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Canada. Parl. H of C. Standing
Comm.on Marine and
Fisheries, 1939.

Minutes of proceedings and
evidence.

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SESSION 1939
HOUSE OF COMMONS

STANDING COMMITTEE

ON

MARINE AND FISHERIES

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 1

WEDNESDAY, MARCH 29, 1939

MONDAY, APRIL 3, 1939

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1939

MEMBERS OF THE COMMITTEE

Mr. A. E. MACLEAN, *Chairman.*

and Messrs.

Black (Mrs.)	Kinley	Neill
Brasset	Lapointe	Pelletier
Brooks	(<i>Matapedia-Matane</i>)	Pottier
Brunelle	MacLean (<i>Prince</i>)	Reid
Clark (<i>Essex South</i>)	MacLean (<i>Cape Breton</i>	Rickard
Coté	<i>North-Victoria</i>)	Robichaud
Deslauriers	MacNeil	Stirling
Farquhar	Mayhew	Taylor (<i>Nanaimo</i>)
Ferron	McAvity	Telford
Gauthier	McCulloch	Tomlinson
Green	McDonald (<i>Souris</i>)	Tustin
Hanson	Michaud	Veniot
		White

ANTONIO PLOUFFE,
Clerk of the Committee.

ORDERS OF REFERENCE

HOUSE OF COMMONS

FRIDAY, January 27, 1939.

Resolved,—That the following members do compose the Standing Committee on Marine and Fisheries:—

Messrs. Black (Mrs.), Brasset, Brooks, Brunelle, Clark (*Essex South*), Côté, Deslauriers, Farquhar, Ferron, Gauthier, Green, Hanson, Kinley, Lapointe (*Matapedia-Matane*), MacLean (*Prince*), MacLean (*Cape Breton North-Victoria*), MacNeil, Mayhew, McAvity, McCulloch, McDonald (*Souris*), Michaud, Neill, Pelletier, Pottier, Reid, Rickard, Robichaud, Stirling, Taylor (*Nanaimo*), Telford, Tomlinson, Tustin, Veniot, White.

Attest.

ARTHUR BEAUCHESNE

Clerk of the House.

Ordered,—That the 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.

THURSDAY, March 2, 1939.

Ordered,—That Bill No. 15, An Act to amend The Fisheries Act, 1932, together with the proposed amendment of Mr. Neill thereto, be referred to the said Committee.

Attest.

ARTHUR BEAUCHESNE

Clerk of the House.

MONDAY, March 12, 1939.

Ordered,—That the name of Mr. Mayhew be substituted for that of Mr. Ward on the said Committee.

Attest.

ARTHUR BEAUCHESNE

Clerk of the House.

WEDNESDAY, March 29, 1939.

Ordered,—That the said Committee be empowered to print, from day to day, 500 copies in English and 200 copies in French of its minutes of proceedings and evidence, and that Standing Order 64 be suspended in relation thereto.

Ordered,—That the said Committee be empowered to sit while the House is sitting.

Attest.

ARTHUR BEAUCHESNE

Clerk of the House.

REPORT TO THE HOUSE

WEDNESDAY, March 29, 1939.

The Standing Committee on Marine and Fisheries begs leave to present the following as its

FIRST REPORT

Your Committee recommends that it be empowered:—

1. to print, from day to day, 500 copies in English and 200 copies in French of its minutes of proceedings and evidence, and that Standing Order 64 be suspended in relation thereto;
2. to sit while the House is sitting.

All of which is respectfully submitted.

A. E. MacLEAN,
Chairman.

MINUTES OF PROCEEDINGS

WEDNESDAY, March 29, 1939.

The Standing Committee on Marine and Fisheries met this day at 11 a.m. Mr. MacLean (*Prince*) presided.

Members present: Messrs. Brasset, Côté, Deslauriers, Ferron, Green, Hanson, Kinley, Mayhew, MacLean (*Prince*), MacLean (*Cape Breton North-Victoria*), McAvity, McDonald, Michaud, Neill, Reid, Robichaud, Taylor (*Nanaimo*), Telford, Tustin and Veniot. (20.)

In attendance: Mr. A. J. Whitmore, Head of the Western Division, Fisheries Department.

The chairman read the Order of Reference. He also read a telegram received from the Pacific Coast Fishermen's Union.

The Honourable the Minister of Fisheries, Mr. Michaud, made a brief statement respecting the provisions of Bill 15 referred to the Committee, and the amendment thereto moved by Mr. Neill. The Minister stated that he would submit to the Committee, at its next sitting, a memorandum received from the Province of Quebec.

The clerk was instructed to obtain copies of the Committee's final report, dated April 5, 1937, on its inquiry into the advisability of the Government issuing trap fishing licenses in British Columbia waters.

It was suggested by Mr. Neill that a Departmental representative be called at a future date to report on the recommendations contained in the said report and on the extent to which these recommendations have been acted upon.

On motion of Mr. Reid:

Resolved,—That the Committee request permission to print, from day to day, 500 copies in English and 200 copies in French of its minutes of proceedings and evidence, and that Standing Order 64 be suspended in relation thereto.

On motion of Mr. Hanson:

Resolved,—That the Committee ask leave to sit while the House is sitting.

The Committee adjourned at 12 o'clock to the call of the chair.

ANTONIO PLOUFFE,

Clerk of the Committee.

MONDAY, April 3, 1939.

The Standing Committee on Marine and Fisheries met this day at 11 a.m. Mr. A. E. MacLean presided.

Members present: Messrs. Côté, Deslauriers, Hanson, Kinley, Mayhew, MacLean (*Prince*), MacLean (*Cape Breton North-Victoria*), MacNeil, McAvity, McDonald (*Souris*), Michaud, Neill, Pottier, Reid, Taylor (*Nanaimo*), Telford, Tomlinson and Veniot (18).

In attendance: Mr. A. J. Whitmore, head of the Western Division, Fisheries Department.

The Committee resumed its consideration of Bill No. 15 and Mr. Neill's amendment thereto.

The clerk read a letter received by the Honourable the Minister of Fisheries, Mr. Michaud, from the Minister of Marine and Fisheries of the Province of Quebec, Mr. O. Gagnon.

Considerable discussion took place in this connection.

It was agreed to print Mr. Gagnon's letter in the Minutes of Evidence of this day.

It was decided to have Mr. J. A. Rodd, Superintendent of Fish culture, Fisheries Department, appear before the Committee at a later date.

Mr. Michaud said he would have a statement prepared as to whether or not fish were ascending the Saguenay River prior to the building of dams.

Mr. Whitmore was instructed to prepare a written statement as to the manner in which the recommendations of the Committee in 1937 have been carried out and also with respect to salmon gill-net fishing operations in Straits of Juan de Fuca during 1938. (*Printed in appendix 1 to this day's evidence.*)

On motion of Mr. Reid:—

Resolved,—That Mr. Whitmore prepare a statement showing the salmon catch, by varieties, in the Fraser River, in 1938, by methods of gear. (*Printed in appendix 1 to to-day's evidence.*)

Discussion followed with regard to trap licences.

On motion of Mr. MacNeil:—

Resolved,—That Mr. Whitmore file a report for printing as an appendix respecting the status of legislation in the state of Washington with regard to fish traps south of the international boundary. (*Printed in appendix 1 to to-days' evidence.*)

The Committee considered Mr. Neill's amendment.

The Minister filed with the clerk tabulated statements as regards the numbers of different species of salmon and method of capture.

On motion of Mr. MacNeil:—

Resolved,—That the statements submitted by the Minister be incorporated in to-day's evidence as an appendix. (*Printed as appendix 2 to to-day's evidence.*)

On motion of Mr. MacNeil:—

Resolved,—That Sessional Papers Nos. 235 and 235A be printed to to-day's evidence. (*Printed as appendix 3 to to-day's evidence.*)

On motion of Mr. Mayhew:—

Resolved,—That the 1937 report of the Committee on Marine and Fisheries be incorporated in to-day's evidence. (*Printed as appendix 4 to to-day's evidence.*)

The chairman again read the telegram received from the Pacific Coast Fishermen's Union and it was agreed that he should acknowledge receipt thereof.

The Committee adjourned at 12.25 a.m., to meet again at the call of the chair.

ANTONIO PLOUFFE,
Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS, ROOM 268,

OTTAWA, APRIL 3, 1939.

The Standing Committee on Marine and Fisheries met at 11 a.m. The Chairman, Mr. A. E. MacLean, presided.

(Order of reference read by the chairman.)

The CHAIRMAN: Bill No. 15 was on March 2 referred to this committee. The Minister of Marine and Fisheries, Mr. Michaud, is with us this morning, and perhaps it would be better to take up that bill. I believe the minister has a statement to make concerning the Quebec government and, if it is the wish of the committee, the minister will now make that statement.

Mr. HANSON: Agreed.

Hon. Mr. MICHAUD: Mr. Chairman, the statement referred to is in the form of a letter dated September 13, 1938, addressed to the Minister of Fisheries, Ottawa, by the Hon. O. Gagnon, Minister of Mines and Fisheries for the province of Quebec. I will ask the clerk to read this letter for the record.

The CLERK:

QUEBEC, September 13, 1938.

Hon. J. E. MICHAUD,
Minister of Fisheries,
Ottawa, Ontario.

My dear SIR:—1. By an order-in-council, No. 1653, dated August 25, 1923, the federal government granted to the Quebec Development Company Ltd., in so far as the rights and powers of that government were concerned, the permission to dam the Saguenay river between Lake St. John and the foot of the rapids, but one of the conditions applied was as follows:

“An approved fishway shall be established on the dams or spillways by the applicant company at its own expense if requested by competent authority.”

2. By orders-in-council, No. 1762, dated October 11, 1923, No. 1011 dated June 20, 1925, No. 2347 dated December 17, 1926 and No. 1236, dated July 21, 1927, the provincial government granted to the Quebec Development Company Limited and to its parties concerned the right to dam the Saguenay river, but that permission was “subject to the federal and provincial laws and regulations governing navigation and floating of wood, the mines and the fisheries.”

3. During the course of last fall, 1937, you were kind enough to place Mr. J. A. Rodd, an officer of your department in fish culture, at the disposal of my department, with a view to study the feasibility of fishways on the dams constructed on the Saguenay river by virtue of the orders-in-council just mentioned. Mr. Rodd made a long report, the conclusions of which are as follows:

Under the conditions above outlined, height of dams, velocity and turmoil of tailraces and spillway and general nature of river and contour of banks, the undersigned has no hesitation in saying that in his opinion the provision of efficient fishways over or around the existing obstructions in the Saguenay river is not feasible.

4. Professor B. W. Taylor, of McGill university, fish culture director for my department, has also at my request studied conditions at the dams with a view to finding out the possibility and practicability of establishing fishways there. He made a report to me and here are the conclusions:

However, technically I should say it was impossible to build an efficient fishway at any of the four dams I saw.

5. In a letter dated May 2, I wrote you asking for an interpretation of section 20 of your fishery law. Among other things, I stated as follows:

"As the hatcheries, here, are under the control of the province, do you feel that the said section of the Act is operative, or inoperative, so far as the province of Quebec is concerned? If it is operative, would you be disposed to accept the opinion of our experts regarding certain dams to which fishways should be added and, even, regarding amounts of money which might be required for the operation of hatcheries, when the construction of fishways would cost too much or would not be practical."

6. To that letter you replied on May 12, as follows:

"It is the understanding of my department after consultation with that of Justice, that this section as it stands is effective in Quebec and in all other parts of Canada, as it is in substance a provision for the protection of the fisheries. Keeping in view that the fisheries in your province, excepting those about the Magdalen Islands are being administered by your department, I would be prepared, at least after proper consideration of the matter, to approve recommendations under the provisions of this section that your department might finally make so far as they would affect waters in which the fisheries are being administered by you."

7. After referring to section 20 of your fishery Act, I wrote to the Saguenay Power Company, as well as to the Alcoa Power Company, who both have dams on the Saguenay river, to inform them that, so far as reports from experts were concerned, the construction of fishways was considered neither useful nor practical and that my department intended, in the interest of the fisheries of the province, to take advantage of the provision contained in the aforementioned section which provides "that the owner or occupier of such slide, dam or other obstruction may be required to pay to the minister from time to time such sum or sums of money as he may require to construct, operate and maintain such complete fish hatchery establishment as will in his opinion meet the requirements for maintaining the annual return of migratory fish."

As the construction of a fishway, from the report by experts, should not cost less than \$72,000 in the case of the Saguenay Power Company, and \$90,000 in the case of the Alcoa Power Company, I asked from each of these companies a yearly contribution of \$5,000, to be paid each year for hatchery purposes.

After a lengthy exchange of communications with Mr. Aime Geoffrion, lawyer for both of these companies, he finally wrote to me on July 29, last, stating as follows:—

"In addition to the objection which may be a matter of form only—a result which is due to the fact that I have been dealing so far with the Quebec government, and not the federal at Ottawa—I gave the opinion to my clients *that the right which you wish to exercise does not, in the circumstances, exist, not even at Ottawa.*

Consequently, they invested me with the duty of suggesting that you have the regular order given by the minister at Ottawa, should he find advisable to give it, *and we shall refuse to submit to it, then, you could take a lawsuit for a decision on the question.* The question being a new one and the right which you claim not being limited, as it could be exerted indefinitely and not only once, the management of the companies believe, in order to justify themselves, in view of the opinion which I have given, *that they have a right to a decision by the court one way or the other.*"

9. Mr. Geoffrion is therefore legally applying the statute.

I would like to know in the circumstances, if you would be disposed to send the notice provided at paragraph (b) of section 57, to the following gentlemen:—

Mr. McNeely Dubose,
General Superintendent,
The Saguenay Power Co. Ltd.,
Arvida, P.Q.

and—

Mr. J. A. Hughes,
The Alcoa Power Company,
Kenogami, P.Q.

with a view to obtaining from each of the said companies a yearly contribution of \$5,000 for "the construction, operation and maintenance of an entire hatchery."

In case the said companies should refuse to comply with your notice, I would appreciate that you let me know if you would agree to take procedures against them, after the 30-day period had expired, by exacting the maximum fine provided in section 57.

10. The question has a very great importance, if taken from a fisheries' viewpoint, because our main streams have been, or are exposed to be, closed by dams for industrial purposes. Besides, the question is not applicable only to the province of Quebec, but to the whole country. In the circumstances, the sooner we shall know our standpoint with regard to section 20 of your law, the better it will be for all concerned.

I remain,

Yours very truly,

(Sgd.) O. GAGNON.

Mr. SYLVESTRE: Mr. Chairman, I am not a member of this committee, but I am vitally interested in the matter because these two dams are located in my riding. Could I have a copy of that correspondence?

The CHAIRMAN: Certainly. Would you like to give some evidence before the committee?

