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# REPORT.

COMMITTEE ROOM,  
THURSDAY, 28th April, 1859.

## THE COMMITTEE MET.

### MEMBERS PRESENT:

MR. MCKELLAR, Chairman.  
MR. CHAPAIS,  
MR. CIMON,  
MR. BEAUBIEN,  
MR. MACLEOD,  
MR. A. P. McDONALD,  
HON. MR. CAUCHON,  
HON. MR. CAMERON.

And the following Report was unanimously adopted.

The Select Committee appointed to inquire into and report upon the operation of the Fishery Act, have the honor to present to your Honorable House the following Report.

Your Committee, after having examined several persons practically acquainted with the Fisheries, and having, with their evidence, collected all other information on the subject that they have been able to procure, and having consulted and examined the different Acts which regulate the Fisheries, and more particularly the Act of last Session, having also consulted several authorities referred to by the said evidence, have arrived at the following conclusions.

Your Committee, in reading the said books, have found, what reason and experience teach, that the salmon fisheries to be prosperous and assume commercial proportions, ought to be subjected to stringent regulations, and a severe method of protection; that such a system framed for the guardianship of the breeding fish, can alone ensure an adequate return to the fishermen, and secure the future success of the Fisheries; that owing to the absence of all protection, the salmon fisheries have been gradually falling off in Canada, whilst the contrary system has already raised the value of the same fisheries in Ireland alone, to the amount of £1,300,000.

The authorities consulted agree in saying that the greatest damage to the salmon fisheries is the multiplicity of fishing stations in the same river which represent too many conflicting interests, and are the cause that each pursue a selfish system of destruction incompatible with the improvement of fisheries on a large scale. That reducing to a small number the fishing stations at mouths of rivers and inducing a community of possession and combination of interest, is regarded as the most propitious for the development of the salmon produce.

That if anything could justify the violation of the rights of individuals for the public benefit, the owners of minor fisheries ought to be compelled to sell their rights for a fair equivalent so as to concentrate the fisheries as much as possible. In their Report of 1855, the Commissioners of Great Britain express their opinion that the scheme of concentrating the scattered and undefined rights of individuals in the smallest streams so as to enable some enterprising and experienced parties, or a Joint Stock Company to carry on the fisheries, would open up new sources of productive wealth. They observe that the first step to be taken is the clear ascertainment of relative personal rights and the rights of the public in such streams, and to establish the value of each division and under a summary power, either to sell the whole and distribute the proceeds among the shareholders, or to constitute the whole body of proprietors into a partnership, "*en commandite*," to have the sole direction of the river as if an only holder.

The said authorities establish, moreover, that the number and the value of the Fisheries open to the public in Great Britain, are much more considerable than the number and value of the Fisheries belonging to individuals; but that in no case have proprietors been deprived of their fishing stations, nor the public of their right of free fishing for the purpose of concentrating such rights and rendering them objects of private speculation; and if in some cases, and with a view to the propagation of species, the idea has been entertained of concentrating the Fisheries, it has been ever attended by the offer of a compensation for vested rights and of the rigorously estimated value of the Fisheries; that the Encyclopædia Britannica, "Article Fisheries," after showing in figures the advantage of concentrating the Fisheries in a river, says: "But this cannot be effected in rivers belonging to several proprietors, and consequently a time must be fixed for the continuance of fishing operations."

It is the opinion of your Committee that in virtue of the Act 16 Vict., cap. 92, "Her Majesty's subjects were encouraged and authorized to engage in the fishing of salmon and other fish, on the North shore of the Gulf of St. Lawrence and at Labrador."

That by the Act 22 Vict., cap. 86, section 39, "every subject of Her Majesty who was in peaceable possession of any fishing ground at the time of the passing of the said Act, was, for the purposes of the said Act, to be deemed the owner thereof."

