is why we are just a little bit alarmed, and we wish that some better treaty could be made, some treaty that would at least leave British Columbia in the hands of British people.

Mr. McRAE: That is quite a long question; but I think Mr. Found might answer it.

The CHAIRMAN: No, I do not think that that requires an answer.

Mr. McRAE: I would like to have that on the record. I do not know whether that comes under the rule.

Mr. DICKIE: It does come under it.

The CHAIRMAN: There is no need of any answer. You made a good statement.

Mr. DICKIE: As long as Mr. Found sees the force of it.

Mr. McRAE: I would like an answer to that question. It does seem that there is a sort of similarity between American seals from Alaska sailing up by our coast where, formerly, we were able to grab them off regardless of their perpetuity—those thousands of skins which reached the Victoria market, as Mr. Dickie has pointed out.

By Mr. McRae:

Q. Now, I want to ask Mr. Found this question. If we were broad enough in our vision to forego what we could get out of the American seals as they passed our doors, would it be too much to ask of the Americans that they will give our fish, which pass their doors, a chance to get to the Fraser River to perpetuate their kind?

The CHAIRMAN: Mr. Found cannot answer that. He cannot answer for the American Government.

By Mr. McRae:

Q. I want to ask him if there is not a bit of similarity between the two cases?—A. Not very much.

Q. One is American and the other is Canadian; is that right?—A. No, it is a different situation. It is quite true that the sealing herds were decimated, not to the extent only of six hundred thousand as Mr. Dickie said, but much worse.

Mr. DICKIE: Six hundred thousand was the least number on the Pribiloff Islands.

The WITNESS: One hundred and twenty-five thousand in 1911 was the official census of the number of seals then remaining on the island from a maximum herd that was variously estimated from the figures you gave to even higher; and it is also a fact that the pelagic sealers, many of whom were Canadians, were catching those seals and they were largely female seals returning to their rookeries to have their young. These are high seas, open to the sealing fleets of the world. The treaty was a quadripartite convention, not a bilateral convention.

Mr. DICKIE: In the first instance it was bilateral.

The WITNESS: The only treaty that became effective was a quadripartite one; the other one was never ratified, and was replaced by the existing one in which the United States shares to the extent of seventy per cent and gives up to the extent of thirty per cent. That is fifteen per cent to Canada and fifteen per cent to Japan. Let me just go a step further. In order to enable the situation to be controlled, the four parties to the treaty closed their ports to vessels that would engage in that industry, and to seals that would be taken by that method as a result that one rookery is being built up, so that at the last census there were approximately nine hundred thousand seals, and we are getting fifteen per cent of that each year. When that treaty was entered into the fleet of some sixty-four vessels had dwindled to four. That is the other side of it. That was the reason; the seal herd was becoming so decimated that it did not pay them to operate. In this instance, we are dealing with a fishery that is in national waters. I do not see what the difference is so far as nationality is concerned, whether we are fishing in them or whether we are reproducing fish in them. They are both national waters; and this treaty gives the Commission,

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when appointed—three of them will be Canadians—authority to regulate the conditions under which fishing will be carried on in the national waters of the United States, just as it gives the Commission authority to regulate, similarly, fishing on the Canadian side and the conditions under which reproduction will be carried on.

By Mr. McRae:

Q. Mr. Chairman, I would like to take exception to that statement, because Mr. Found, on more than one occasion, has led the Committee to believe that the national waters on both sides were the same. Now, I agree about the salt waters on either side. That is all right. Mr. Found has agreed with this before, and I want him to agree once more: that the treaty does not include any fresh water on the American side, but it does include the Fraser River on the Canadian side. He can call that national water. I want to call it Canadian water.—A. It does not make it any less Canadian water because it is tidal.

Q. It would take you on the Fraser River right up to Babine Lake and beyond Prince Rupert?—A. That is no more Canadian water than the salt water.

Q. If that is not Canadian water I do not know anything about the geography of this country?—A. I do not say it is not Canadian water; I say it is; but they are no more Canadian waters than any other waters. I say the others are just as much Canadian waters or American waters, as the case may be.

Q. We have treaty waters in salt waters?—A. And the Fraser River is treaty water.

By Mr. Dickie:

Q. Would there be any chance for the Americans agreeing to a treaty respecting estuarial waters and leaving out the province of British Columbia—the spawning grounds? Let our government look after that. I do not think it is going to be a very expensive task. That is the gist of our objection. Do you not think a treaty could have been entered into whereby we could look after the spawning grounds? I do not know why the Americans should be so anxious to look after them. It would not cost very much money; and let us give them a fifty-fifty break down in the estuarial waters. I do not see quite why that concession should have been necessary. That is what I want a little information on.—A. I do not think I can put it more clearly than I did before. The facts are that we have been trying for about thirty years to find some way of rehabilitating the Fraser River by an agreement between the two countries. Two treaties have failed to become effective. In the light of experience, and in the light of past judgment in dealing with this matter, this seemed to be a possible and workable way which would be acceptable to all concerned. I think myself it is the best way. I cannot say any more.

Mr. McLEAN (Prince): If this treaty is so objectionable to the members for British Columbia, why not withdraw it and let them think it over?

Mr. McRAE: That is a good suggestion.

Mr. NEILL: I do not think it is a good suggestion, considering that the whole province of British Columbia, that everybody in British Columbia is behind the treaty and wishes it to go through.

Mr. McRAE: I do not think the province of British Columbia, any more than the government has seriously got seized of the real facts or of what this treaty means. There are no politics in this matter. We all want a treaty. We want a treaty on right lines and on a right basis; and I revert again to what I said here before when some of the members were not here, that I was sufficiently concerned about this a year ago, fifteen months ago, to bring it to

[Mr. W. A. Found.]

the attention of the Committee and ask for an opportunity to discuss it before the treaty was signed. I am sure we could have met our difficulties. It could have been done with due regard to our own position, had we been given an opportunity. Now, we have not been given an opportunity; and I think the suggestion of Mr. MacLean (Prince) is quite a wise suggestion. Before this goes any further it will have to be studied, and redrafted, and reconsidered and made in keeping with the ideas of the country. I maintain that as Canadians we believe we are just as good as anybody on earth, and we do not need anybody to come in to help us run our own business. I do not believe in any inferiority complex theory concerning Canadians.