Mr. SYLVESTRE: It is the first time I heard of the question. I do not know what they want, but, as far as I am concerned, I understand the province of Quebec requires a certain grant on behalf of the federal government to keep a hatchery?

Mr. COTÉ: On behalf of the companies. They want to impose a fine of \$5,000 against the Alcoa Company to replace the fishways.

Mr. SYLVESTRE: It was closed last year, but for five or six years they had a hatchery open in Lake St. John, kept by the provincial government.

Mr. COTÉ: Am I to understand that no salmon is or was going out above the place where the dam is built?

Hon. Mr. MICHAUD: I could not answer that. If you want to investigate that angle of the question we can produce the evidence. It might be on record in the department, or perhaps we could find out from the fish culture branch of the department.

Mr. COTÉ: Mr. Minister, from the report I have just heard it seems to me that the Quebec government wants to impose a tax of \$5,000 on the Alcoa Company to replace the fishways that they were supposed to build to enable the salmon or sea trout to go out. If any salmon or sea trout were going up that way, it would be all right; but if it can be proven that no salmon or sea trout went up that far, we have no right to impose a tax of \$5,000 on the Alcoa Company if they did not do any harm to the fishways. I do not see why the government of Quebec is asking for that, unless it can show us evidence that the building of those dams did any harm to the fishways.

Mr. REID: If this amendment to the Fisheries Act was just applicable to the province of Quebec, I would say your argument would be sound; but this Act pertains and applies to the whole of the Dominion of Canada. I think there is a principle involved here. If this matter goes through, it might have a bearing on what takes place later on the Fraser river. I take it that this company is arguing that it is too costly to build a fishway, and in view of that we will put the hatchery above the dam. I do not know what good that would do if the fish cannot get up and the fish in the hatchery can get down. That is a matter that may come out later; but if the department says it is going to cost too much, and in view of that we will allow a hatchery to go, I do not see how we can very well let it go without discussing it because it has a bearing on future developments on the Fraser river. That is what is happening on the other side. They can build a fishway any height.

Hon. Mr. MICHAUD: That is the reason the matter is here so that we may study it. This is the place to present any views that the members of the committee may have or the views of anyone interested in the matter.

Mr. REID: I would be afraid that those in British Columbia might argue that because some company in the province of Quebec had maintained it was too costly you allowed them to build a hatchery away above the dam. A company might very well argue that it is going to cost perhaps half a million dollars to build one of those dams. I think it is a very important matter.

Mr. COTÉ: Is this confined exclusively to the Saguenay river?

Hon. Mr. MICHAUD: The law would apply to the whole of Canada, if it passes.

Mr. HANSON: Everybody should be entitled to the same consideration.

Mr. COTÉ: We have no evidence that any kind of fish went up as far as the dam. Why impose a fine of \$5,000 on the company if they did not do any harm?

Mr. MACNEIL: Is it not shown in the correspondence just read that the fish culture experts did consider that fish were passing beyond that point?

Mr. COTÉ: No, they do not say that; they say it will be too expensive.

The CHAIRMAN: I think Mr. Rodd, the superintendent of fish culture in the department, would be a good man to have here and we could ask him some questions.

Mr. REID: They say that the fishway is going to cost too much money and, to let us off lightly, we will pay \$5,000 a year for the hatchery above the dam.

Mr. MACNEIL: I gather they would not have considered the point at all but for the fact that fish must be passing up beyond that point.

The CHAIRMAN: Mr. Whitmore, you were going to look into this?

A. J. WHITMORE, *Chief, western division, Department of Fisheries.*

Mr. WHITMORE: I did not go into those details. This is all incidental to the application by the provincial government. That is a matter for the attention of the provincial government.

Mr. POTTIER: I did not get Mr. Geoffrion's legal opinion. What does he say, that we have no power to legislate?

Hon. Mr. MICHAUD: No, he does not say that.

Mr. MACNEIL: On what ground does Mr. Geoffrion say the companies will refuse?

Hon. Mr. MICHAUD: He does not state the ground.

Mr. COTE: He just refuses.

Hon. Mr. MICHAUD: Mr. Geoffrion's opinion comes in through a quotation made by the honourable Mr. Gagnon in his memorandum. Evidently there was some correspondence between Mr. Geoffrion and the Department of Fisheries at Quebec regarding this matter, and Mr. Gagnon, the minister, quotes from correspondence between his department and Mr. Geoffrion, as follows:

"In addition to the objection which may be a matter of form only—a result which is due to the fact that I have been dealing so far with the Quebec government, and not the federal at Ottawa—I gave the opinion to my clients that the right which you wish to exercise does not, in the circumstances, exist, not even at Ottawa. Consequently, they invested me with the duty of suggesting that you have the regular order given by the minister at Ottawa, should he find advisable to give it, and we shall refuse to submit to it, when you could take a lawsuit for a decision on the question. The question being a new one and the right which you claim not being limited, as it could be exerted indefinitely and not only once, the management of the companies believe, in order to justify themselves, in view of the opinion which I have given, that they have a right to a decision by the court one way or the other."

Mr. COTE: So we are caught on both sides.

Hon. Mr. MICHAUD: Apparently. If we are at liberty to surmise and to weigh the citation and consider it, it appears that Mr. Geoffrion is of opinion that at least the province would not have the right to repeat the demand more than once under the present legislation. That is, if they have no rights, they have a right to ask for the payment of a fine under section 57 (b) and the concluding paragraph of the section. That is the penalty clause. That is why they have asked to amend the law, to make it clear that instead of having the provision of section 7 (b) apply once, they could have the right to demand an annual payment of \$5,000.

Mr. MAYHEW: Would that not be a very light fine per annum if, for instance, someone came on to the Fraser river and built a dam to prevent the fish going up the Fraser river? It might be easily conceived that that would be a fairly cheap way for them, much cheaper than to build a proper ladder for them to get up, or a hatchery on the other side.

Hon. Mr. MICHAUD: The amount of the penalty does not depend on the minister or the department, it depends on the presiding judge or magistrate. He can impose the minimum fine or any amount between \$4 and \$20 a day.

Mr. MACNEIL: What were the names of those companies, clients of Mr. Geoffrion? I am sorry, I did not catch the names of the companies.

Hon. Mr. MICHAUD: The Saguenay Power Company and the Alcoa Power Company—that is a name made up of the use of the initial letters of the company, the Aluminium Company of America, and it is known as the Alcoa Power Company Limited.

Mr. NEILL: I may have misunderstood what was read but I thought Mr. Gagnon wanted you not to pass legislation but to demand the \$5,000 a year; isn't that what he wants?

Hon. Mr. MICHAUD: Exactly.

Mr. NEILL: What are you doing this for?

Hon. Mr. MICHAUD: We found out that we had no right to do it.

Mr. NEILL: You had no right?

Hon. Mr. MICHAUD: No.

Mr. NEILL: And then you bring in this legislation.

Hon. Mr. MICHAUD: Exactly, to make it possible to meet the request of the province of Quebec. The legislation is simply to enable us to meet the request of the government of Quebec, because we find that under the law as it now stands we have no right to ask for the payment of any amount with regard to the service a year. We have a right to ask for the payment, but no right to demand the payment.

Mr. NEILL: The situation really was that you found that you could only fine the companies once?

Hon. Mr. MICHAUD: Yes, that appears to be the position, although it is not very clear. It is only a citation from Mr. Gagnon evidently.

Mr. REID: That is not contained in the Act?

Hon. Mr. MICHAUD: No, it is not in the Act. The bill as it is does not state any amount. If you read Bill 15 it provides:—

57A. (1) Where the Minister determines that the provision of an efficient fishway or canal around *any* slide, dam or other obstruction is not feasible or that the spawning areas above such slide, dam or other obstruction are destroyed *by reason of any such obstruction, the owner or occupier of any such slide, dam or other obstruction, shall from time to time pay to the Receiver General such lump sum or annual sum of money as may be assessed against him by the Minister for the purpose of constructing, operating and maintaining such complete hatchery establishment as will, in the opinion of the minister, meet the requirements for maintaining the annual return of migratory fish.*

And it provides in the next subsection:—

(2) Such lump sum or annual sum shall be payable at such time or times as the minister may direct and may be sued for and recovered with full costs of suit in the Exchequer Court of Canada.

Mr. COTÉ: That would be the amendment?

Mr. MICHAUD: Yes. The old section, which was paragraph (b) of section 57 is indicated on the opposite page of this draft bill under explanatory notes. The section as it stands now reads as follows:—

57. Every owner or occupier of a slide, dam or other obstruction across or in any stream,—

(b) Where the minister determines that the provision of an effective fishway or canal around *the* slide, dam or other construction is not feasible, or that the spawning areas above such slide, dam or other obstruction are destroyed, *who after thirty days' notice in writing, neglects or refuses to pay the minister such sum or sums of money as he may require to construct, operate and maintain such complete hatchery establishment as will in the opinion of the minister meet the requirements for maintaining the annual return of migratory fish; shall be liable to a penalty of not less than four dollars and not more than twenty dollars for each day or part of a day during which such notice is not complied with.*

That is the only sanction that applies to refusals to comply with any demand we can make upon them.

Mr. KINLEY: In addition to that if the companies refuse to build a fishway it gives you the authority to build one.

Hon. Mr. MICHAUD: Yes, but the impossibility or the impracticability in connection with that is, suppose we spend \$90,000 or \$70,000 to build a fishway and then try to recover the cost we might find ourselves in a position where we would not get our money back. We want to guard against that.

Mr. KINLEY: Your opinion is that everything is in the hands of the minister; if you don't think it should be done it will not be done.

Hon. Mr. MICHAUD: The difficulty is in connection with collecting the amount we would invest in these fish facilities.

Mr. MACNEIL: Does this section as altered apply to all dams, rivers and streams in Canada?

Hon. Mr. MICHAUD: Yes.

Mr. MACNEIL: The suggestion was made, I think, that it only applied to certain streams.

Hon. Mr. MICHAUD: Section 56 as now in the Act covers all the various types of structures—sections (a), (b) and (c), I think. This is the penalty clause for section 20 of the Act. Section 20 is a directive section, or the positive enactment of the Act; then section 57 is the penalty clause in the old Act, for the enforcement of the provisions of section 20.

Mr. REID: Might I ask, just for information: in the new bill it says that paragraph (b) is repealed?

Hon. Mr. MICHAUD: Yes.

Mr. REID: And that paragraphs (c) and (a) are re-designated (b) and (c).

Hon. Mr. MICHAUD: Yes.

Mr. REID: The question that is giving me concern is this: with section (d) still remaining in the Act with the penalty clause reading, "shall be liable to a penalty of not less than \$4 and not more than \$20 for each day or part of a day thereafter"—

Hon. Mr. MICHAUD: Yes.

Mr. REID: —does that not somewhat conflict with your amendment? Is that not still attached to the old section? The way it reads is this, it must be attached to the whole section now; and yet you are leaving it in the Act and adding in another clause for an indefinite sum of money. Section (d) as it reads—

Hon. Mr. MICHAUD: We remove from the Act.

Mr. NEILL: I would suggest that we should hear from the local member if he is here.

Hon. Mr. MICHAUD: He just stated that he had not had time to look into that.

The CHAIRMAN: I think possibly Mr. Sylvestre could answer some questions which would help to throw a lot of light on the local situation, if he would care to do so, and I think he would; because he is acquainted with the whole situation. However, I would point out that this question is one that affects the whole of Canada. It affects this section in particular, and out of courtesy for the member I think we should give him an opportunity of being heard.

Mr. MACNEIL: I would like to be clear on this question of jurisdiction. The provincial government of Quebec, I take it, is the one that is responsible for the installation of fishways in the province of Quebec.

Hon. Mr. MICHAUD: Yes.

Mr. MACNEIL: Is there a situation similar to that in British Columbia?

Hon. Mr. MICHAUD: No, since 1922 there has been an understanding with Quebec, made at the request of the government of Quebec after a fight before

the Privy Council for jurisdiction, and the understanding is that the federal government will abstain from exercising any administrative jurisdiction in Quebec, and the Quebec government have undertaken to look after the administration and pay for the cost of it.

Mr. MACNEIL: Is that constitutional?

Hon. Mr. MICHAUD: I would not undertake to give an opinion on that.

Mr. MACNEIL: I thought we were always told that the dominion authority should not divest itself of any of its powers under the British North America Act.

Hon. Mr. MICHAUD: I would not care to give any opinion on the constitutionality of the agreement. It was done in 1922 and it has been operative ever since.

Mr. MACNEIL: In view of that situation I cannot understand why the Quebec government should not take unto themselves whatever powers may be necessary to ensure enforcement.

Hon. Mr. MICHAUD: Under the decisions of the Privy Council all the local regulation of all our fisheries either inland or on the coast are subject to the exclusive jurisdiction of the federal government—it is very complicated, and the situation has been made more complicated through several decisions of the Privy Council.

Mr. NEILL: The province did try it and the companies through Mr. Geoffrion told them they were not going to pay any attention to them.

Hon. Mr. MICHAUD: Yes, and they came to Ottawa and we found that we could not comply with their request, and as it has been the practice in the department to accede to the requests of the provinces when they make them, we simply said we would go ahead and make it, as far as it is possible on our part, legal for you to attain the object which you have in view. That is practically the situation.

The CHAIRMAN: Mr. Sylvestre, would you like to give us such information as you may have about the situation?

Mr. SYLVESTRE: I appreciate the explanation given by the minister, and I can assure you there has been some difficulty, and it arises out of the fact that these companies in 1925 and 1926 built two dams on the Saguenay river, one of them 200 feet high, and it certainly would have been an expensive proposition to build fishways. It was for that reason, I think, that a hatchery was built above the dam in 1927, on lake St. John. This hatchery has been kept in operation since that time, and so far as I know it was operated by the provincial government without any assistance from the federal government. However, it has been closed since last year, and for that reason I do not quite understand what the Minister of Fisheries in Quebec means. Probably, as far as I can see, he wants to pass the buck, and is trying to meet a difficult situation by getting a grant from the federal government in this way. So far as this bill is concerned, I have not yet had an opportunity to study it to such an extent as would enable me to give answers to general questions. As I understand the situation it is rather complicated because of jurisdiction being divided between the two governments.

Mr. REID: Can you tell me, from a practical point of view, if they have now no fishway and it is too expensive to operate the hatchery, how do they get the fish up and down the river?

Mr. SYLVESTRE: Of course, you know lake St. John is about 40 miles long and 25 miles wide, but on account of these dams the fish cannot go up and they cannot go down.

Mr. COTÉ: Are there any sea trout or any salmon going through there now?

Mr. SYLVESTRE: No.

Mr. REID: How then can they spawn and replenish the supply?

Mr. COTÉ: They do not.