That from the evidence given before your Committee, it appears that foreigners frequent the localities above referred to for the purpose of carrying on the salmon fishery, and that they there occupy permanent fishing stations, in contravention of the laws and to the detriment of the inhabitants of this Province. Your Committee recommend the immediate exclusion of these individuals, unless they take leases of fishing stations.

That it is also made to appear by the same testimony, that the greatest obstacle of the propagation of the salmon in the rivers, is the construction of mill-dams and the taking of salmon by nets and spearing them in the spawning grounds.

That notwithstanding the destructive mode of fishing for salmon heretofore followed, and the custom of almost completely barring the rivers with nets, it nevertheless proved that a large number of fish, salmon and trout, succeed in ascending the rivers to the spawning grounds, except when prevented by dams which it is impossible to pass.

That in the opinion of your Committee, the effective carrying out of the present law and of the By-laws made in conformity thereto by the Government, would prevent the destruction of the salmon and trout, and would afford adequate

protection to ensure the preservation and increase the propagation of this valuable fish.

That the different fishing grounds on the north shore of the St. Lawrence, and in the rivers occupied by those engaged in fishing at the time of the passing of the Act of last session, ought to be divided into fishing stations and properly marked off and defined so as to prevent too great competition and the encroachment of fishermen one on the other, care being taken to provide that when several occupants are included within one and the same limit, that they shall enter into arrangements so as to form one common fishery, or if they should prefer it that they may assign their individual rights to one person, upon payment by such person to the others, of a stipulated indemnification.

That the location of any river for fishing salmon on the St. Lawrence ought not to be proceeded with this year, but that a visit of inspection to the different grounds ought first to be made, so as to ascertain the number of actual and *bona fide* occupants within the meaning of the law, distinguishing the foreigners from our own countrymen, and to fix the different fishing stations to be established as such hereafter, to prepare a class of the said stations, and to make a report of the whole subject to the Government. And that Captain Fortin, the Commander of the *Canadienne*, with the assistance of Mr. Nettle, Inspector of Fisheries for Lower Canada, and some competent person acquainted with the practical business of the Fisheries, and well acquainted with the localities, should be directed to set off to the several fishing stations above mentioned.

That Her Majesty's subjects in this Province in the possession of fishing grounds at the time of the passing of the Act secondly above mentioned, in the places known by the name of King's Posts, on the said north shore of the Gulf of St. Lawrence and in the rivers, should be deemed as enjoying the benefits of the laws above cited, notwithstanding the pretended rights claimed by the Hudson's Bay Company, in virtue of its last lease, which lease does not confer on the said Company any exclusive rights of fishing in the said King's Posts.

That the period of three consecutive months, required as the condition for the right of obtaining the bounty granted to the owner of a vessel engaged in the seal fisheries, is calculated to prevent the result contemplated by the law, inasmuch as the time during which this fishing is carried on, does not exceed a month or five weeks, and that consequently it will be necessary to amend the last Act in this particular.

Your Committee further suggest to the Government, that they should abandon the River Betsimis to the exclusive use of Indians, together with the territory lying between that river and the River Aux Outardes.

Your Committee would also recommend, that the taking of the white fish with seines in Upper Canada should be prohibited during the months of June, July, and August, as during that period a large number of young fish are taken and left on the beaches; and that the 35th clause of the Act, in regard to Upper Canada, be repealed, as well as enforcing the 3 Will. 4, ch. 29, as assimilating with the law of the State of Michigan lately passed.

Your Committee think the obligation to build fish passes over all the dams in Upper Canada too indiscriminate, and that such a requirement should be left to the Superintendent of Fisheries, under authority from the Commissioner of Crown Lands.

A. M. McKELLAR,

Chairman.

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2nd Session, 6th Parliament, 22 Victoria, 1859.

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## REPORT

Of the Committee on the Fishery Act.

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*Ordered, by THE LEGISLATIVE ASSEMBLY, to be  
Printed, 28th April, 1859.*

*Printed, 30th April, 1859.*

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(*Mr. McKellar.*)

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