Hon. Mr. KING (*Kootenay East*): Mr. Chairman, as a member from the province of British Columbia, I do not think the interjections in the last statement of our good friend from North Vancouver will help at all in solving this situation. We are dealing with a matter that is of great importance not only to the province of British Columbia, but to the whole of Canada. This treaty has been entered into. It has been developed by the work of scientific men in both countries with a view to bringing about a restoration of the greatest salmon fishery in the world. There is no question, as far as the province of British Columbia is concerned—those who are interested in the fisheries—that they are in favour of applying this plan with the idea of rehabilitating this fishery. The suggestion that was made to defer the matter will not help. It will give an opportunity to bring into being certain conditions and certain discussions which will not be in the interest of the fishery or in the interest of the Province and the Dominion. It is rather unusual, but it was accepted by the government that this treaty would be referred to a Committee for consideration. I think it was made plain; but on the suggestion of the Leader of the Opposition a day or two ago it was agreed that this treaty would be submitted to the Committee for consideration. The Committee has had its discussion. I have heard speeches here to-night that do not deal with the advantages of the treaty, speeches that could well have been made in the House of Commons or on the hustings. Now, if my friends from British Columbia are prepared to go to British Columbia and discuss this matter on the hustings, well and good; but my object in speaking now is that I have followed this matter for some years, and I have been in provincial politics and Dominion politics for some time; there has been a great desire on the part of our people in British Columbia who have seen this fishery, from year to year, being destroyed through methods and means which they could not control—and it has been the desire of this government and of other governments to seek a treaty of this character whereby an international commission of scientific men would undertake to reestablish this fishery. Now, this question of American control or Canadian control I do not think comes into it at all. We in Canada go about the world and talk about our International Waterways Commission. We set it up as an example to the world of how two nations can determine problems in which they are both interested; and I say, in regard to this problem, that it is one of the great problems existing between these two nations. We have to-day a treaty that means friendly cooperation, friendly development; that will restore this fishery, we hope. Personally, I think it would be a great mistake to follow the suggestion of my friend from Prince Edward Island who is far away, probably, from the interests we are considering. We are anxious to see this fishery reestablished. I think this Committee has sufficient information before it in the Bill itself, and the knowledge which we all have of the relationship between these two countries. It is desirable, where there are international problems developing between us, that we should work them out on what seems to be a fair and equitable basis. The treaty is one that is better than any other suggested heretofore. In regard to the division of the catch, that is, I think, satisfactory. At least, I am so advised

by those who have been interested in the catching of the fish and in the curing of them in the province of British Columbia. And we know that it is not confined to British Columbia, because the stocks of British Columbia packers are sold generally throughout Canada, and the people of Canada are generally interested in this industry. I, personally, would be very much opposed to see this matter referred back and not dealt with at this session. I think that it should be dealt with. Personally, I think this treaty is acceptable to our people of British Columbia, and they will be greatly disappointed if it is not accepted.

Mr. McRAE: I think some of the remarks of the hon. Doctor from East Kootenay can be, in part, accounted for by the fact that he has not been attending this Committee. I do not think there is any question that there has not been in the last few days when this Committee has met anything but a desire on the part of every member from British Columbia to effect a treaty. The hon. Doctor has referred to the International Waterways Commission. I want to refer him to that map, and if he sees any semblance between this treaty and the International Waterways Commission to which he has referred, he is looking through glasses different from mine; because I want to say that this is an innovation in treaties in this country in which we give to our American neighbours an equal say with us in the domination of the propagation of the fisheries of the Fraser River which as the Doctor has said is one of the great natural resources of this country. I say that the Doctor has not looked at that map when he makes that statement. Some of it is in your own constituency, I imagine, Doctor. We are sitting here and considering this matter. We have made some speeches and had some talks, and you, Mr. Chairman, have been kind enough to accord some latitude. I want to say this, that I am prepared to go on the stump any place in the province with the Doctor, or any place else and defend the rights of Canada first, last and all the time.

Hon. Mr. KING (Kootenay East): You are not stating it fairly.

Mr. McRAE: I am absolutely prepared to stand up and to say that this Commission which you are here advocating is a Commission which will take into our province three of the strongest Americans and place them against the three men that you know, and I know, will form a part of this Commission.

Hon. Mr. KING (Kootenay East): We will have as good men as their.

Mr. McRAE: These Americans will have a say in 100,000 square miles of our territory. That is not the kind of patriotism I stand for, or that I am afraid to get on the stump in my province and discuss. There are about a hundred thousand square miles of our country to be considered. I have no fear that the people of British Columbia will realize what this treaty actually means to them, and when they do there will not be any question as to where they stand. Already the information is going through the press and other sources. The whole trouble is that this treaty has been negotiated without due consideration on the part of the government of British Columbia and on the part of my friend the Doctor. If you knew what you were actually signing, or what you were committing your Ambassador to sign, you never would have done it. I am one of those Canadians who have always felt that we were getting the short end of our own status, and I am sorry indeed that in this new treaty we must take issue with a thing of this kind.

The CHAIRMAN: Article IV reads as follows:

ARTICLE IV

The International Salmon Fisheries Commission established pursuant to Article II of this Convention is hereby empowered, between the first day of June and the twentieth day of August in any year, for the whole or any part of the aforesaid period, to limit or prohibit the taking

[Mr. W. A. Found.]

of sockeye salmon in respect of all the waters described in Article I of this Convention, or in respect of Canadian waters and waters of the United States separately, provided, that when any order is adopted by the Commission limiting or prohibiting the taking of sockeye salmon in regard to Canadian waters or waters of the United States separately, it shall extend to all of the Canadian waters or waters of the United States to which this Convention applies, and Provided further, that no order limiting or prohibiting the taking of sockeye salmon adopted by the International Salmon Fisheries Commission shall be construed to suspend or otherwise affect the requirements of the laws of the Dominion of Canada or of the State of Washington as to the procuring of a license to fish in the waters on their respective sides of the boundary line. Any order adopted by the Commission limiting or prohibiting the taking of sockeye salmon in said waters during said period, or any part thereof, shall remain in full force and effect unless and until the same be modified or set aside by the Commission. The taking of sockeye salmon in said waters during said period in violation of the orders of the Commission adopted from time to time is hereby prohibited.