Mr. SYLVESTRE: The salmon we have in lake St. John is not salmon, it is sea trout. So far as I have been able to find out since these dams have been built there are more fish in lake St. John than ever there were before.

The CHAIRMAN: Well, Mr. Sylvestre, before the dams were built, in your opinion, were the fish passing up into lake St. John?

Mr. SYLVESTRE: Oh yes, it was free water.

The CHAIRMAN: And since the dam was built they cannot go up.

Mr. SYLVESTRE: No, certainly not; and there are two dams, not just one.

The CHAIRMAN: Is there any very general complaint from the public at large, particularly the fishermen?

Mr. SYLVESTRE: No, there are apparently more fish in the lake now than there were before.

Mr. REID: Would not that be harmful to the fish industry along the coast, if there is no source of replenishment for the supply?

Mr. SYLVESTRE: No, they don't need them.

Mr. REID: Did they formerly spawn above the dams?

Mr. SYLVESTRE: Yes, but they can't get up to the lake now.

Mr. KINLEY: Is it a big lake?

Mr. SYLVESTRE: Yes, as I said, it is some 40 miles long by some 25 miles wide.

Mr. COTÉ: Where were the salmon going before?

Mr. SYLVESTRE: I am not going to say as to that, but they could go there if they liked.

Mr. KINLEY: But now there are two dams there and no fishway, and even if there were a fishway a 70-foot dam is quite an obstacle.

Mr. SYLVESTRE: But there are two dams there now within 12 miles.

Mr. KINLEY: Then you would have to have two fishways. How high are they?

Mr. SYLVESTRE: They are about 200 feet high each.

Mr. KINLEY: Then the fish would have to climb 200 feet?

Mr. SYLVESTRE: Yes.

Mr. VENIOT: Are there any falls between?

Mr. SYLVESTRE: No, just rapids.

Mr. COTÉ: If the amendment passes would the Quebec department have the right to apply that law to any river? What I mean is this: supposing there would be the possibility of establishing a fishway and the other government would say, there will not be any fishway but we will tax you for a hatchery there; does the law cover that?

Hon. Mr. MICHAUD: It is not the Quebec government that determines the feasibility of a dam or otherwise, it is the department itself.

Mr. COTÉ: Under the terms of this amendment would the federal government have the right to say to a company that they would be required to erect a dam on any river in the province of Quebec in lieu of building fishways, and if they say, "we will not do it, we would rather pay you \$5,000 for so many years—perhaps even in perpetuity—and we will have a hatchery there"; would you have the right to do that, according to the amendment?

Hon. Mr. MICHAUD: We have to do it through the Quebec government. However, if the Quebec government revoke or abandon their understanding or so-called agreement with Ottawa and the administration of the fisheries of Quebec reverted back to the federal administration then we would have the powers under this Act.

Mr. KINLEY: To make a private company build a hatchery?

Hon. Mr. MICHAUD: To make a private company—?

Mr. KINLEY: Yes. In the province of Quebec could you make a private company build a hatchery?

Hon. Mr. MICHAUD: Of course this is all subject—as they state in their memorandum—to the original order-in-council, to the original power that they got in 1922 from the federal government when they got the power to control these waters. The federal authority reserves the right to impose upon the companies the obligation of taking care of the fish.

Mr. POTTIER: Was there a statute passed transferring this authority? How could you by order-in-council pass control of fisheries over to the province of Quebec?

Mr. COTÉ: It is illegal.

Mr. POTTIER: It cannot be done by order-in-council; you cannot transfer rights under the British North American Act from the federal to the provincial authority in that way.

Hon. Mr. MICHAUD: There was no transfer of that kind; all that was done was that the federal authority agreed to abstain from administering fisheries there.

Mr. NEILL: If you have abstained the province has no power, and there is no control at all.

Hon. Mr. MICHAUD: I would rather let the Department of Justice decide that than to offer a decision myself.

Mr. COTÉ: You may remember that this question of dual jurisdiction came up in connection with the licensing of salmon fishing in the bay of Chaleur. Quebec collected a licence fee for that purpose and Ottawa wanted to do the same thing, and the fishermen had to pay two licences.

Hon. Mr. MICHAUD: It is a fight which started right after Confederation and continued right up until 1922; and by that decision the provinces lost. There is no question about that.

Mr. HANSON: Has the department any information as to whether or not the fish went up this river before the dams were built?

Hon. Mr. MICHAUD: I think it is possible to find somewhere in the department's records that we give that information, because before 1922 the department administered fisheries, and they must have had some data on that. I will be pleased to look into that aspect of it and bring here any information I can find in regard to it.

I think, Mr. Chairman, that it would be well to have the memorandum relating to the letter from Mr. Gagnon put on the record so that all hon. members will have a chance to read it, and whatever has been said before this committee. In the meantime I will instruct that a search of the records of our department be made to find if there is any evidence as to whether or not fish—salmon or sea trout—were going up these waters before the dams were built; and at the next meeting we will bring back what we are able to find in the department.

Mr. NEILL: When were the dams built?

Hon. Mr. MICHAUD: They were started in 1922, the powers were given to the companies in 1922.

Mr. NEILL: And they have been built recently?

Hon. Mr. MICHAUD: 1925.

Mr. NEILL: Sixteen years.

Hon. Mr. MICHAUD: Yes, it is an old thing.

Mr. MACNEIL: If they run there anything at all like they do in British Columbia the seafish run by this time is destroyed.

Hon. Mr. MICHAUD: Yes, if there were any seafish going up there before the dams were built. There is no run now, because these dams are 200 feet high.

The CHAIRMAN: Who operates the hatchery that is there?

Hon. Mr. MICHAUD: The provincial government.

Mr. REID: While we are waiting for that information I had a question or two I would like to ask. I am still somewhat disturbed over this section of the Act; I am still of the opinion that section (d) will remain in the Act—that penalty of from \$4 to \$20 a day.

Hon. Mr. MICHAUD: Yes, certainly, there is no intention of deleting section (d).

Mr. REID: I would like to be quite sure that there will be no conflict between section (d) and section (c).

Hon. Mr. MICHAUD: No, it is only (b). We simply remove paragraph (b) and make it a new section, 57A; and the remaining paragraphs are re-lettered (a) remains paragraph (a) and paragraph (c) becomes (b), and paragraph (d) becomes paragraph (c); but the same penalty attaches as before. There is no intention to change it either.

Mr. MAYHEW: Would it not be better to determine before the dams are built what the builders will be required to do in the way of providing fishways? Of course, it cannot be done with respect to those that are already built, but I have in mind the situation in British Columbia where the question may apply to the Fraser river, and I think in a situation of that kind this matter should be determined in advance of construction.

Mr. MACNEIL: Would it be possible to have the fish expert appear here at our next sitting?

Hon. Mr. MICHAUD: Yes, we will have Mr. Rodd.

Mr. POTTIER: Could we have an opinion from the Department of Justice as to whether we have the right here, or whether we have not—could we have their opinion as to our standing with respect to the fisheries in the province of Quebec?

Hon. Mr. MICHAUD: I do not think we should bother about that, we have had the opinion of the Department of Justice on that point; that is why we are bringing this Act in.

Mr. POTTIER: I see. That automatically takes care of what I had in mind.

The CHAIRMAN: It would seem as though we cannot go very much further with this bill to-day.

Mr. MACNEIL: I think we should provide opportunity for members who know the situation in their respective ridings to provide any material they may have with respect to this matter. I think we should make our information as complete as possible.

The CHAIRMAN: Yes, I think that is only fair.

Mr. NEILL: This section 57A. is substituted for the present sub-paragraph (b); does that mean that it eliminates (b)?

Mr. MACNEIL: Yes, it is repealed.

Mr. NEILL: It does not say so in the notes.

Mr. TOMLINSON: Are you referring to paragraph (d) of section 57?

Mr. MACNEIL: Paragraph (d) is repealed.

Hon. Mr. MICHAUD: It is repealed.

Mr. MACNEIL: And section 57A takes its place.

Mr. REID: I trust the department will get rid of any perissology in this Act.

Hon. Mr. MICHAUD: That is cut out.

Mr. NEILL: I understood you to say that it remained.

Hon. Mr. MICHAUD: Not section (d). There is no intention of interfering with the present paragraph (d), except that it becomes (c).

Mr. REID: My own opinion is that section (d), the penalty clause providing from \$4 to \$20 per day, should probably be changed to conform to the provisions of the new amendment which you have there; that is, that there is no penalty, no amount of penalty specified. There is no possible comparison between the river we are now discussing and, for instance, the Fraser river, you could not possibly estimate the damage done on the Fraser river by dollars. That \$4 you have in there would not begin to cover damage that might be caused in this way. I think it would be better if it were left to the minister, so that when the matter of any major river came up the penalty could be assessed accordingly. This provision of \$4 a day would not begin to approach the damage which could be caused on a river like the Fraser where, as everyone knows, it would run into thousands of dollars a day.

Hon. Mr. MICHAUD: Exactly. That is the object we have in view in bringing in this section 57A; to enable us to assess properly and adequately.

Mr. REID: According to the amount of the damage.

Hon. Mr. MICHAUD: According to the damage; and we would have the right to recover the damage assessed through the exchequer court.

Mr. TOMLINSON: Why have you section (d) in at all?

Hon. Mr. MICHAUD: That is another question altogether.

Mr. MACNEIL: Does not the same thing apply to section (d) which relates to spillways to permit the escape of fish down the river? If such a means were not provided on the Fraser river you could not begin to estimate the amount of damage which might result.

Mr. REID: You could not begin to estimate the damage that would be caused.

Hon. Mr. MICHAUD: To whom?

Mr. REID: To the whole fishing industry on the west coast.

Hon. Mr. MICHAUD: That \$4 is not for the purpose of establishing damage, it is simply a penalty, and that penalty has no relation whatever to the amount of damage.

Mr. MACNEIL: Under section (d) a power company might build a dam across the upper regions of the Fraser river and fail to provide a spillway enabling the fish to return down stream, and even if a hatchery were built above the dam there would still be no means by which the fish could get down. It provides that the company should pay a penalty of not less than \$4 and no more than \$20 a day for every day in the year during which such means remain unprovided. If the maximum of that penalty were collected for every day in the year it still would not be sufficient to reimburse the province for the loss sustained by failure to provide for escapement.

Mr. REID: That is just the point I have in mind, and I am not speaking of a hypothetical case, because at the moment the Fraser river has been plotted out; but suppose a certain power company goes to the province and says "we want a right to build a dam"; if the province says, "all right, go ahead", they may put up a dam 200 feet high across the Fraser river without providing either a proper fishway or a proper spillway—it would not begin to compensate for the loss. Such a company might very well pay a fine such as that out of power and carry on. I do not think the question should be left this way, but rather it should be left to the minister to assess the amount of damage. I understood you to say that this is simply a penalty.

Hon. Mr. MICHAUD: That is provided for a case where a dam has been authorized with a fishway provided or specified by the minister under this authority, then in the operation of the fishway they do not allow enough water to run over to let the fish ascend; in a case such as that they are penalized. And if they repeat that the minister has the right to compel them to provide a proper fishway under section 57A, and if they do not do it to impose a tax on them to provide for sufficient propagation through a hatchery.

Mr. REID: I think in the case of British Columbia the dominion government would find they had no right to stop the building of a dam on the Fraser river.

Hon. Mr. MICHAUD: We have the right to see that they provide for the ascent and descent of fish. If they do not we have the right to do it; and if it is not practical or possible we have the right to tax them to provide for artificial propagation.

Mr. REID: Descent is just as important as ascent.

Hon. Mr. MICHAUD: Yes.

Mr. TAYLOR: It is quite indispensable in so far as the Fraser river is concerned, because there is also an international question involved. The interests down around Mission would be very much concerned if fish could not go up river and spawn.

Mr. MACNEIL: In the later part of section 20, Mr. Chairman, the minister is empowered:

The minister may require the owner or occupier of such slide, dam or other obstruction to pay him from time to time such sum or sums of money as he may require to construct, operate and maintain such complete fish hatchery establishments as will in his opinion meet the requirements for maintaining the annual return of migratory fish.

Do I understand that the only change in the Act will be that instead of from time to time he now may collect such sums annually?

Hon. Mr. MICHAUD: It is to make that clear.

Mr. NEILL: That is the purpose of the Act.

Hon. Mr. MICHAUD: That is the purpose of the Act, and to make it clear that we have the right to repeat the dose; because Mr. Geoffrion says there is a question as to our right to impose that more than once.

Mr. MAYHEW: I still do not think the dose is heavy enough.

Hon. Mr. MICHAUD: That amount has been determined by the Quebec government for that particular case, but it does not apply to all cases. In other cases it might be \$15,000 a year as being the amount necessary for the operation of a hatchery or maintaining fish propagation there. But this has been determined by the government of Quebec as a sum sufficient to meet that particular case.

The CHAIRMAN: The minister made a suggestion that that be incorporated in the report. Is that agreed?

Mr. REID: Agreed.

The CHAIRMAN: If we cannot go any further on that question to-day, what is the wish of the committee? Do you wish to take up Mr. Neill's amendment?

Mr. REID: I think we might as well proceed.

The CHAIRMAN: Mr. Neill's amendment is to bill 15.

Mr. MACNEIL: Mr. Chairman, I think it would facilitate the work of the committee if we first requested the department to file with the committee up-to-date data with regard to fishing in British Columbia, that is the catch of last year in the fish traps, the percentage of sockeye salmon caught in the

traps as compared with those caught on the Fraser river, and certain correspondence that was asked for. I also think it is important that the department furnish us with the exact present status of the legislation in the State of Washington in regard to traps. That ought to be placed on the record before our next meeting so that we will have an opportunity to digest the information.

Mr. REID: If we had the information tabled, we would be better able to discuss it at a future meeting.

Hon. Mr. MICHAUD: Here is a statement of numbers of different species of salmon and method of capture reported by operators of salmon purse-seines, drag-seines, and trap-nets, and by salmon canning, curing and cold-storage establishments, of gill-net and troll caught fish, for the province of British Columbia, 1938. Would that meet your requirements?

Mr. NEILL: Does it say "traps"?

Hon. Mr. MICHAUD: Trap-nets.

Mr. REID: Is that for all districts or just the Puget Sound district?

Hon. Mr. MICHAUD: The province of British Columbia.

Mr. MACNEIL: Could we have the figures for the Puget Sound district?

Hon. Mr. MICHAUD: On the second page is shown the pack of sockeye salmon from runs to Fraser river, 1909 to 1938. The figures are given from the Sooke traps; British Columbia (Fraser) exclusive of Sooke traps; State of Washington and total cases.

The next page shows the catch of fish at salmon trap-nets at Sooke, British Columbia, 1937.

Mr. NEILL: 1937?

Hon. Mr. MICHAUD: And the same for 1938 on the next page.

Mr. REID: Might I ask regarding the Sooke area; is there also information as to any catch by any other gear?

Hon. Mr. MICHAUD: We have not a prepared statement on that, but Mr. Whitmore says he could give you the information you desire on that matter.

Mr. MACNEIL: May we have those published as an appendix to to-day's proceedings?

The CHAIRMAN: They will go in to-day's proceedings.

Hon. Mr. MICHAUD: There is a copy for each member present.

Mr. TAYLOR: Will that contain sports fishing around the Sooke area?

Hon. Mr. MICHAUD: That is a provincial matter.

Mr. NEILL: Mr. Minister, you said that there was some information that was not complete; will that be brought down?

Hon. Mr. MICHAUD: To-day.

Mr. NEILL: Could that not be put into the minutes of to-day, so that we could get it out of the printed record?

Mr. MACNEIL: The whole sessional paper.

Hon. Mr. MICHAUD: That is a matter for the committee.

Mr. NEILL: Each member will want it.

Mr. MACNEIL: I also desire a copy of the completed sessional paper. I will leave it to your good judgment as to whether or not it should be reproduced for the members of the committee or printed. My personal opinion is that that information should be printed as an appendix to the proceedings.

The CHAIRMAN: You are asking for that to be printed without being presented to the committee here?

Mr. NEILL: Yes; as an appendix.

Mr. MACNEIL: This sessional paper is evidence and I suggest it be printed as an appendix to the report of the committee's proceedings.

Mr. NEILL: Have this printed to-day with the supplementary one that will be presented to-day.

The CHAIRMAN: You have heard the question, gentlemen; there is a return to be tabled in the house to-day in connection with the Sooke trap question, and Mr. Neill and Mr. MacNeil are asking that that be incorporated in to-day's minutes of proceedings and printed.

Mr. REID: What is the return?

Mr. NEILL: It is the correspondence since last year, the return of all correspondence, copies, documents and telegrams, and there is a supplementary one which the minister says is coming down to-day. There will not be many of them?

Hon. Mr. MICHAUD: I do not think so.

The CHAIRMAN: Is it the wish of the committee to hand them to the clerk to be incorporated in to-day's report?

Mr. MACNEIL: I so move.

The CHAIRMAN: Mr. MacNeil makes that motion, seconded by Mr. Neill. You have heard the motion. All in favour? (Carried).

Mr. MACNEIL: Mr. Chairman, may we also have a statement from the department as to the manner in which they have carried out the recommendations of the committee of 1937? That might be submitted in written form.

Mr. WHITMORE: I have not prepared it.

Mr. REID: Yes; it might simplify the discussion and save a lot of time.

The CHAIRMAN: Mr. MacNeil suggested the other day, I think, that the report that was tabled at the conclusion of our deliberations two years ago be incorporated. Did you wish it incorporated or do you suggest that we start off with it?

Mr. NEILL: If we have the statement of the department it will include a reference to each clause.

Mr. TAYLOR: That was Mr. Green's suggestion.

The CHAIRMAN: Do you want it printed in to-day's record?

Mr. MACNEIL: I suggest the statement of the department will deal with that clause by clause.

Mr. WHITMORE: I am prepared to give evidence on it, but if you would like it in statement form, all right.

Mr. TAYLOR: As long as it is indicated that it is the whole report.

Mr. REID: I think there should be one further report. On page 1 of the report just handed to us you will note that it gives the catch of fish for the whole of British Columbia. Now as traps are only operating in one area, I think we should have the catch in that area compared with traps.

Mr. NEILL: Page 2 gives it to you.

Mr. REID: Not by the gear. You cannot compare them. I think we should have a statement of the gear for that district, because that is the district we are discussing, and I would so move.

Mr. MACNEIL: I will second that motion.

Mr. WHITMORE: What district would you want it for, or what boundaries, district number 1 or the Fraser river district?

Mr. REID: The Fraser river district.

Mr. WHITMORE: This amendment has to do with the Sooke area.

Mr. NEILL: We want the details on page 2 broken up into the kind of gear. Is that not what you want?

Mr. REID: Yes.

Mr. WHITMORE: Page 2 applies only to sockeye. I think I can quite readily give you the information for sockeye, but there might be great difficulty giving it for other varieties.

Mr. NEILL: Of course, you want it for pinks and springs, do you not?

Mr. REID: You are giving us the trap figures, and they are being compared with the whole of British Columbia.

Mr. WHITMORE: Quite so. The purpose of that statement was just to give a comparison of the fish that were taken by traps with fish taken by other methods, in order to show the relative proportion.

Mr. TAYLOR: This is the usual return, is it not?

Mr. WHITMORE: Yes. That statement is published in our annual report every year.

Mr. NEILL: We want a statement covering pinks and springs, as well as sockeyes.

Mr. WHITMORE: I am afraid it is going to be very difficult to get a statement for other varieties, but I will do what I can.

Mr. MACNEIL: Have the trap licences been issued for this year?

Mr. WHITMORE: Yes, they have been issued.

Mr. NEILL: What date?

Mr. WHITMORE: I do not know the date they were actually issued, but the authority for issuing was given the second week in March.

Mr. NEILL: How many licences?

Mr. WHITMORE: I think five licences have been applied for.

Mr. NEILL: Seven, is it not?

Mr. WHITMORE: There were only five licences issued last year.

Mr. NEILL: Yes, used; but there has always been seven.

Mr. WHITMORE: No.

Mr. MACNEIL: I wonder if Mr. Whitmore could give us whatever information the department has with regard to the status of legislation in the state of Washington with regard to fish traps south of the international boundary? No doubt he has followed that closely and could file such information with the committee at a later date. If that goes in as an appendix it will save us a lot of time.

Mr. NEILL: It would not be a big job.

Mr. MACNEIL: I so move, Mr. Chairman.

The CHAIRMAN: It has been moved and seconded that Mr. Whitmore file a report for this committee to print on the situation south of the international boundary in respect to fish traps.

Mr. TAYLOR: Do you mean the Puget Sound area or do you want to go farther south?

Mr. MACNEIL: The traps affecting the Fraser river run.

The CHAIRMAN: You have heard the motion, gentlemen; what is your wish?

Mr. HANSON: Agreed.

Mr. REID: I think we had better adjourn until we get that information.

The CHAIRMAN: Are you going to ask to print this last committee report or is a typewritten copy sufficient?

Mr. HANSON: I move that we print it.

The CHAIRMAN: You want it printed in the report?

Mr. KINLEY: I think it is a good part of the record.

The CHAIRMAN: Will someone make a motion to that effect?

Mr. NEILL: Is anything being done about answering the wire that was received from some fishing organization asking to be allowed to send witnesses?

The CHAIRMAN: We should first dispose of the motion before the committee. The motion is that this last report be incorporated in to-day's minutes.

Mr. MAYHEW: I so move.

Mr. HANSON: I will second the motion.

The CHAIRMAN: I declare the motion carried. Gentlemen, we had a wire from the fishermen's union of British Columbia asking that they be allowed to send witnesses here at the expense of the government to give evidence. What is your pleasure regarding that? The telegram I received is dated March 11 from Vancouver, and reads:—

The CHAIRMAN,
Standing Committee, Marine and Fisheries,
House of Commons,
Ottawa.

Request permission practicable fishermen this association appear before your committee re traps. Suggest government share cost transportation and sustenance.

PACIFIC COAST FISHERMEN'S UNION.

Mr. NEILL: What is the date of it?

The CHAIRMAN: March 11.

Mr. NEILL: I have a letter from somebody saying that they had not received any reply to it. That is what brought it to my mind, but possibly we had better not decide one way or another until we get more information.

Mr. MACNEIL: Perhaps it would save time if you acknowledged the telegram and asked if it would be possible for all the organizations to combine their representations. I think that is now possible by reason of certain organization changes that have taken place in British Columbia. It would save a lot of time and argument.

Mr. NEILL: It would be a good idea if you could get them all to agree, but I have my doubts.

Mr. REID: The gill-netters are vitally interested; they are more interested than the seiners.

Mr. MACNEIL: They might agree.

Mr. REID: I do not think they would.

Mr. MACNEIL: They have all been meeting together.

Mr. REID: The gill-netters will not agree to the purse-seiners representing them.

Mr. TAYLOR: I think the secretary admitted that he had had three days' fishing on the Fraser river. The other man had not seen the Sooke traps for 19 years; so do not let us have that kind of thing again.

The CHAIRMAN: Mr. MacNeil, your suggestion is that we wire and ask them if the different unions can combine?

Mr. KINLEY: Could they send in a brief?

Mr. REID: If you wire them, do not make it misleading in any way. Be careful not to do that. If you send a wire they will take it that you have accepted their suggestion.

Mr. NEILL: This is a suggestion to the chairman, that the chairman act on his own responsibility as a matter preparatory to the decision of the committee.

Mr. NEILL: He had better make it clear.

Mr. HANSON: He should make it clear that if the committee should call witnesses, would it be possible for all interested parties to combine?

Mr. MAYHEW: I move that they be wired and told that the committee have not decided yet whether they are going to call witnesses or not, and then you will be perfectly free to call at any time all the witnesses you desire. If you are going to have witnesses from one section you must have witnesses from all sections. I do think that the Sooke trap interests would feel that they should be represented as well as the gill-netters or any other group.

Mr. NEILL: If they applied for permission to be heard.

Mr. MAYHEW: They will, if they know representations are coming from other places.

The CHAIRMAN: Should we ask them in the wire if they have a brief prepared or if they wish to present a brief?

Mr. MACNEIL: You might as well. They might be content with that.

Mr. KINLEY: The matter was so well ventilated two years ago that a brief would almost cover it, if it was a brief representing all the interested parties.

Mr. HANSON: I think a brief should satisfy the committee.

Mr. MAYHEW: We have not decided. We cannot tell them any more than that we have not decided. We might acknowledge receipt of the telegram, which is the courteous thing to do, and say that the committee has not decided whether we will call witnesses or not, but that they will be advised if we wish to have witnesses.

Mr. MACNEIL: There is no objection to inquiring if they are able to combine on witnesses.

Mr. MAYHEW: Not at all.

Mr. NEILL: In the event.

The CHAIRMAN: We could say, "No decision arrived at regarding witnesses. Committee wish to know if all unions could combine."

Mr. NEILL: In the event.

The CHAIRMAN: You mean to combine on one witness?

Mr. MACNEIL: On representations.

Mr. NEILL: They would need two.

Mr. MAYHEW: Then that would not be a combination.

Mr. NEILL: They would agree that one man from the seiners and one man from the gill-netters should be heard.

Mr. MAYHEW: One witness from each branch?

Mr. NEILL: Yes, but they would agree.

Mr. MAYHEW: They would not agree if there was one witness from each branch. In that case the Sooke men would have to be represented.

Mr. MACNEIL: There would be no objection to that.

Mr. TAYLOR: Would they be compelled to join this all-embracing organization?

Mr. MACNEIL: No.

Mr. TAYLOR: That is what is going on in British Columbia just now.

Mr. MACNEIL: I think it is well-known that under the auspices of the trades and labour congress of Vancouver they are all meeting together in conference on this and many other matters, and they have the machinery to determine whether or not representatives could be sent here who could speak on this matter for all the organized fishermen.

Mr. KINLEY: I suppose they will send bona fide fishermen?

Mr. TAYLOR: I would suggest that as the only basis on which they should be received and paid, if they do come.

The CHAIRMAN: To whom should this be addressed?

Mr. MACNEIL: A. V. Hill, Secretary, Fishermen's Union, 164 Hastings Street east.

The CHAIRMAN: I suppose the difficulty will be that if we hear one side we will have to hear the other side?

Mr. NEILL: Yes.

Mr. REID: We can decide that afterwards, Mr. Chairman.

The CHAIRMAN: It does not look as though we can hold another meeting before the Easter adjournment.

Mr. REID: With the information we are going to get, I doubt if we can.

Mr. MACNEIL: It will take us sometime to get through this material.

Mr. HANSON: I move that we adjourn to meet again at the call of the chair

The CHAIRMAN: Carried.

APPENDIX 1

STATEMENT BY DEPARTMENT OF FISHERIES FOR STANDING
COMMITTEE OF THE HOUSE OF COMMONS
ON MARINE AND FISHERIES*A. Action taken to implement recommendations of Committee's Report dated April 5, 1937, regarding question of issue of salmon trap-net fishing licences in British Columbia.*

1. *Recommendation:* Being satisfied of the great need for conservation of the fish and the avoiding of all wanton and useless destruction of this great food resource, your Committee recommends that the Department of Fisheries continue to work in co-operation with the authorities in the United States with such object in view.

There has been for years an exchange of information between local officers of the Department of Fisheries and those in charge of the fisheries administration in the State of Washington pertaining to the Fraser River salmon runs. This has embraced data bearing on the intensity of fishing, the progress of runs, escapement for reproduction purposes, etc., and is important to the extent of the assistance it gives in determining conservation measures that may be required in any particular season. During 1937 and 1938 this collaboration has continued.

A development of outstanding and far-reaching importance in international co-operation bearing on the sockeye salmon runs going to the Fraser via Strait of Juan de Fuca took place in July, 1937, when ratifications of the Convention between Canada and the United States for the preservation and rehabilitation of this salmon run were exchanged. This Convention was signed in 1930. It was approved by Canada in the same year but failed to receive approval by United States until 1937. Ratification climaxed negotiations covering a period of nearly 30 years for some arrangement of international management of fishery in which there had been participation by fishermen of the two countries almost since inception of the fishery about 1876.

Intensive fishing and a disaster at Hell's Gate Canyon on the Fraser in 1913, when a rock slide prevented the big spawning run of that year reaching the spawning grounds, are largely responsible for the small returns for many years from this fishery compared with those prevailing in earlier years. If a proper system of restocking was to be developed and productivity restored, joint action by the two countries was essential, as inadequately controlled fishing on one side would nullify any protective measures taken on the other. The Convention is designed to enable international control capable of doing this.

What a return to former conditions would mean will be realized from the following figures: in 1913, the last "big" year, the pack of Fraser sockeye put up on the United States side was 1,673,000 cases. On the Canadian side it was 719,000 cases. At present day prices of about \$12.50 per case, this would mean a value to the two countries of about \$30,000,000. In 1935 the combined pack of these fish caught by American and Canadian fishermen was approximately 117,000 cases, with valuation of approximately \$1,440,000. In 1938 the pack amounted to 311,000 cases, with an estimated value of \$3,900,000.

A brief outline of the terms of the Treaty follows:

Article I sets out the area of Convention waters as follows:—

(a) Territorial waters and high seas off the portion of the Washington and British Columbia coasts lying between 48° and 49° north latitude.