Mr. McRAE: Mr. Chairman, in the very first sentence, as I called to the attention of the Committee earlier in the day, it says "The International Salmon Fisheries Commission." This is an example, as I said before, of the amateurishness in drawing this treaty. The word "Pacific" has been left out as was mentioned in Article II.

The CHAIRMAN: That is simply a question of language; I do not think it affects it very much; it means the same thing.

Several hon. MEMBERS: Carried.

Mr. McRAE: This carried stuff is pretty easy, but this is limited, as I read it, to the close season from June 1st to August 20th. (To the Witness) I think you should offer some explanation on that, because we seem to be taking a much longer close season. If the Commission wishes to close for a longer season, it is limited to the period from June 1st to August 20th. I take it the sockeye season on the Fraser starts in on July 1st. I think it is considerably later, and this clause would indicate a definitely limited period. I think you should explain to the Committee how these dates were arrived at, and why the powers of the Commission were limited to those dates.

The WITNESS: The pink run of salmon reaches its height about from the 20th to the 25th of August, and quite obviously that was a real problem. Those who are familiar with the situation out there in which we had various runs of salmon occurring and somewhat overlapping know that it is almost impossible fully to regulate one fishery without seriously interfering with another.

By Mr. McRae:

Q. When do the sockeye start to run?—A. Usually around the first of July, in importance.

Q. And reaches its height about the 20th of August?—A. Its height is usually passed before this; the fishing is pretty well over.

Q. But it does vary in years, somewhat?—A. Both ways.

Q. But the power of the Commission is limited to those dates to regulate the fishing, and after that they have no power to regulate?—A. Quite so.

By Mr. McQuarrie:

Q. Why was it provided that Canadian waters and American waters might be closed separately?—A. For the very obvious reason that the treaty, in Article VII, provides that we are to get 50 per cent of the fish. If that is to be done it is not such a problem, although the Commission, whoever com-

poses it, will have my sympathy. It is not such a problem as it might seem on the face of it. The fish are all caught in a comparatively limited area. We are in the position, with the means of communication now available, to decide that it is not impossible at all for the Commission to arrange that it will have the information that they need as to what the catches are in the different areas so that if it is developed that the United States is getting considerably more than Canada—or vice versa—the fishing in one area or the other can be closed for a sufficient time to regulate it.

Q. The idea is that, in order to regulate and bring about this 50-50 division, the fisheries will be alternately closed on one side or the other, as the case may be? I want to submit to you—we will say, the Canadians are getting behind, as they usually do in matters of this kind, having in view the geography and the question of the priority of the American fishermen—it would require the Americans to close down their traps and seines, and in that event, could not the Americans say “The escapement of fish is ample in the Fraser river for propagating purposes; we object to closing down because the Canadians have not enough equipment to catch their 50 per cent”? Is that not one of the things which might come up?—A. That may be one of the main difficulties with which the Commission will have to deal, but the federal government of the United States undertakes by this treaty to see that the regulations provided by the Commission are carried out.

By Mr. McQuarrie:

Q. They would take some time to make an order?—A. Of course, it would not.

Mr. MACDONALD (Cape Breton South): This article furnishes to me the real difficulty of this treaty. This treaty is not self-operative at all; it will require legislation. When you have this treaty signed you must have it fortified by legislation of this House and of the United States Congress; then you must put teeth in the regulations of this Commission. That is, our House here will have to pass regulations enforcing and affixing penalties for violation of their orders. For instance, the close season for salmon: is there not some difficulty right there? As a matter of fact, legislation cannot be passed this year. I do not think there is any intention of doing it, so far as this treaty is concerned, and it will have to go over until next year.

The WITNESS: Why?

Mr. MACDONALD (Cape Breton South): It has not been passed by the United States Senate. It will not come into force until it is passed by them, and legislation is passed by this House. Is it the intention of the government to introduce legislation at this session?

The WITNESS: I presume so.

Mr. MACDONALD (Cape Breton South): An order of the Commission issued under this treaty is worthless. They cannot enforce it. Supposing without legislation this Commission orders closed traps; can you enforce it?

Mr. NEILL: Yes, we have power to enforce it.

The WITNESS: Mr. Chairman, we must have enabling legislation.

By Mr. MacDonald (Cape Breton South):

Q. Is it the intention of the government to introduce it this session?—A. I can only say that I hope so.

Mr. McRAE: I imagine that we have to have a vote on this treaty. We must have some money to do something with, and I take it that it is not in the supplementaries as yet.

By Mr. McQuarrie:

Q. Would it not take some time to get an order passed by the Commission when one of them at least will be in Washington, another one will probably be here at Ottawa, and some of the others will be in the State of Washington and the Province of British Columbia?—A. One of the conditions of strength of this treaty is the quickness with which the Commission can act to meet a requirement. It will be necessary for the Commission to so arrange that regulations can be made without delay. (Reading):

Each High Contracting Party shall be responsible for the enforcement of the regulations provided by the Commission in the portion of their respective waters covered by the Convention, and to this end they agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention, with appropriate penalties for violations thereof.

Without that legislation the whole thing is useless.

By Mr. MacDonald (Cape Breton South):

Q. Would we not have to follow the issuance of the orders?—A. No.

Q. Do you think that Parliament here will pass a penalizing law to give those people the power of penalization?—A. Yes; that is what this treaty provides, that a breach of these orders becomes a breach of the law.

By Mr. McQuarrie:

Q. That is what I was concerned with. I was trying in my mind to picture the Americans catching too many fish with their traps, and after a few days it is found necessary to stop the fishing on the United States side for a little while. How can that be done hurriedly with the Commissioners scattered around as they will be? That is not a matter of regulation at all; it is a matter of an order of the Commission. How is an order of that Commission to be obtained quickly?—A. My answer to that question was that the Commission must so arrange its affairs that it will be in a position to deal promptly with any question, even if the Commission has to be there while the fishing is going on.

Q. That is not reasonable—to expect the Commissioners to be out there during the fishing season.

The CHAIRMAN: They could appoint somebody to represent them.

Mr. McQUARRIE: They cannot do that.

The CHAIRMAN: Why not?

Mr. McQUARRIE: There is no provision for that. There will have to be two Commissioners from Canada and two from the United States to pass on that order. How are you going to get any such order as that in a hurry? Do you not think, as a matter of fact, it would have been much better to have provided for a specific close season, say for the whole month of July?—A. No, I do not, because those who have had experience in the matter know that you can never tell when a run of fish is going to be on.

By Mr. McRae:

Q. Why limit it at all? Why not leave it up to the Commission?—A. That covers the main portion of the sockeye fishing.

Q. Why limit it at all?—A. Because the Commission is not being given power to deal with anything but the sockeye salmon. The various other fisheries would be interefered with if there was not some limitation.

By Mr. McQuarrie:

Q. I suppose you have read the report of Professor Cranton, the man who made a complete survey and investigation of the Fraser River watershed some years ago?—A. Yes.

[Mr. W. A. Found.]

Q. His recommendation was that it would be quite sufficient if the fishing for sockeye in Puget Sound and on the Fraser River should be prohibited during the month of July in each year, which would give the first run of fish which would naturally go up to the head waters of the Fraser river a chance to get up there, and that would be all that would be required to restore the Fraser river fish.—A. Yes.

The CHAIRMAN: What about our recommendation that it be closed for five years?

Mr. McQUARRIE: When that recommendation was made—we have heard many fishermen and they have practically all agreed to the closing for the month of July for a period of five years. Another thing I wanted to ask was, how did you come to arrive at that sixteen year period?

By Mr. Neill:

Q. I would like to ask a question in connection with this clause which says "they agree to enact and enforce such legislation." Supposing the Commission decided to close the sockeye fishing in these waters for a month, say July, they would make an order to that effect. Have we not got sufficient machinery in our Fisheries Act now to prohibit the catch of sockeye salmon in our waters, and the Americans in their waters, without any special legislation?—A. I am sure that the situation there is clear. If someone violated the treaty without legislation, you would have difficulty there.

Q. Could you not stop the fishing of sockeye salmon in Canadian waters without further legislation?—A. We could under the Fisheries Act.

By Mr. Brady:

Q. I would like to ask one or two questions on this very difficult clause. It mentions that the Commission shall have the right to limit or equalize fishing during certain periods, and the waters are divided into three headings, first, all the waters under the treaty which means, I presume, the United States and Canadian waters; secondly, the Canadian waters separately; and thirdly, the waters of the United States separately, provided that when any order is adopted by the Commission, limiting or prohibiting the taking of sockeye salmon with regard to the Canadian waters or waters of the United States separately, it shall extend to all of the Canadian waters and waters of the United States to which this convention applies. You made a statement that in order to get a 50-50 division of fish undoubtedly penalties would have to be imposed on the fishermen to catch the fish on both sides. Is that right?—A. Legislation providing penalties would have to be obtained.

Q. Then we would take, for example, a certain part of Canadian waters with a very large run of salmon and certain other parts of Canadian waters with a limited run of salmon, while on the other side of the international line, the United States side, it was found that there was not such a very good run. But it so happened that at this particular period, in this particular division of Canadian waters, you had a very large run of sockeye, and it so happened that on the Canadian side we were getting 60 per cent of the fish, and the other side 40 per cent. Does that mean that these fishermen on the other division of Canadian waters must stop fishing just because you close down this area to make the other side pick up the 50-50 division?—A. Yes.

Q. In other words, the fishermen themselves are penalized when they may not be making an ordinary living; they are under that terrific difficulty that at any hour of any period the word comes to cease fishing in order to pick up the 50-50 division. If I am wrong, please correct me, but I wish to get that clear.—A. Well, you are not wrong if your hypothetical premises would become effective. The fact is, however, that year after year the United States have

been getting 70 per cent and upwards and the Canadian fishermen have been getting 30 per cent and downward.

Q. What does that mean, sir?—A. That means that the likelihood would be that the closing would be not on the Canadian side, but on the American side, and when it is made it will apply to all the United States waters.

Q. Well, look, sir; is that essential? Your law here regards the Canadian waters separately and the United States waters separately, and the whole treaty waters combined. Is it really essential that that should be put in in order to get that fifty-fifty provision? Could it not be possible that instead of having three heads you could have one?—A. I do not know that I can make it any clearer. I suppose, Mr. Chairman, that theoretically it would be possible to do it say there are fifteen traps catching fish. We might take these three divisions and not let them catch fish at all. That might be one way of doing it. But it was conceded that this would be a fair and a workable way—likely the most workable. I do not suppose that there is any system that could be devised that some fault could not be found with under certain circumstances.

By Mr. McRae:

Q. Mr. Chairman, I think Mr. Found quite correctly states in effect that this clause is going to be, I would say, a continuous source of worry; but there are one or two questions I would like to ask, because I see in this case the state of Washington is interested for the first time in the treaty. Earlier in the afternoon I read a statement by Mr. Coolidge, then President, as to the rights of that particular state in the matter. Now, I take it, Mr. Chairman, that this Commission has no control over the licenses in the state of Washington issued by the States? Is that correct?—A. That is quite correct.

Q. Then I take it that those licenses will come under state regulation, which, so far as this treaty is concerned is an assumption—it is all we can claim—that they will be in harmony with the wishes of the Commission?—A. What is provided there, Mr. Chairman, is that to the extent to which the Commission permits fishing to be carried on that fishing will be carried on the United States side under the laws of the state of Washington; to the extent to which fishing will be carried on the Canadian side, it will be carried on as at present under the laws of the Dominion of Canada.

Q. But is there any direction, or anything to indicate, that the state of Washington fishing requirements will be in keeping with the findings of this Commission? I have in mind that when a license is given it gives certain dates for certain fish, and rights and privileges. Now, what I am anxious to know, and what I am sure the Committee is anxious to know, having regard to the important part Washington plays in this matter, is what, if anything, there is to harmonize Washington State permits with the regulations of the Commission?—A. The obligation of the treaty.

Q. Just the obligation of the national government?—A. Yes.

Q. But you will see here that it says that any order adopted by the Commission limiting or prohibiting the taking of sockeye salmon?—No, I will go back a bit further:—

Provided further, that no order limiting or prohibiting the taking of sockeye salmon adopted by the International Salmon Fisheries Commission shall be construed to suspend or otherwise affect the requirements of the laws of the Dominion of Canada or of the State of Washington. . . .

And I want to point out that the Dominion of Canada is the sole contractor on our side in this treaty and in the fishing regulations as well.

. . . as to the procuring of a license to fish in the waters on their respective sides of the boundary line.