(b) The waters of Juan de Fuca Strait, the northerly portion of Puget Sound, and the Gulf of Georgia up to the mouth of the Fraser.

(c) The Fraser River and streams and lakes tributary thereto.

Article II provides for the appointment of a Commission of six members, three from each country.

Article III provides that 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; also to improve spawning grounds, construct and maintain hatcheries, etc. The cost thereof is to be borne equally by the two Governments.

Articles IV and V give the Commission power to regulate sockeye fishing within Convention waters.

Article VI safeguards the situation for each country by providing for an affirmative vote by at least two of the members of each country to assure the adoption or repeal of any regulation or action.

Article VII provides that the Commission shall so regulate that 50 per cent of the quantity of salmon the Commission allows to be taken shall be caught by the fishermen of each country.

Articles VII, IX and X have to do with the responsibility of each Government to enact proper legislation and for the enforcement thereof.

Article XI fixes the life of the Convention at 16 years from the date of exchange of ratifications and thereafter until one year from the date on which either country gives notice of its desire to terminate it.

Approval of the Convention by United States was conditional on the following understandings, which were agreed to by Canada:

(a) That the Commission shall have no power to authorize any type of fishing gear contrary to the laws of the State of Washington or Canada.

(b) That the Commission shall not promulgate or enforce regulations until the scientific investigations provided for in the Convention have been made covering two cycles of sockeye salmon runs, or 8 years.

(c) That the Commission shall set up an Advisory Committee composed of five persons from each country, representative of the various branches of the industry, which Committee shall be invited to all non-Executive meetings of the Commission, and shall be given full opportunity to examine and be heard on all proposed orders, regulations or recommendations.

The Commission appointed under the Convention held its inaugural meeting in October, 1937, at Vancouver. Headquarters for its scientific staff were established at New Westminster, and its work has been actively going on since then.

2. *Recommendation:* That no more trap licences be granted in British Columbia waters, except in the so-called Sooke area, and concerning which we are unable to come to a decision as to whether they should be continued or not without the opportunity of securing further information.

No salmon trap-net licences have been granted in British Columbia, other than for the Sooke area, since and including 1937. Five licences were granted in that area for 1937 and 1938, and applications for the same number have been approved for 1939.

3. *Recommendation:* That if the said traps are allowed in the so-called Sooke area, the licence fee for each trap be \$500 per annum, commencing with the year 1937.

The British Columbia Fishery Regulations were amended immediately, increasing the annual salmon trap-net licence fee from \$50 to \$500 effective as from and including 1937.

4. *Recommendation:* That an opening of suitable size be made in the lead of such traps in order that fish may have a better opportunity of passing on towards the spawning grounds when the trap is closed.

The Regulations were immediately amended to provide for a V-shaped opening in the lead of each salmon trap-net immediately adjacent to the entrance of the trap during weekly close seasons. Difficulty was experienced by the trap operators in designing a practical opening of this type, and the Regulations were amended by Order in Council of April 29th, 1937, so as to require an opening not less than ten feet in width at any point. This had the effect of enlarging the area of the opening.

5. *Recommendation:* The Department should be careful to see that the Regulations providing for the closing of traps in use, for 48 hours per week, be rigidly enforced, and that the traps be subject to the same regulations as regards opening and closing seasons as prescribed for all other varieties of fishing under the Fisheries Act and Regulations.

Fishing at the traps was required to be conducted in accordance with general regulations applicable to other methods of salmon fishing in the area. The 48-hour weekly close season prevailed. Eight sockeye salmon taken in 1937 prior to May 15th, the legal opening date for fishing for that variety of salmon, were surrendered to the Department. They were handed over to a charitable institution in Victoria furnishing free meals to needy persons. Any fish below minimum weight requirements were likewise given to needy persons. In 1938 operation of the trap-nets for the purpose of scientific investigations by the International Pacific Salmon Fisheries Commission during the weekly close times was authorized. On five occasions advantage was taken of this permission, fish so taken being used to recompense the trap-net operators for fish from legal catches utilized by the Commission for tagging.

6. *Recommendation:* That all inspectors or guardians employed by the Department of Fisheries be independent of all fishing companies or fishing plant owners.

Every precaution was taken to assure strict compliance with this recommendation.

7. *Recommendation:* That for the next year or two the check made in connection with the catch, as well as the escapement of sockeye and other varieties of salmon in the Sooke area, be made with great care and detail, so that the records expressed in both cases and numbers may be as accurate as possible.

Statements have already been handed to the Committee showing the catch of fish at the traps during 1937 and 1938, and it is understood are being printed as an appendix to the Committee's Proceedings.

Observations reveal that while some salmon pass through the lead openings during weekly close times, larger numbers passed on by following the lead of the traps and around the outside piling until clear of the traps.

B. *Status of legislation in State of Washington pertaining to salmon trap-net fishing.*

In 1935 salmon trap-nets were removed from Washington State waters following action by way of Initiative No. 77, which culminated in a popular vote by the state giving a large majority against their use. There appears to be little doubt this vote was influenced largely by the attitude of sport fishermen, although purse-seiners were also opposed to their use.

The State of Washington Legislature meets bi-annually. In 1937 and again this year, Bills were unsuccessfully introduced looking to restoration of salmon trap-nets, generally on some modified scale compared to their former use. This year, one such Bill, sponsored by the Washington State Fisheries Administration, contemplated the operation of eight traps under lease from the state in outer Puget Sound waters. Another Bill, privately introduced and

proposing re-introduction of traps in the Point Roberts area, received the approval of the State Senate, but before being dealt with by the Lower House, the Legislature was prorogued. At the time of prorogation of the 1939 Legislature last month, no action had been taken that would provide for the return of fixed gear in the waters of the State of Washington, and as a result no type of fixed gear, including salmon trap nets, will be operative in Puget Sound or in any other waters of the State of Washington for at least the years 1939 and 1940.

C. *Salmon gill-net fishing operations in Straits of Juan de Fuca during 1938.*

The following extract from the Annual Report of the local Fishery Inspector summarizes salmon fishing carried on by gill-nets in the Straits of Juan de Fuca during 1938:—

Sockeye gill-net fishing off Sooke by about 17 nets is worthy of note as this is the first time for over ten years that this method has been tried. Although the fishermen had the expected difficulty of having their nets wound up by swirling tides, they were exceptionally fortunate in having good weather conditions and some fair catches made. However, in mid-August the fishermen left for the Fraser river immediately they heard sockeye had reached there. Due to tide conditions in the trap area it was found necessary to fish far offshore where exposure to weather constituted considerable danger to boats and gear.

The operations extended from August 3 to 16 inclusive. While in all 17 gill-netters fished at some time during this period, the greatest number delivering fish in any one day was 12. Their total catch was: sockeye 3,006, springs 30, coho 291, pinks 77, chums 30. Fishing was largely conducted from four to five miles offshore in the area between Sooke and Sheringham Point. The prevalence of mud sharks and grayfish interfered with operations to some extent and some damage to the fishing nets was experienced. Fishing was "spotty." On some days some fishermen secured good catches, in one instance, 469 sockeye in one night. On other days fishing was unproductive.

D. *Catch of salmon by varieties by different methods of gear used, Fraser River Area, 1938.*

The following table shows unrevised figures of salmon caught by gill-nets and purse-seines separately in District No. 1 (Fraser River Area), during 1938:

Variety	By Gill-nets	By Purse-Seines
Sockeye, fish.	1,536,653	214,264
Pinks, fish.	816	2
Chums, fish.	548,700	258
Red Spring, pounds.	1,619,331	10,383
White Spring, pounds.	2,035,402	9,080
Coho, pounds.	2,778,412	27,716

Department of Fisheries, Ottawa.

April 6, 1939.

APPENDIX 2

STATEMENT OF NUMBERS OF DIFFERENT SPECIES OF SALMON AND METHOD OF CAPTURE REPORTED BY OPERATORS OF SALMON PURSE-SEINES, DRAG-SEINES, AND TRAP-NETS, AND BY SALMON CANNING, CURING, AND COLD STORAGE ESTABLISHMENTS, OF GILL-NET AND TROLL CAUGHT FISH, BRITISH COLUMBIA—1938

Unrevised figures.

—	Sockeye	Springs	Blueback	Steel-head	Cohoe	Pink	Chum	Total
Troll.....	1,182	144,978	412,663	89	950,813	16,188	815	1,526,728
Gill-net.....	4,443,814	162,506	1,174	82,876	825,432	2,745,707	1,072,985	9,334,494
Purse-Seine.....	522,542	10,525	366	1,580	328,666	4,152,990	3,576,914	8,593,583
Drag-Seine.....	59,617	.....	.....	.....	19,477	74,405	12,811	166,310
Trap-net.....	41,372	12,677	.....	873	25,223	1,472	953	82,570
Totals.....	5,068,527	330,686	414,203	85,418	2,149,611	6,990,762	4,664,478	19,703,685

PACK OF SOCKEYE SALMON FROM RUNS TO FRASER RIVER—1909 TO 1938

Figures represent cases of 48 one-pound tins or equivalent

—	From Sooke Traps		British Columbia (Fraser) exclusive of Sooke Traps		State of Washington, U.S.A.		Total Cases
		%		%		%	
1909.....	43,187	2.6	542,248	32.2	1,097,904	65.2	1,683,339
1910.....	17,387	4.4	133,045	33.4	248,014	62.2	398,446
1911.....	4,330	2.3	58,487	30.7	127,761	67.0	190,578
1912.....	15,095	4.9	108,784	35.3	184,680	59.8	308,559
1913.....	52,065	2.1	684,596	28.4	1,673,099	69.5	2,409,760
1914.....	12,700	2.4	185,483	34.8	335,230	62.8	533,413
1915.....	2,090	1.4	89,040	57.2	64,548	41.4	155,678
1916.....	4,752	4.1	27,394	23.5	84,637	72.4	116,753
1917.....	24,550	4.4	123,614	22.1	411,358	73.5	559,702
1918.....	2,348	4.1	16,849	23.9	50,723	72.0	70,416
1919.....	6,194	6.2	29,628	29.6	63,346	63.2	100,168
1920.....	3,801	3.4	44,598	40.2	62,654	56.4	111,053
1921.....	3,731	2.6	35,900	25.2	102,967	72.2	142,598
1922.....	3,088	3.1	48,744	48.6	48,566	48.3	100,398
1923.....	2,232	2.9	29,423	37.2	47,402	59.9	79,057
1924.....	3,543	3.3	36,200	33.2	69,369	63.5	109,112
1925.....	3,862	2.8	31,523	22.3	106,064	74.9	141,449
1926.....	2,091	1.6	83,589	64.2	44,569	34.2	130,249
1927.....	4,337	2.7	57,085	32.2	96,343	61.0	157,765
1928.....	2,769	3.1	26,530	29.4	61,044	67.5	90,343
1929.....	3,480	2.0	60,407	34.4	111,856	63.6	175,743
1930.....	5,334	1.2	93,416	20.7	352,194	78.1	450,944
1931.....	2,440	2.0	38,507	30.9	83,728	67.1	124,675
1932.....	4,000	2.7	61,769	42.8	78,319	54.5	144,088
1933.....	8,721	4.9	43,745	24.6	125,738	70.5	178,204
1934.....	6,117	1.2	133,159	27.1	352,579	71.7	491,855
1935.....	5,610	4.7	57,212	48.8	54,677	46.5	117,499
1936.....	3,837	1.7	164,408*	72.2	59,505**	26.1	227,750
1937.....	6,152	4.6	66,583	50.1	60,259	45.3	132,994
1938†.....	3,652	1.2	168,574	54.1	138,986	44.7	311,212

† Unrevised figures.

* In addition equivalent of approximately 16,000 as (approx. 7%) exported to Washington for canning.

** Includes approximately 16,000 as (approximately 7%) packed from imported Fraser caught fish.

CATCH OF FISH AT SALMON TRAP-NETS AT SOOKE, BRITISH COLUMBIA, 1937

Week ending	Sockeye	Springs	Cohoe	Pinks	Chums	Steelhead	Sturgeon	Cod	Grayfish	Skate	Ratfish	Herring	Hake	Flounder	Bass	Halibut	Sole	Sea Lion	Shark	Pilehard	Barracuda	Wolf fish	Miscellaneous
May 15	8	92			45	10			2	1													
" 22	29	192	4		3	42																	
" 29	82	498				49																	
June 5	66	300	4	1	8	49																	
" 12	18	476				4																	
" 19	9	900			2	10																	
" 26	118	1,609	7			17		18	11	3					26								
" 28	lift 81	1,420	5			6	3	11	160	5	1	26	11	7	6								
July 1	" 123	1,084	8			23		4	50	3		130				1							
" 5	" 236	1,137	62	16	3	16	1	12	65		2	70	28	2	8		3						
" 8	" 387	1,179	135	9	8	43	1	6	40	4	2	90			15	1		1					
" 17	307	1,614	413	96	6	33		18	150		2	75	305	1	12		2		1				
" 24	1,178	1,071	565	1,024		30		17	272	9		80	140		14				1	16			
" 31	14,328	2,116	1,313	5,730	1	38		48	250	9		225	60		18	1	3			23	1		
Aug. 7	33,708	1,321	1,367	13,736		11	1	56	180	9			230		21		4						1
" 14	26,357	921	1,080	35,780	2	1		56	725	21			400		28		6		1				1
" 21	16,182	1,069	914	53,775	10	7		63	811	15		31	195		63		4		1	4			1
" 28	5,053	783	1,346	15,791	1	4		45	215	26		362	254		31		8	1		20	1		1 Whale
Sept. 4	1,220	328	2,017	8,587	49	8		35	300	12	Tons	350	200		14		4			28			1 Porpoise
" 11	10	482	5,042	21,901	183	18		35	400	5		4	200		12		4						
" 18		356	2,767	6,588	100	11		26	620	14		2 $\frac{1}{2}$	380		12		5						
" 25		220	2,590	659	501	5		54	450	3		20 $\frac{1}{2}$	260		27			2					2
Oct. 2	11	106	2,784	605	389	12		34	380	6		37 $\frac{1}{2}$	300			2							
" 9		39	2,954	14	154	2		29	120	9		23	140		4								
" 16		2	530	3	57			49	138	9		13	85		6								2 Mackerel
" 23		1	602	10	120			32	250	2		11 $\frac{1}{2}$	100		12			1					5 Mackerel
Total Fish.....	99,514	19,412	26,545	164,325	1,642	449	6	648	5,589	165	7	*	3,288	10	329	3	45	5	4	91	9	2	†

* Herring total: 1,439 fish; 108 $\frac{1}{2}$ tons.

† 1 Whale; 1 Porpoise; 7 Mackerel.