[Mr. W. A. Found.]

A. Well, Mr. Chairman, I think that is quite clear. It means this, that the Commission will not have the power of licensing who shall fish, but the state of Washington, in issuing licenses, will be required to issue licenses that fishing must be carried on under them in conformity with the law—

Q. Of Washington?—A. —of which this will be a part. The very same with us. Our licenses require that fishing shall be carried on in compliance with the law or regulations that may be established.

Q. I do not know that I made my point clear. The point I am making is that there might be a conflict between the decision of the Commission and the regulations laid down by the state of Washington, and I do not see that in this treaty there is any provision for harmonizing them. On the contrary, there is a statement that the laws of Washington shall not be interfered with by the regulations of this Commission?—A. Mr. Chairman, I do not think that there can be any doubt about that. The legislation that will necessarily be enacted before this treaty can be made effective, as provided for by section A will become part of the law applicable to the state of Washington; therefore, the licenses issued by the Fisheries Commission of the State of Washington will have to be in conformity with that legislation.

Q. I would think, Mr. Chairman, that is quite right; but I do not see that there is any assurance of that in the treaty. Now, I notice that the treaty provides for a violation of their order. As Mr. Found has said there must be legislation enacted here, and, I presume, this contemplates that legislation will be enacted in the state of Washington as well to prohibit a violation of this treaty. In other words, we get back to making Washington a part of this treaty whether they want to be a part or not.—A. I do not know about that. The treaty here provides that the federal government of the United States must see to the enforcement of the regulations of the Commission.

Q. Now, Mr. Chairman, we will take Mr. Found's statement on that. But I want to point out something that came up earlier. Mr. Neill this afternoon was referring to Article No. 6 which says that no action by the Commission under the authority of Articles 4 and 5 of this convention shall be effective unless it is affirmatively voted for by at least two of the Commissioners for each country. Now, I take it that any change in the regulations in Article No. 4 which was unfavourable and not to the liking of the state of Washington or to the American side of this Commission would have to be carried before it could be made effective by the votes of two of their own members. That means, I take it, Mr. Chairman, that with three of their own members they will always be able to control the situation absolutely.

The CHAIRMAN: No; two Canadians and two Americans.

Mr. McRAE: It must have two Americans voting for it. Here is what it says:—

Be effective unless it is affirmatively voted for by at least two of the Commissioners from each country.

That is four Commissioners, is it not? Now, it is only fair to presume that we are going to have American viewpoints, and Canadian viewpoints on this. Naturally, the three votes of American viewpoint will be American. We will assume that. To carry any change there must be two votes from Canada as well, making five votes out of the six. I submit to this Committee that there is not a chance on earth of ever getting Articles 4 and 5 changed. But this very important Article, No. 3, affecting entirely Canadians, can be changed by a small majority. I wonder how that is?

The WITNESS: It takes the same in as far as Canada is concerned.

By Mr. McRae:

Q. But why, if that is true—why limit this Article, No. 6, to paragraphs 4 and 5—why was No. 3 not included—that is the Canadian side of this treaty?—A. Because 4 and 5 are regulations, and Article 6 deals with that.

Q. Is it not true that Article 4, as we have shown regarding the state of Washington—Article 5 we will come to in a few minutes—deals with the mesh which affects the seines and traps in use in Washington and which it is going to take five or six members to change. There is not a chance of making a change in those two.

The CHAIRMAN: That applies to Canada.

Mr. McRAE: It does not. I beg your pardon. Articles 4 and 5—Article 4, as we have shown, deals entirely with the state of Washington fisheries; Article 5 deals with meshes, by which is meant traps and seines employed only in Washington; while Article 3 deals with the great Fraser River watershed.

Mr. McPHERSON: Would not two from each side carry any change?

Mr. McRAE: I can understand that where there are two from each side there will be three from one side and two which makes five. I am saying to you that the people of Puget Sound are very selfish people indeed. They have safeguarded their traps and their seines.

Mr. McPHERSON: Would not two on each side make the change whether the third one did it or not?

Mr. McRAE: You can be assured that where there is a controversy you will have two on one side and three on the other, making five, so that five out of the six Commissioners would have to vote to change the mesh on a seine or a trap on the American side.

Mr. McPHERSON: Why would five have to vote?

Mr. McRAE: They would do it. It would require two Canadians and it would require three Americans, or it would require three Canadians and two of the Americans.

Mr. McPHERSON: Would not two of each side do it?

Mr. McRAE: Two would do it; but it will never work out, because when the issue involves traps and seines we can depend on it that our Canadians will be opposed to it.

The CHAIRMAN: Then the regulations will be changed.

Mr. McRAE: The regulations will not be changed. The two-inch wire netting on traps and the two and one-half inch netting on the Puget Sound seine will last indefinitely under this treaty, because it will never be changed.

The CHAIRMAN: That is the way they are now; it will not make it worse.

Mr. McRAE: I hope it will not make it any worse; nothing escapes to-day.

By Mr. McQuarrie:

Q. Have you laws regarding British Columbia licenses?—A. British Columbia does not issue any licenses.

Q. Is it stopped now?—A. Since 1912, ever since the Privy Council decided in 1913. Those are taxation licenses, not fishery licenses.

The CHAIRMAN: Clause 5 reads:

In order to secure a proper escapement of sockeye salmon during the spring or chinook salmon fishing season, the International Salmon Fisheries Commission may prescribe the size of the meshes in all fishing gear and appliances operated in the waters described in Article I of this Convention which are frequented by sockeye salmon.

[Mr. W. A. Found.]

Whenever the taking of sockeye salmon in said waters during said period between the first of June and the twentieth of August in any year is permitted under the orders adopted by the Commission in respect of Canadian waters any fishing appliances authorized by the laws of the Dominion of Canada may be used in such waters by any person thereunto legally authorized, and whenever the taking of sockeye salmon in said waters during said period is permitted under the orders adopted by the Commission in respect of waters of the United States, any fishing appliance legally authorized by the State of Washington may be used in such waters by any person thereunto authorized by that State.

Mr. McRAE: I want to say that that clause might just as well be omitted from the treaty. It says that while they can provide a mesh it leaves it alternatively to the Canadians or to the state of Washington as to what the mesh shall be; and although it does prescribe the mesh, it has been shown that it cannot be changed except by their wishes. I take it that there is no territory that this Commission can function in at all; and why put that clause in? This clause provides for the regulation of Canadian waters and it shall govern and the regulations authorized in the state of Washington shall govern; but there is no place where this Commission can say anything about meshes; therefore, why put the clause in at all?

Mr. NEILL: Except for the four-six vote.

Mr. McRAE: It does not say that.

The WITNESS: You are dealing now with Article 5.

Mr. McRAE: I do not see that the first part of that is applicable.

Mr. BRADY: As regards the size of the meshes, the Commission is given power to fix the size so as to enable the escapement of such of the sockeye as may be running before the time when the Commission's regulations would function. The salmon fishing being carried on then is mainly spring salmon. So there is no reason why there would not be a mesh used to enable the sockeye to escape.

Mr. McRAE: It says that the authorities of Canada and Washington shall govern notwithstanding.

Mr. NEILL: No, it does not. It says fishing appliances; but it does not say you cannot regulate a mesh.

Mr. MACLAREN: I would like to ask Mr. Found this question: what does he include under the term "fishing appliances"?

Mr. NEILL: Net and trap.

Mr. MACLAREN: I want Mr. Found to answer that question and not Mr. Neill.

The WITNESS: Anything that is a fishing appliance.

By Mr. MacLaren:

Q. What is included in that?—A. Anything that would be used for catching fish at the present time; catching salmon.

Q. Does it include nets?—A. It includes gill-nets.

Q. Does it? Say yes or no.—A. Yes.

By Mr. Brady:

Q. I would like to ask the Deputy Minister this question on that point; is it true that under this treaty, and under this Article fishing with traps and seines by the fishermen of Washington State will be continued on the same scale as previously?—A. That will depend entirely on the Commission's regulations.

By Mr. McQuarrie:

Q. What about other varieties of fish during the close season for sockeye? There will be other fish running?—A. Not to any considerable extent; and that is the reason why the time is limited during which the Commission is to take full control.

Q. Well, does not the Cohoe season overlap the sockeye salmon?—A. To some extent; but not during this period.

Q. That is, there would be no Cohoes?—A. I would not say there would be no Cohoes; but there would not be a large run.

Q. Cohoe fishing also will be prevented during that period?—A. To the extent that may be necessary to protect the Sockeye.

Q. When the Sockeye season is prevented, the Cohoes will also be prevented?—A. To the extent that will be necessary to carry out the regulations provided by the Commission for the protection of the Sockeye.

Q. If Sockeye fishing is prevented then, naturally, and necessarily, Cohoe fishing will also be prevented.—A. That is why other fishing is prohibited?

Q. Yes.—A. Quite so.

Mr. McRAE: There were two more questions in regard to that which I wanted to clear up. As I understand it, this Commission exercises no power whatever over the traps and seines in the state of Washington; that is, that the state of Washington does not propose that this Commission will have anything to say about trap and seine fishing in the state of Washington?

The WITNESS: Oh, yes. It won't have anything to say about to whom licenses will be granted; but it will have everything to say as to the extent to which fishing will be carried on under those licenses.

Mr. McRAE: Only to the extent of fifty-fifty. The fact that Americans will continue as they do to-day to catch ninety-three per cent of the fish with traps and seines, the Commission, it is presumed, will not have anything to say in directing how those fish in American waters will be caught, other than a direction which will result in this fifty-fifty division.

The CHAIRMAN: Could they not limit the number of traps?

Mr. McRAE: No, they cannot limit the number of traps; but they can limit the total take to fifty-fifty. How that will be worked out remains to be seen. It does not propose that this Commission will dispense with traps or seines in the state of Washington; as to that, it will not be in their power to say.

The WITNESS: I think that is right.

Mr. NEILL: They can regulate the mesh?

The WITNESS: They can regulate the mesh.

By Mr. McRae:

Q. I submit, Mr. Chairman, that Article 5 is largely non-operative, because it specifies that the regulations of the state of Washington and the Dominion of Canada shall govern all appliances, and I submit that appliances are nets, and nets that require prescribed meshes. To-day in British Columbia there is no prescription of meshes; and, consequently, if this treaty goes into effect, so far as the Fraser river is concerned this year there is no limit to the mesh. Five and three-quarters was the limit, but this year that has been removed. Now, if this Commission comes in, British Columbia fishermen can fish with five and three-quarters, or four and one-quarter, or any other mesh they want to use. So, I say again that this Article, No. 5, is largely abortive.—A. I think there is a little misunderstanding, that may be cleared up. What the treaty has in mind is to enable the Commission to allow a proper escapement of fish. It does not

matter a pin so far as the future of the fishery is concerned whether a fish is taken out of the water by a trap or a gill net; a fish is not going to reproduce if it is caught; and the Commission will be given power to limit the quantity of fish to an extent to enable such escapement of fish to the spawning grounds as it deems necessary.

By Mr. Brady:

Q. I am not sure whether it is limiting the size of meshes. Does that really mean that the present size of meshes can be changed, altered, as soon as this Commission starts in; that there will be a radical change made?—A. How can I say what a Commission that has not yet been appointed is going to do?

Q. Of course, it specifically states here that the Commission may prescribe the size of the meshes in order to allow this escapement of salmon. Naturally, if that is true, I want to know if there will not be quite a big change in the present nets and meshes, or would there be some change?—A. Now, let us be clear on that. The method of fishing on the United States side, it has been said, is largely trap fishing. Now, our method of fishing is largely gill-net fishing.

Q. Would a change be made in the meshes?—A. Not likely. Our fishermen are fishing for spring salmon and use nets with which they may catch spring salmon to the best advantage.

Q. Really, then a change in the nets would refer more particularly to the United States waters?—A. That would be the effect of it.

By Mr. McQuarrie:

Q. As to other varieties of fish—the Pinks, for instance—will they be covered by the size of the mesh? Or will fish like Chums and Pinks be also prohibited when the fishing for Sockeye is prohibited?—A. If the prohibition in the fishing of Sockeye necessitates the removal of nets from the water, then, of course, the catch of other kinds of fish will be affected to that extent.

Q. So, it may be that all fishing—all salmon fishing will be prevented during those prohibited times?—A. That was the reason for limiting the control of the Commission to the period that is mainly affected by this run.