CATCH OF FISH AT SALMON TRAP-NETS OPERATED IN SOOKE AREA—BRITISH COLUMBIA—193

Date of Lift	Sock-eye	Springs	Cohoe	Pinks	Chums	Steel-head	Sturgeon	Cod	Gray-fish	Skate	Herring (lbs.)
May 16	9	48	8		1	21					415
" 23	46	84	20		4	78	2	8	10	4	5,000
" 30	53	94	18		3	39	1	10	26	4	2,100
June 6	101	165	14		1	41	4	18	18	3	4,750
" 13	272	379	23		2	62	3	17	9	5	450
" 20	147	302	25			30	2	28	35	10	400
" 27	193	816	64		1	65	1	52	65	9	500
July 4	304	1,075	86	3	2	69		73	150	9	595
" 7	203	394	63	2	1	29		22	40	3	180
" 11	58	99	17		1	16		6	170	6	
" 14	243	403	53			55		21	65	7	
" 13 and 21	893	912	131	76	2	61		17	97	9	160
" 25 and 28	1,492	935	512	287	3	79	1	25	146	10	
Aug. 1 and 4	3,247	1,223	781	277	1	50		36	419	13	290
" 8 and 11	1,903	1,120	521	287	10	45		29	156	18	
*" 13-14	150										
" 15 and 18	3,015	1,397	1,288	205	16	36	1	14	60	7	
" 20-21	212										
" 22, 25 and 26	20,598	1,111	2,491	100	23	22	1	16	50	7	
" 29 and Sept. 1	7,603	859	2,127	171	75	9		171	235	7	100
*Sept. 3-4	85	30	300								
" 6 and 8	545	406	2,619	50	27	16		18	152	10	2,400
" 12 and 15		595	3,758		69	27		10	142	8	3,100
" 19 and 22		171	3,100		100	8		7	234	8	51,800
" 26 and 29		28	4,192		147	1		19	429	16	28,800
Oct. 3 and 6		9	903	14	59	1		89	310	14	3,000
*" 8 and 9			170								
" 10, 11 and 13		4	1,483		335	5		16	92	6	39,900
" 15-16			50								
" 17 and 20			341		70			11	7	8	1,600
" 24		18	65			8		7	35	4	9,400
Total	41,372	12,677	25,223	1,472	953	873	16	740	3,240	205	154,940

Date of Lift	Hake	Bass	Hali-but	Sole	Sea Lion	Shark	Pil-chard	Barracuda	Rat-fish	Under-sized Salmon	Miscellaneous
May 16											
" 23		30									
" 30			1						2		1 trout
June 6		28	1		1				6	14	8 Fl.
" 13		54							1		
" 20		52								3	
" 27		69		2	1					9	
July 4		66		9					9	9	
" 7		34	1	1					1		1 Fl.
" 11		92		1						1	
" 14		81							5	8	4 Fl.
" 18 and 21		53	2	3		1			8		9 Fl. 1 Shad
" 25 and 28		174		2					7	8	9 Fl. 1 Shad
Aug. 1 and 4		53		7					15	9	14 Fl.
" 8 and 11		140				1			15	5	8 Fl. 1 H. Seal
*" 13-14											
" 15 and 18		84	1			4			8		3 Fl.
" 20-21											
" 22, 25 and 26		32		1	1				6		2 Fl.
" 29 and Sept. 1		24		1	1				9		1 W.F.
*Sept. 3-4											
" 6 and 8		90			1	1		1	32		3 Fl.
" 12 and 15		20							27		1 Fl.
" 19 and 22		39		8	1				45	4	1 Oct.
" 26 and 29		33		9	1	1			25		1 Shad
Oct. 3 and 6		36		8					38		
*" 8 and 9											
" 10, 11 and 13		8			1	1			15		1 Oct.
" 15-16					1						
" 17 and 20	1	13			1	1			18		1 Oct.
" 24				3	1				6		
Total	1	1,305	6	56	10	10		1	298	70	

Misc. Catch—Undersized Salmon: springs 41, coho 4, pinks 25; trout 1; flounders 62; shad 3; hair seal 1; wolf-fish 1; octopus 3.

*Taken from traps to replace fish tagged by International Pacific Salmon Fisheries Commission.

APPENDIX 3

SESSIONAL PAPERS No. 235

Copy

DEPARTMENT OF THE SECRETARY OF STATE

TUESDAY, March 28, 1939.

Return to an Order of the House of Commons, dated 8th March, 1939, showing:—

A copy of all correspondence, letters, telegrams and other documents exchanged between the Minister or any official of the Department of Fisheries and any other person or persons regarding the use of fish traps in British Columbia, since April 29, 1939, to date.

FERNAND RINFRET,
Secretary of State.

Reference No. 127

Mover: Mr. Neill

Dated: March 28, 1939.

Copy

DEPARTMENT OF FISHERIES

OTTAWA, March 25th, 1939.

SIR,—With reference to the Order of the House of Commons moved by Mr. Neill on March 8th, Reference No. 127, for a copy of all correspondence, et cetera, regarding the use of fish traps in British Columbia since April 29th, 1938, to date, I now attach a return of the correspondence, et cetera, on the files of the Department of Fisheries, with reference to the subject.

I am, Sir,

Your obedient servant,

J. J. COWIE,
Acting Deputy Minister.

Under-Secretary of State,
Ottawa.

Copy

DEPARTMENT OF FISHERIES

OTTAWA, March 25th, 1939.

Return To an Order of the House of Commons:—
moved by Mr. Neill on March 8th,—Reference No. 127,—for a copy of all correspondence, letters, telegrams and other documents exchanges between the Minister of Fisheries and any other person or persons regarding the use of fish traps in British Columbia, since April 29th, 1938, to date.

By Order.

APRIL 22nd, 1938.

PERMIT

Under the provisions of section 4 of the Fisheries Act, 22-23 George V, Chapter 42, permission is hereby given Doctor W. F. Thompson, Director of Investigations for the International Pacific Salmon Fisheries Commission, or his duly accredited representative, or representatives,—

(a) to have operated licensed commercial salmon traps in the Sooke area during such weekly close times as are found necessary for the purposes of the International Pacific Salmon Fisheries Commission for the capturing of an adequate number of sockeye salmon for tagging purposes, the traps used to be closed as required by the Fishery Regulations during the remainder of such weekly close times as may occur after the needed quantity of sockeye salmon is procured for tagging purposes: and

(b) also to have operated a purse-seine, or purse-seines in the Fraser River, or adjacent waters, for the capture of sockeye salmon for tagging purposes during the weekly close times or at other periods.

J. E. MICHAUD,
Minister of Fisheries.

MAY 3rd, 1938.

DEAR SIR,—You will recall that some time ago Mr. A. W. Neill, M.P., laid on the Table of the House petitions to “The Honourable the House of Commons in Parliament Assembled” praying that no more fish trap licenses shall be granted in British Columbia. Attached are three such petitions that were addressed to me.

Faithfully yours,

J. E. MICHAUD,
Minister.

The Clerk,
House of Commons,
Ottawa.

ASSOCIATED BOARDS OF TRADE OF VANCOUVER ISLAND

NANAIMO, B.C., June 28, 1938.

Hon. J. E. MICHAUD,
Minister of Fisheries,
Ottawa, Canada.

Hon. SIR: Referring to my letter dated 1st February, 1938, and to your reply of February 9th, in respect of subject matter, kindly be advised that at this year's Convention of this Organization, held at Courtenay Comox on 15th-16th instant, the action taken by the Convention in 1937, and which was for the abolishment of said traps, has been sustained by this year's Convention.

Text of the Resolution (No. 14) was communicated to you embodied in my letter of June 28, 1937.

Yours faithfully,

(Sgd.) M. C. IRONSIDE, Secretary, A.B.T.V.I.

July 2nd, 1938.

Dear SIR:

Re: Fish Traps at Sooke

This is to acknowledge receipt of yours of the 28th ultimo having reference to the above captioned matter.

Yours very truly,

J. E. MICHAUD,
Minister.

M. C. IRONSIDE, Esq.,
Secretary,

Associated Boards of Trade of Vancouver Island.
Nanaimo, British Columbia.

KYUQUOT TROLLERS CO-OPERATIVE ASSOCIATION

BASTION BUILDING, 1124 Government St.,

Victoria, B.C., June 25th, 1938.

The Honourable J. E. MICHAUD,
Minister of Fisheries,
Ottawa, Ont.

Dear SIR: The members of the Kyuquot Trollers Co-operative Association, Victoria, B.C., at their Semi-annual Meeting held at Kyuquot, deplore and protest against the continued issuance of Trap Licenses in British Columbia, considering it an unfair privilege, that excludes other fishing gear from operation within such fixed location, and also as a destructive measure, which does not distinguish between legal size nor out-off season fish.

KYUQUOT TROLLERS CO-OPERATIVE ASSN.

(Sgd.) H. E. BAYER, *Secretary.*

VICTORIA CHAMBER OF COMMERCE

VICTORIA, B.C., June 28, 1938.

Honourable J. E. MICHAUD,
Minister of Fisheries,
Ottawa, Canada.

Dear SIR: In view of the conflicting resolutions which have been reaching your Department from Vancouver Island, I have been directed by the Board of Directors of the Victoria Chamber of Commerce to communicate to you the history of what has been going on for the past twelve months on the Island.

A year ago the Associated Boards of Trade had their Annual Meeting at Alberni. One of the clauses in the Constitution of the Associated Boards requires that all Boards of Trade who are members should communicate the proposed resolutions to the Secretary at least sixty days prior to the Convention. This provision gives an opportunity to the member Boards to discuss all Resolutions and to instruct their delegates when they attend the Convention.

At the 1937 Convention, there was no proper Resolution before the Convention when it opened, but in the last hour of the Convention Mr. A. W. Neill, M.P., proposed a Resolution from the floor without any notice whatever. That Resolution, of course, was in accord with his arguments in the House of Commons, and in view of the manner in which it was brought before the Convention the delegates were taken by surprise and were, of course, not prepared to argue the question as to whether the trap net system of fishing is good or bad.

Although our Victoria Board has for sometime been on record as favouring the continuance of the traps, the Victoria delegates has insufficient information to debate the subject. The result was that the Resolution of Mr. Neill was carried without any contrary arguments, because of this lack of information on the part of the delegates.

At Nanaimo on January 26th, 1938, the Executive of the Associated Boards of Trade held its meeting and the Victoria delegates explained the situation, at the same time informing the Executive of the standing Resolution of the Victoria Chamber of Commerce in favour of fish traps since June, 1936. When the matter was explained to the Executive, it was agreed that the matter should be re-opened at the 1938 Convention for arguments to be presented by both sides.

At the Convention held last week at Courtenay, the matter came up before the Annual Convention in pursuance of the recommendation of the Executive. It required a two-third vote of the delegates to rescind the former motion, and in view of the circumstances this was almost an impossible task.

Many of the up-island communities have many trollers and the delegates from these communities, of course, were not interested in traps, and the question resolved itself into a discussion of the advantage to the Island of trollers as opposed to the fish trap industry. The contention of the up-island communities is that more people are employed in trolling than is the case with the fish traps. The number of communities who are interested in trollers is such that a two-thirds vote was not secured, though the vote was about evenly divided. It has always been represented that the fish traps are detrimental to the continuance of a supply of fish, and this point was not before the Board.

I am directed by the Directors of the Victoria Board to reaffirm its support of continuing fish traps at Sooke and it is hoped that when the International Salmon Commission investigates the matter of salmon fishing on the Pacific Coast, that the up-island Boards, as well as our own Board, will have a full opportunity to express their views with respect to the continuance of fish traps at Sooke.

Trusting the above will give you a history of the negotiations on the Island during the past twelve months.

Yours very truly,

Signed D. MacBRIDE,
President.

July 9, 1938.

Dear SIR,—I wish to acknowledge receipt of your letter of the 25th ultimo in which it is explained that the members of your Association at their recent semi-annual meeting, urged discontinuance of salmon trap-net licences in British Columbia.

Your letter will be duly drawn to the attention of the Minister on his return to Ottawa.

Yours very truly,

J. J. COWIE,
Acting Deputy Minister.

F. C. E. BEYER, Esq.,
 Secretary,
 Kyuquot Trollers Cooperative Association,
 1124 Government St.,
 Victoria, B.C.

July 9, 1938.

Dear SIR,—I wish to acknowledge receipt in the absence of the Minister of your letter of the 28th ultimo explaining the outcome of recent consideration by the Associated Boards of Trade of Vancouver Island of the salmon trap-net question and re-affirming the views of your Board in support of continuance of these traps at Sooke.

Your letter will be brought to the attention of the Minister.

Yours very truly,

J. J. COWIE,
Acting Deputy Minister.

D. MACBRIDE, Esq.,
 President,
 Victoria Chamber of Commerce,
 P.O. Box 608,
 Victoria, B.C.

COMMISSIONER OF FISHERIES
 PROVINCE OF BRITISH COLUMBIA

VICTORIA, August 5, 1938.

Honourable J. E. MICHAUD,
 Minister of Fisheries,
 Ottawa, Canada.

Dear Mr. MICHAUD,—At the request of the Board of Trade of Port Alberni and district, which district I represent, I am forwarding to you resolution on fish traps passed at a recent meeting of the Associated Boards of Trade on Vancouver Island for your consideration.

This is submitted to me purely as a resolution of that gathering, not in any way intended to express my personal views.

Yours very truly,

GEO. S. PEARSON,
Commissioner.

RESOLUTION NO. 14—FISH TRAPS

Whereas it has been the policy of the Fisheries Department of the Dominion Government for a number of years to refuse Trap Licences in British Columbia, with the exception of the Sooke area, and that this was done on account of traps being very destructive to all kinds of fish and the loss of employment of fishermen.

And Whereas the reason and the only justification for allowing traps in the Sooke area was that the fish, after passing that area, moved over into the American waters where traps numbering over two hundred took a large toll before they later returned to our side, and went into the Fraser river, and it was found that we only got on our side of the line, both at Sooke and in the Fraser river, about thirty (30 per cent) of the total sockeye run going that way and it was considered that as long as the Americans maintained that large number of traps we might well take what toll we could in the neighborhood of Sooke;

And Whereas three years ago the Americans in the State of Washington forbade use of traps in their waters, with the result that our proportion of the catch jumped to (50 per cent) fifty per cent and even as high as (80 per cent) eighty per cent;

And Whereas an attempt was made this spring to reintroduce traps on the American side and one of the strongest arguments used was that, although they had cut out (219) two hundred and nineteen traps on their side of the line we had refused to follow suit and cut out the four or five in the neighborhood of Sooke;

And Whereas in view of the above facts which were fully brought out before the Committees of the House of Commons it is desirable that we should encourage the Americans to maintain their policy of no traps and give employment to our fishermen;

Therefore Be It Resolved that this Convention of the Associated Boards of Trade of Vancouver Island recommend to the Dominion Government to give notice that after the end of this fishing season no more trap licences will be granted anywhere in British Columbia.

10th September, 1938.

Dear Mr. PEARSON,—I duly received your letter of the 5th ultimo enclosing resolution by the Board of Trade of Port Alberni and district urging the abolition of fish traps in British Columbia which was forwarded by you at the request of that Board.

Faithfully yours,

J. E. MICHAUD,
Minister.

Honourable GEO. S. PEARSON,
Commissioner of Fisheries,
Victoria, B.C.

HOUSE OF COMMONS
CANADA

OTTAWA, January 24, 1939.

Hon. J. E. MICHAUD,
Minister of Fisheries,
Ottawa,

Honoured and DEAR SIR,—I revert to page 241 Unrevised Hansard to note the question on the orders of the day by the Hon. A. W. Neill for Comox-Alberni in regard to the continuation or otherwise of the Sooke traps.

You well know, Sir, my opinion about the movement so ably boosted by the hon. member; and mature consideration does not alter my fixed impression that this is a fight between fishermen devoted to definite types of fishing.

In view of the international arrangements made to consider the whole question I cannot help but feel that it should be left in your judgment and through you to the deliberations of the Commission to determine the whole question.

Yours very truly,

J. S. TAYLOR, M.P.
Nanaimo.

January 25, 1939.

Dear Mr. TAYLOR,—I have the honour to acknowledge receipt of your favour of January 24 with reference to trap fishing and thank you for the same.

Yours very truly,

J. E. MICHAUD,
Minister of Fisheries

J. S. TAYLOR, Esq., M.P.,
House of Commons,
Ottawa.

SOOKE HARBOUR FISHING & PACKING COMPANY LIMITED

504-5 UNION BUILDING

Victoria, B.C., January 30, 1939.

J. S. TAYLOR, Esq., M.P.,
Ottawa, Ont.

Dear Mr. TAYLOR,—Thank you for your kind letter of the 24th instant and for copy of *Hansard* of the 23rd.

We have read with interest and some surprise the statement of Mr. A. W. Neill relative to the distribution of the sockeye catch as between Puget Sound and the Fraser river. His question to the Minister reads as follows:—

In view of that fact, is he prepared to take the responsibility of maintaining our traps, only 4 in number as against their 219, *knowing* that the results will be that our catch will drop from *eighty* per cent as it is at present to *thirty* per cent as it used to be when the American traps were operating.

This question is a striking illustration of the necessity of basing any legislative action on facts as first ascertained by a fact finding body such as the International Sockeye Commission rather than on an unwarranted assumption such as "have you stopped beating your wife" or distorted figures like those quoted above.

As a matter of fact it is safe to say that the Minister does not *know* that the result of continuing to issue our *five* (not four) trap licences will be to reinstate the pound nets on Puget Sound. Indeed, the precise contrary is true. The State of Washington may or may not reinstate this mode of fishing. The purse seiners of course are well organized and are opposing the repeal or amendment of Initiative No. 77 as they wish to retain the monopoly they have at present of the supply of sockeyes and pinks. However, they frankly admit that their catches have dwindled since the abolition of the traps due to the fact that the fish do not school up as well as they did when the traps were in use. For that reason they are asking permission to build dummy traps in the vicinity of Point Roberts to assist them in making better hauls.

The Governor is also much perturbed over the loss sustained by the abolition of the pound nets in the way of loss of employment by fishermen and cannery workers alike.

The Director of Fisheries finds his department hampered through loss of revenue and is urging amendment to the Act.

The cannerymen have so far failed to come to any agreement among themselves as to the distribution of the licences in case the pound nets are re-established.

Sport fishermen are as a rule opposed to all forms of commercial fishing.

It is therefore problematical what action if any the legislature will take, but one thing is sure and this will be apparent to anyone discussing the matter

with those most vitally interested, that whatever action they take will be based on what will best serve the interests of the State of Washington and not whether five fish traps at Sooke, B.C. are continued or not.

Now, let us examine briefly this "eighty per cent" statement of Mr. Neill's and see how accurate he is when he quotes figures.

This is a matter of record and can be easily verified by reference to the official reports of the Dominion Department of Fisheries for the year 1936-37 (the latest copy available) and the annual bulletins of the State of Washington Department of Fisheries, Nos. 37 and 38. This will enable us to check up on his statement that since the traps were abolished on Puget Sound the B.C. proportion of the sockeye catch has risen from 30 per cent to 80 per cent.

The following statement is taken from the authorities mentioned, the figures for 1935 and 1936 being taken from the Dominion report and those for 1937 and 1938 from the State of Washington bulletin. Please bear in mind that the Puget Sound traps were only abolished in 1934.

PUGET SOUND AND FRASER RIVER SOCKEYE PACKS
Years 1935 to 1938 inclusive

Year	Combined Pack (cases)	Fraser River (cases)	Per- centage	Puget Sound	Per- centage
1935	111,889	57,212	51	54,677	49
1936	223,913	164,408	74	59,505	26
1937	160,737	100,382	62	60,355	38
1938	307,766	168,702	55	139,064	45
Total	804,305	490,704	61	313,601	39

From the above you will note that the percentage of the total Fraser river sockeye catch taken by the Fraser river fishermen since the passage of Initiative No. 77 is actually 61 per cent instead of 80 per cent.

We might say that the above figures are intended to represent the actual number of *Fraser river* sockeyes canned on the Fraser river and on Puget Sound. In recent years fish have been carried greater distances than hitherto which makes it necessary for the department to make some adjustment in the pack reports in order to eliminate fish which were canned on the Fraser river but which were caught in other districts. The above figures are after such adjustments have been made.

As to Puget Sound having sacrificed 219 pound nets, it should be understood that this number represents the number of licences issued, not the number of trap nets or pound nets actually in operation. Under the State of Washington regulations, it was only necessary to construct a trap net once in every four years. Consequently, there were many more licences issued than trap nets operated. In 1934 the last year traps operated there, there were some 215 licences issued and about 75 traps actually operated. For the sake of accuracy therefore we should use the number 75 instead of 219.

Were the statements included in Mr. Neill's question correct, can anything be more absurd than to suppose that the continuation or discontinuance of the five traps at Sooke would be any material factor in deciding the question in the State of Washington of whether they do or do not amend their Initiative No. 77?

Just how much would the catch of sockeye at Sooke affect the distribution of sockeye catch as between British Columbia and Puget Sound?

In 1938 for example the total Puget Sound and Fraser river pack of sockeyes was 307,766 cases while the pack of the Empire Cannery from sockeyes caught by the Sooke traps was 3,725 cases or about 1.2 per cent. One must, indeed, have a most deplorable lack of perspective to imagine that the destruction of this little industry at Sooke would affect in any degree the decision of the trap net question on Puget Sound. To gravely inform the Minister that he knows this to be the case seems to be the height of impertinence.

We are quite sure that the Minister has all the above information available, but burdened as he is with so many questions from both the Atlantic and Pacific coasts he might not take it amiss if the figures were again brought to his notice.

Thanking you again for keeping us so well advised of all matters, we remain,

Yours very truly,

SOOKE HARBOUR FISHING & PACKING CO. LTD.,

by CHAS. F. GOODRICH.

HOUSE OF COMMONS

CANADA

OTTAWA, February 2, 1939.

Hon. J. E. MICHAUD,
Minister of Fisheries,
Ottawa.

HONoured AND DEAR SIR,—I am placing before you by the enclosure a letter which I have this morning received from Mr. Chas. G. Goodrich of the Sooke Harbour Fishing and Packing Co. Ltd., Victoria, B.C., who makes the undermentioned statement in the penultimate paragraph of his letter. It provides the excuse which I have for sending the whole letter to you:—

We are quite sure that the Minister has all the above information available but burdened as he is with so many questions from both the Atlantic and Pacific coasts he might not take it amiss if the figures were again brought to his notice.

Yours very truly,

J. S. TAYLOR, M.P.,
Nanaimo.

February 3, 1939.

Dear Mr. TAYLOR,—I have the honour to acknowledge receipt of your letter of February 2, together with copy of letter directed to you by Mr. Chas. F. Goodrich of the Sooke Harbour Fishing and Packing Co. Ltd., Victoria, British Columbia.

While thanking you for the attention given to the matter in bringing additional facts before me, I beg to assure you that I will give every consideration to your representations on behalf of the company.

Yours very truly,

J. E. MICHAUD,
Minister of Fisheries.

J. S. TAYLOR, Esq., M.P.,
House of Commons,
Ottawa.

HOUSE OF COMMONS

CANADA

OTTAWA, February 8, 1939.

Honourable J. E. MICHAUD,
Minister of Fisheries,
Ottawa, Ontario.

DEAR MR. MICHAUD,—I desire to place on record with your department my protest against the issuance of licences this year for the operation of stationary

fish traps at Sooke, B.C. In my opinion this question should again be reviewed in the light of developments in the State of Washington.

The continued operation of traps in Canadian waters will strengthen the movement to restore traps in American waters. Any such action by American operators will have disastrous effects on the interests of Canadian operators.

I trust that the views expressed by the organized fishermen in British Columbia and important business interests on the Pacific coast, in opposition to the Sooke traps, will this year receive your sympathetic consideration.

Yours sincerely,

GRANT MACNEIL,
Vancouver North.

FEBRUARY 9, 1939.

DEAR SIR,—I have the honour to acknowledge receipt of your letter of the 8th instant by which you bring to my attention your opposition to the issuance of licences for fish traps at Sooke, British Columbia.

Yours very truly,

J. E. MICHAUD,
Minister of Fisheries.

GRANT MACNEIL, Esq., M.P.,
House of Commons,
Ottawa.

HOUSE OF COMMONS

CANADA

OTTAWA, 8th February, 1939.

HON. J. E. MICHAUD,
Minister of Fisheries,
Ottawa.

HONOURED AND DEAR SIR,—

Sockeye fishing in B.C.

Please add to my last letter dealing with this matter the enclosed copy of a letter just received from the Sooke Harbour Fishing and Packing Co. Ltd., giving a more comprehensive graph of the 4 year catches of Fraser river sockeyes caught in Fraser river, the Sooke trap nets and Puget Sound.

Mr. Goodrich suggests that these figures cannot be challenged by anyone and they would therefore take the place of the general figures already submitted.

Yours very truly,

J. S. TAYLOR, M.P., *Nanaimo.*

SOOKE HARBOUR FISHING AND PACKING COMPANY LIMITED

VICTORIA, B.C., Feb. 4, 1939.

J. S. TAYLOR, Esq., M.P.,
Ottawa.

DEAR MR. TAYLOR,—Referring again to our letter of the 30th ulto., it occurs to us that it might have been more satisfactory and comprehensive to have included the figures of the Sooke traps packed at the Empire Cannery at Esquimalt, in the tabulation showing the comparative catches of Fraser river sockeyes as between Canadian gear and that of Puget Sound.

We have therefore made such a tabulation as appears below and should you have occasion to use the figures, we suggest that you use those in this letter, which cannot then be challenged by anyone.

PACK OF FRASER RIVER SOCKEYES CAUGHT IN FRASER RIVER, SOOKE TRAP NETS AND PUGET SOUND

Years 1935 to 1938, inclusive

Year	Combined Pack (cases)	Fraser River	%	Sooke Traps	%	Puget Sound	%
1935..	117,499	57,212	48.7	5,610	4.8	54,677	46.5
1936..	227,750	164,408	72.2	3,837	1.7	59,505	26.1
1937..	166,889	100,382	60.1	6,152	3.7	60,355	36.2
1938..	311,536	168,702	54.1	3,770	1.2	139,604	44.7
Total..	823,674	490,704	59.6	19,369	2.3	313,601	38.1

Very truly yours,

SOOKE HARBOUR FISHING AND PACKING CO.,

CHAS. F. GOODRICH.

February 9, 1939

Dear Mr. TAYLOR,

Re: Sockeye fishing in British Columbia

I have the honour to acknowledge receipt of your letter of the 8th instant to which you had attached a copy of a letter directed to you by the Sooke Harbour Fishing and Packing Company, Limited, Victoria, British Columbia.

I appreciate very much the information which you bring before me and will make use of it.

Yours very truly,

J. E. MICHAUD,
Minister.

J. S. TAYLOR, Esq., M.P.,
House of Commons,
Ottawa.

RESOLUTION ON TRAPS

Whereas: The Dominion Government in 1937 passed legislation prohibiting fish traps in British Columbia waters (with the exception of seven trap sites located at Sooke, Vancouver Island) there is no guarantee that at some future date trap interests may be successful in having this legislation revoked and traps legalized in any part of B.C. coastal waters and

Whereas: We consider that Canada's insistence on allowing seven traps at Sooke after the State of Washington had removed 219, constitutes a convincing argument for trap interests in that State to have them restored and

Whereas: Several bills are now before the Washington legislature drafted with the express purpose of getting traps back again in Washington, where previous to 1935 traps in that state took 70 per cent of Fraser river Sockeye, therefore

Be it resolved: That we Victoria and District Trades and Labour Council respectfully petition the Dominion Government to pass the necessary legislation during the present session, prohibiting the taking of salmon by means of traps in the waters of British Columbia and

Be it finally resolved: That we forward a copy of this resolution with our official endorsement to the Honourable J. E. Michaud, M.P., Minister of Fisheries, Ottawa.

President, E. F. FOX

Secretary, E. BELTON

KYUQUOT TROLLERS CO-OPERATIVE ASSOCIATION

BASTION BUILDING, 1124 Government Street,
VICTORIA, B.C.

To the HONOURABLE
MINISTER OF FISHERIES,
Ottawa, Ont.

Dear SIR,

Following resolutions were passed at the Fishermen's Co-operative Conference held at Vancouver, B.C., during January 23, 24 and 25, 1939, attended by delegates from the Prince Rupert Fishermen's Co-operative Association, Prince Rupert, North Island Trollers Co-operative Association, Vancouver, Fishermen's Co-operative Association, Inc., Seattle and Kyuquot Trollers Co-operative Association, Victoria, representing 1,400 individual fishing boat owners; and we submit these resolutions with the plea that you will give them your earnest consideration:—

1. Resolved that this Co-operative Conference approves of the action taken by the United States and Canadian Governments in regard to the prevention of the Japanese high-sea fishing in waters contiguous to the United States possessions and Canada and strongly recommend that both governments shall continue their efforts in order to entirely eliminate the encroachment on these fisheries which have been fostered and rightly belong to the people of the United States and Canada.

2. Whereas there are but nine drag-seine licences issued to privileged persons on the coast of British Columbia for personal and commercial uses:

And whereas it is alleged that persons granted drag-seine licences for personal use, misuse this privilege for commercial purposes;

And whereas it is also a fact that creeks and rivers in which drag-seiners have been permitted, have suffered a serious depletion;

Therefore be it resolved that this conference do strongly petition the Department of Fisheries to discontinue the issuance of drag-seine licences in British Columbia."