Q. So you would have the Chums and the Pinks and the Cohoes in the same class as the sockeyes so far as prohibition is concerned during the period that the Commission decides shall be a close season for Sockeyes?—A. But the fact is that they are not there at that time in any considerable number.

Q. It will be so with those fish which are there?—A. Oh, yes.

The CHAIRMAN: Clause Six.

By Mr. McRae:

Q. I think we have discussed this fully. It is not necessary to do much more with it. This clause protects 4 and 5 which entirely occupy the consideration of the state of Washington. Now, I want to call the attention of the Committee and call the attention of Mr. Found to this point, and I want to ask him if this is correct: that it will require two from each country to change Articles 4 and 5; but so far as Article 3 is concerned a majority rules; is that correct?—A. Oh, yes. There is no regulation.

Q. That being the case, I want to point out to this Committee that three Americans on the Commission and one Canadian Commissioner make four, and they can determine definitely every development that is going to be carried on in the Fraser River watershed. I leave it to this Committee to say whether that is a reasonable distribution, and whether this clause should not be enlarged to include clause three as well as clauses four and five which our American friends have taken care to see shall well protect themselves?—A. I do not know what answer I can give.

Q. You agree, Mr. Found, to this: it takes two of each country to change the regulations in Articles 4 and 5, but in Article 3, which does not provide the same safeguard, the usual practice of the majority will govern?—A. That is true. It is dealing with an entirely different thing.

Q. Now, let us stop there. That being the case three American commissioners on the Commission and one Canadian will create a majority which can decide what that Commission is going to do—under Article III?—A. Yes.

By Mr. Brady:

Q. Would it not be a reasonable thing to include Article III with IV and V and cover it by the same vote?—A. My answer would be only an opinion. I can scarcely conceive that a Commission which is seeking to build up a fishery would finally, after canvassing the situation, have very much division of opinion on it, as to what would be best to do.

By Mr. McRae:

Q. Why should that apply to one side of the line and not to the other?—A. It applies to one set of waters; it applies to reproductive waters; the other waters are fishing waters.

Q. Then I take it that these fishing waters which are, roughly, 50 per cent American and 50 per cent Canadian, and which we would all like to see with uniform fishing regulations, require a vote of two from each country to change regulations which we would very much like to change, while the propagation area, the Fraser River watershed, into which we invite these three American commissioners, lays itself open to these Americans exercising their will on territory entirely in our own country.

By Mr. McLaren:

Q. Mr. Found, if your reasoning is correct it would be safe to call for an unanimous vote. That would show that your reasoning is open to question on that point. Do you think that Article III would be improved by calling for a vote of two and two?—A. As a direct question, I cannot conceive in practice that it would. If the Commissioners are earnestly seeking to do that which will give the best result, what would likely happen would be that necessarily some experimentations would be required with different methods before the method was adopted which would be largely applied. However, I can only give you my opinion on that.

Q. We must assume that they are earnestly seeking to do what is right under that section?—A. Quite so.

Q. And under all sections?—A. Yes.

Q. Therefore why apply it to only one section and not refer to these individuals on the other side? In one case it is safeguarded; in the other it is all attributing a great deal more of this "earnest seeking after truth." Would not a serious difficulty arise by calling for a vote of two and two, under Article III?—A. I am not aware of any.

Q. Do you think it would be a prudent course to pursue to ask for two and two, from our standpoint, to insure that there should be at least two Canadians siding with one point of view?—A. Again I say that I do not think it would be any improvement. You are not dealing in any one interest, a matter of self-interest or country interest, but in the interest of the fisheries, and when you come to build up this matter, and do a reproductive job in the way it can best be done, there is not much room for a division there.

By Mr. Brady:

Q. I would like to ask with reference to bringing Article III in with IV and V. "The Commission shall have the right to stock the waters with sockeye

[Mr. W. A. Found.]

salmon by such method as it may determine." Supposing it were decided to take spawn from the outer stretches of the Skeena and bring them down to the Fraser; there might be some objection there on the part of some of the Canadian fishermen who would say, "Let us look after the Skeena and make it 100 per cent"—A. The Commission has no authority whatever over the Skeena watershed.

Q. Has not the Commission the right to take spawn from any place?—A. It certainly has not.

The CHAIRMAN: Article VII reads:

ARTICLE VII

Inasmuch as the purpose of this Convention is to establish for the High Contracting Parties, by their joint effort and expense, a fishery that is now largely non-existent, each of the High Contracting Parties should share equally in the fishery. The Commission shall, consequently, in regulating the fishery do so with the object of enabling, as nearly as they can, an equal portion of the fish that is allowed to be caught each year to be taken by the fishermen of each High Contracting Party.

Mr. McRAE: There is one thing, Mr. Chairman, about which we have had some discussion as to how it might be worked out. I think we are all appreciative of the difficulty. It seems to me that the article itself anticipates this because it says that the "High Contracting Parties should share equally." Why not say "will share equally"? Why not make it definite? I think this is nothing more than a pious hope for the best, and I submit that it will be difficult to enforce, and will lead to serious controversies between the fishermen of Puget Sound and British Columbia. I think this should read that they "shall" share equally in the fishing. Of course they should.

The WITNESS: It is "shall" and not "should."

By Mr. MacLaren:

I want to ask if under this treaty it is possible for the Americans to take the spawn from the Fraser River and plant them in some of the American streams?—A. No. This Commission has no jurisdiction over anything but the waters covered by the treaty.

Q. Are there no waters on the American side covered by the treaty?—A. No spawning waters.

Q. None that could be made spawning waters?—A. Not that I know of, but if we could enlarge the spawning areas, would it not be a good thing?

By Mr. McQuarrie:

Q. What will happen if the Americans get more fish than the Canadians?—A. Well, Mr. Chairman, the duty of the Commission will be to see that they do not. As I said a little while ago, the Commission will have my sympathy. It will be quite impossible to say that we will get 50 fish on one side and 50 on the other. It must be as near as possible that that be done.

By Mr. Brady:

Q. I would like to ask a question. "An equal portion of the fish that is allowed to be caught each year to be taken by the fishermen of each High Contracting Party." Now, the fishermen in British Columbia are independent fishermen, who are engaged in catching sockeye salmon.—A. What do you mean by that?

Q. Each man for himself—each man working his own boat.—A. That is true, to a large extent.

Q. You say each portion of the fish allowed to be caught to be taken by the fishermen; how could that possibly be done unless these fishermen pooled their fish? Supposing one man catches 3,000 and another one catches 500. How is that division to be made, so that equity be done?—A. No such equity is contemplated by the treaty, and such a thing would be absurd and impossible. What the treaty contemplates is that the fishermen on the American side as a body will get 50 per cent of the fish.

The CHAIRMAN: (Reading).

ARTICLE VIII

Each High Contracting Party shall be responsible for the enforcement of the regulations provided by the Commission in the portion of their respective waters covered by the Convention, and to this end they agree to enact and enforce such legislation as may be necessary to make effective the provisions of this Convention, with appropriate penalties for violations thereof.

ARTICLE IX

The present Convention shall be ratified by His Majesty in accordance with constitutional practice, and by the President of the United States of America, by and with the advice and consent of the Senate thereof, and it shall become effective upon the date of the exchange of ratifications which shall take place at Washington as soon as possible and shall continue in force for a period of sixteen years, and thereafter until one year from the day on which either of the High Contracting Parties shall give notice to the other of its desire to terminate it.

In witness whereof, the respective plenipotentiaries have signed the present Convention, and have affixed their seals thereto.

Done in duplicate at Washington, the twenty-seventh day of March, one thousand nine hundred and twenty-nine.

[L.S.] VINCENT MASSEY.
[L.S.] FRANK B. KELLOGG.

By Mr. McRae:

Q. We passed rather hurriedly over No. VIII. The only observation I wish to make with respect to Article VII is this, that in order to make it effective it seems to me that that clause will require the co-operation of the State of Washington in view of their State rights in the fisheries, and I do not think we should place too much confidence in its becoming effective until we are sure of the State of Washington, and of the stand they will take, because State politics play a big game there; there are many difficult problems to contend with, and have been for many years. The State situation in Washington is a very difficult one and one which may go a very long way toward upsetting our calculation with respect to the treaty, unless the State is a party to the treaty itself.—A. Appreciating that very difficulty I think those concerned will read with satisfaction the part of the section which provides “and to this end they agree to enact and enforce such legislation as may be necessary.”

By Mr. Bissett:

Q. The Federal Government?—A. Yes.

By the Chairman:

Q. They go over the State of Washington, if necessary?—A. Yes.

[Mr. W. A. Found.]

By Mr. Brady:

Q. Why was a period of 16 years chosen, because I find the halibut treaty was for five years with the option of renewal or modification? Here it is 16 years.—A. Four cycles. It was felt that by the end of four generations of fish it would be demonstrated whether the treaty was achieving the end in view or not. It was felt—and I think rightly so—that if it is achieving the end in view there will be that force of public opinion behind it in both countries apart altogether from the immediate people concerned, which will maintain it. If it is not achieving its object, I do not suppose anybody will want it.

Q. Would not eight years—two cycles—with the option of renewal meet the requirements?—A. It was thought not. It was thought that four cycles would be necessary to give evidence of what will happen.

By Mr. McRae:

Q. There is a great deal in what Mr. Brady says. We enter into a treaty—if we enter into this treaty or one like it—which ties us up for a long time. Sixteen years is a long time to be tied up on a bad treaty. With a good treaty we do not need that long, because if it is working out, public sentiment will be behind it. It seems to me that five years will get you over the first cycle and would answer our needs, and at the same time would leave the country free to discontinue, if during the five years they found the treaty was obnoxious to this country.

Mr. McQUARRIE: With regard to what is going to happen at the end of the 16 year period: as I remember it, it was always the view of Mr. Found and the Department that some provision should be made at the end of the treaty period so that the Americans would not repeat the performances of past years. I notice in the report of the 1922 Commission—what is known as the Duff Commission—it is stated there that Commissioners McQuarrie and Martell dissented from this agreement for the same reason that your departmental representative dissented in 1921, namely that the Washington State representative could not give a definite guarantee that fishing with seines and traps would not be resumed on the same scale as previously. I think it is also set out in another place in this report—and in other reports as well. Now, I would like to ask why you have departed from that principle and why some arrangement was not made as to what would happen at the end of this treaty period, because if it takes 16 years to restore the sockeye run on the Fraser River, at the end of that time the Americans can turn in again with their wholesale and unregulated fisheries and take the major portion of the fish. They would be able then to come in and take 70 per cent or more, as they have been doing lately, and no provision whatever is made in the treaty to cover that eventuality. Why was it that you departed from that principle?

The WITNESS: When you say "you"—

Mr. McQUARRIE: You stated it before.

The WITNESS: I assume that you desire that the agreement under the treaty shall be eternal. That would be the only way to safeguard the situation. I submit the reasons Mr. McQuarrie has given are fairly strong for a 16 year period, so that there would be sufficient opportunity on our part to see the evidence of achievement. Five years, as General McRae will admit, is a very short time to show in such a big thing as this just what the measure of these results is. Four cycles would give some chance to demonstrate that, and I think we can rely upon the good judgment of the public of Canada and of the United States to say that if this treaty is doing something to bring back a pack which will be worth to this continent upward of \$45,000,000 instead of the mere fraction of it that there is now, we should keep it going.

By Mr. McQuarrie:

Q. You think bringing back the run will be the lesson to the people on both sides of the line, and not the period of time. If the run were to be restored in five years, would that be long enough for this treaty?—A. Quite so.

Q. You say that it will take 16 years to bring the run back?—A. I would not want to say that it would take 16 years or 60 years, but those in the best position to judge it maintain that four cycles would be the least time to demonstrate clearly to all concerned what really is taking place.

Q. I do not ask that this treaty should be made perpetual. I was asking why you departed from the principle you had previously outlined. Why do you use a period of 16 years instead of 5?—A. I have not departed from the treaty at all, but it was felt, after careful consideration, that while the treaty should not be made continuous, it should be made long enough to take effect.

Q. "The Washington State representative could not give any guarantee that fishing with seines and traps would not be resumed on the same scale as previously." They have not given any such guarantee.

The CHAIRMAN: If it lasts 16 years, we get 50 per cent of the catch, now we get only 30 per cent.

Mr. McQUARRIE: That is what the Department always stands out for, some provision or some restriction on the Americans so that they will not proceed to fish in the same manner as they did before.

The Witness retired.

The Committee adjourned until Wednesday, May 29, 1929, at 12 o'clock noon.