3. Whereas within the past few years the fishing for herring for reduction purposes along the British Columbia coast has greatly increased with the construction of many new reduction plants;

And whereas the fall and winter of 1938 have shown a great scarcity of herring along the British Columbia coast as compared to the previous season of 1937 and the spring of 1938;

And whereas the presence of herring on this coast is highly essential for human consumption, bait and food for salmon purposes;

And whereas it has been the experience of other localities on the Pacific coast that when the herring are seined extensively the salmon tends to disappear;

And whereas this Co-operative Conference is convinced that if the herring are allowed to be depleted to an appreciable extent, not only does the reduction industry suffer but also the salmon industry and the acquiring of bait for the halibut fishing industry;

Therefore be it resolved that this Co-operative Conference do strongly protest the taking of herring for reduction purposes.

We particularly wish to recommend the resolution for abolition of the fish traps attached hereto, as a movement is on foot in the State of Washington to have fish traps reinstated in that state and one of the strongest arguments used is that we are still permitting traps in British Columbia.

Yours very truly,

Kyuquot Trollers Co-operative Assn.,

per H. E. BEYER,

Secretary.

KYUQUOT TROLLERS CO-OPERATIVE ASSOCIATION

BASTION BUILDING, 1124 GOVERNMENT STREET
VICTORIA, B.C.

Fishermen's Co-operative Conference, held at Vancouver, B.C., attended by representatives from the Prince Rupert Fishermen's Co-operative Assn., the North Island Trollers Co-operative Assn., the Kyuquot Trollers Co-operative Assn., and the Fishermen's Co-operative Assn., Seattle.

Following resolution was passed:—

Whereas the Department of Fisheries of the Dominion of Canada has promised the Fishermen of British Columbia to eliminate all Fish Traps this coming year:

And Whereas the State of Washington is now considering the reinstatement of such traps in order to obtain its share of the fish now being caught by the traps in British Columbia Coast waters:

And Whereas the depletion of the salmon run calls for strong conservation measures in order to preserve these resources:

And Whereas the fishing boats engaged in the trolling, purse seining and gill-netting industry are in a position to create a livelihood for a greater number of men than are at present employed by the trap owners and at the same time provide for better escapement for the salmon to the spawning grounds:

THEREFORE BE IT RESOLVED that We, the Members of the North Island Trollers Co-operative Assn., the Kyuquot Trollers Co-operative Assn., the Prince Rupert Fishermen's Co-operative Assn., Seattle, in convention assembled this 23rd day of January, 1939, do strongly recommend to the Fisheries Department that all Fish Traps shall be completely removed from the waters of British Columbia.

KYUQUOT TROLLERS CO-OPERATIVE ASSN.,

per (Sgd.) H. E. BEYER,
Secretary.

February 13, 1939.

Dear SIR,—This is to acknowledge receipt of your favour of recent date bringing to my attention Resolutions passed by the Fishermen's Cooperative Association at a Conference held recently with reference to fisheries.

These Resolutions will receive immediate and full consideration, and I beg to remain

Yours very truly,

J. E. MICHAUD,
Minister of Fisheries.

H. E. BEYER, Esq.,
Secretary,
Kyuquot Trollers Cooperative Association,
Bastion Building,
1124 Government Street,
Victoria, British Columbia.

February 27, 1939.

Dear SIR,—I beg to acknowledge receipt of a Resolution passed by the Victoria & District Trades and Labour Council urging the abolition of fish traps in British Columbia waters.

Yours truly,

J. E. MICHAUD,
Minister of Fisheries.

E. F. Fox, Esq.,
 President,
 Victoria & District Trades
 & Labour Council,
 Victoria, B.C.

SOOKE COMMUNITY ASSOCIATION,

Sooke, B.C., March 4, 1939.

Hon. J. E. MICHAUD, M.P.,
 Minister of Fisheries,
 Ottawa, Ontario.

Dear SIR,—The Sooke Community Association, representing Merchants, Business men, men who are employed by the Sooke Harbour Fishing and Packing Company, Ltd., Farmer's and Carpenter's who all benefit directly and indirectly from the activities of The Sooke Harbour Fishing and Packing Company, Ltd., extend to you their deep appreciation for your earnest desire to be frank in your endeavour to save this industry from being abolished, which would mean a very sharp increase in unemployment and relief.

We are very grateful to you for coming to this coast, which afforded you to procure first hand information which has enabled you to handle this problem on its merits.

In closing we all once again extend to you our heartfelt thanks for your fairness in preserving this industry.

I am, Sir,

Your obedient servant,

(sgd.) A. F. BROWNSEY, *Secretary,*
Sooke Community Association.

VANCOUVER, NEW WESTMINSTER AND DISTRICT TRADES AND
 LABOUR COUNCIL

ROOM 200, 529-531 Beatty St.

VANCOUVER, B.C.

February 27, 1939.

The Honourable MINISTER OF MARINE AND FISHERIES,
 Parliament Buildings,
 Ottawa, Ont.

Dear SIR,—At the last regular meeting of the above council, the attached resolution was unanimously endorsed.

Trusting that you will extend this your favourable consideration.

Yours very truly,

(sgd.) PERCY R. BENGOUGH,
General Secretary-Treasurer.

P.R.B: MacD

February 27, 1939.

Whereas the Dominion Government in 1937 passed legislation prohibiting fish traps in British Columbia waters (with the exception of seven trap sites located at Sooke, Vancouver Island), there is no guarantee that at some future date, trap interests may be successful in having this legislation revoked, and traps legalized in any part of the B.C. Coastal waters, and

Whereas we consider that Canada's insistence on allowing seven traps at Sooke, after the State of Washington had removed 219, constitutes a convincing argument for trap interests in that State to have them restored; and

Whereas several bills are now before the Washington legislature drafted with the express purpose of getting traps back again in Washington, where previous to 1934, traps in that State took 70 per cent of Fraser River sockeye;

Therefore be it resolved: that this Vancouver, New Westminster and District Trades and Labour Council, respectfully petition the Dominion Government to pass the necessary legislation during the present session, prohibiting the taking of salmon by means of traps in the waters of British Columbia.

(sgd.) PERCY R. BENGOUGH,
General Secretary-Treasurer,

Vancouver, New Westminster and District, Trades and Labour Council.

GIBSON'S LANDING, C.C.F. CLUB

March 6, 1939.

The Hon. J. E. MICHAUD,
Minister of Fisheries,
Ottawa.

Dear SIR,—The enclosed two resolutions were duly passed at a meeting of the Gibson's Landing C.C.F. Club with instructions that copies be sent to you.

Yours truly,
(Signed) T. G. CLARK,
Sec.

RESOLUTION

Whereas we believe the operation of fish traps such as those near the southern end of Vancouver Island, are not in the best interests of the fishing industry, and

Whereas this method of fishing displaces a large number of men who would otherwise be able to earn money in fishing, and

Whereas we believe this method of fishing results in much damage to immature fish and fish of species not immediately required for canning, and

Whereas at the time the fish traps on the American side were abolished it was generally understood by the public that the Canadian traps would be discontinued, and

Whereas cannery interests in the State of Washington are attempting to gain permission to have traps reinstated and are using the fact of the continued operation of the Canadian traps as an argument in their favour, and

Whereas records of catch show the operation of the American traps to be a definite loss to Canadian fishermen, and

Whereas we believe trap fishing results in depletion of fish at a rate out of proportion to any gain to the industry and we fear the continued operation of the traps, especially if the American traps are restored, will result in the extinction of the Fraser River as a salmon stream,

Therefore be it resolved: We, the Gibson's Landing C.C.F. Club do hereby recommend that the use of fish traps in British Columbia waters be abolished and that copies of this resolution be forwarded to the Federal Department of Fisheries, Ottawa, and to the federal member of Vancouver North, Mr. C. G. McNeil.

Dated this 2nd day of March, 1939
at Gibson's Landing, B.C.

Signed, THOS. G. CLARK,
Secretary, Gibson's Landing C.C.F. Club

RESOLUTION

Whereas we view with alarm the continued and increasing use of herring in fish reduction plants, and

Whereas herring are a valuable food fish for human consumption, especially greatly used by persons and families in the lower income brackets, and

Whereas herring are a food fish for the larger and more valuable species, such as salmon, halibut and cod, and

Whereas large areas of coastal waters, now almost totally barren of herring, were formerly well supplied with these fish, and

Whereas we believe this depletion is largely caused by the herring being processed through fish reduction plants, where the returns to the public are not commensurate with the loss in food fish, and

Whereas we believe the products of fish reduction plants could be obtained from other raw supplies, such as more complete utilization of offal from salmon canneries and particularly from more intensive fishing of dog fish,

Therefore be it resolved :We, the Gibsons Landing C.C.F. Club do hereby recommend that the use of herring in fish reduction plants be not permitted, that the use of other supplies, such as mentioned above, be fostered and that the Dominion Government examine the feasibility of subsidizing the catching of fish of prey, such as dog fish, sharks, etc.; and that copies of this resolution be forwarded to the Federal Minister of Fisheries, Ottawa, and to the Federal member for Vancouver North, Mr. C. G. McNeil.

Dated this 2nd day of March, 1939, at Gibsons Landing, B.C.

Signed THOS. G. CLARK,
Secretary, Gibsons Landing Club.
March 9, 1939.

Dear SIR: This is to acknowledge receipt of your favour of the 4th instant, which is very much appreciated. Indeed it is a great satisfaction to have people realize what is being done in their own interests.

Kindly convey my thanks to the members of your Association.

Yours very truly,

J. E. MICHAUD,
Minister of Fisheries.

A. F. BROWNSEY, Esq.,
Secretary,
Sooke Community Assocation,
Sooke, B.C.

March 9, 1939.

Dear SIR: This is to acknowledge receipt of your favour of the 27th ultimo, together with copy of a Resolution passed by your Association, which you had directed to the Minister of Marine and Fisheries and which was received by the Minister of Transport who now administers the Marine end of what was formerly the Department of Marine and Fisheries.

For your own information I may state that since 1928 the Department of Fisheries has been administered separately from the Marine section.

Yours very truly,

J. E. MICHAUD,
Minister of Fisheries.

Percy R. BENGOUGH, Esq.,
General Secretary-Treasurer,
Trades and Labour Council,
Vancouver, B.C.

PRINCE RUPERT TRADES & LABOUR COUNCIL

Sub P.O. No. 1, PRINCE RUPERT, B.C.,

March 10th, 1939.

Hon. J. E. MICHAUD,
Minister of Fisheries,
Ottawa, Ont.

Dear SIR: At a recent meeting of the above Trades Council the following resolution was passed, and the hope expressed that you would see your way clear to give it your undivided support.

Whereas: The Fishermen on the Pacific Coast have gone on record many times in favour of the abolition of fish traps and other destructive gear, and,

Whereas: Regardless of the fact that the Dominion Government in 1937 passed legislation prohibiting traps in B.C. waters (with the exception of seven traps at Sooke, Vancouver Island.) there is no guarantee that at some future date, trap interest may be successful in having this legislation revoked and traps legalized in any part of B.C. waters, and,

Whereas: Several Bills are now before the Washington Legislation drafted with the express purpose of getting traps back in Washington, where, previous to 1934 (this was the year when Initiative No. 77 was passed, and they were taken out) traps in that state took 70 per cent of Fraser River sockeye, and,

Whereas: We consider Canada's insistence in allowing seven traps at Sooke, after Washington had removed 219, constitutes a convincing argument for trap interests in Washington to have them restored, now be it therefore,

Resolved: That we petition the Dominion Government, through the Hon. Minister of Fisheries, to pass the necessary legislation during the present session of Parliament, prohibiting the taking of salmon by means of traps in B.C. waters.

Dated at Prince Rupert, B.C., March 10th, 1939.

(Signed) J. J. GILLIS, *President.*

(Signed) T. H. ELLIOTT, *Secretary.*

March 13, 1939.

DEAR SIR,—I have the honour to acknowledge receipt of your favour of the 6th instant and have carefully noted the copies of resolutions which you had attached to your letter.

It is to be regretted that you are labouring under erroneous conceptions and the conclusions of your resolutions are, in my opinion, based on false premises.

Yours very truly,

J. E. MICHAUD,
Minister.

T. G. CLARK, Esq.,
Secretary,
Gibsons Landing C.C.F. Club,
R. R. 1,
Gibsons Landing, B.C.

SOOKE HARBOUR FISHING AND PACKING CO. LTD.

VICTORIA, B.C., March 13, 1939.

Hon. J. E. MICHAUD,
Minister of Fisheries,
Ottawa, Canada.

DEAR SIR,—Enclosed herewith we hand you clipping from the *Vancouver Sun* of March 11th containing a special news dispatch from Olympia dealing with the matter of trap-nets on Puget Sound.

This dispatch effectively refutes Mr. Neill's oft repeated statement, in support of which, however, he has never offered a scintilla of evidence, that one of the strongest arguments used in the State of Washington for the restoration of their trap-nets was the fact that Canada licensed five such at Sooke.

We have consistently denied that statement and have challenged anyone to show that the action of the State of Washington depended in the slightest degree on the continuation of the four or five trap-nets at Sooke. We now feel that our position has been amply vindicated.

Thanking you again for your loyal support we remain,

Yours very truly,
 SOOKE HARBOUR FISHING AND PACKING CO. LTD.

by (Signed) Chas. F. GOODRICH.

SUGGESTION TO REVIVE FISH-TRAPS ABANDONED

BILL FOR POINT ROBERTS' SALMON CATCH LOSES IN WASHINGTON LEGISLATURE;
 SPORTSMEN WIN OUT

Special to the Vancouver Sun

Olympia, Wash., March 11.—Washington legislature prorogued yesterday without acting favourably on the Senate's proposal to restore salmon traps at Point Roberts near the Canadian boundary. The proposal to revive trap fishing even in a small degree is therefore dead in this state for another two years at least.

Years ago, when Washington State canneries were able to gather in 75 per cent of all the salmon caught that were headed for the Fraser river, the traps numbered in excess of 70. The recent proposal for restoration of the trap idea would have provided sites for only eight traps, these all under the lee of Point Roberts.

Canadian Policy

The question of Canadian policy regarding traps did not enter into the recent discussion. The fact that five traps are maintained by Canadians at Sooke, on Vancouver island, was not mentioned in discussion here and was not a factor.

The former system of trap-fishing in this state was abolished because of the fight made against it by sport fishermen and individual commercial fishermen. They won out against the trap-fishing interests; and for the same reason this week's defeat of the proposal to re-establish traps in the Point Roberts area was a victory for the individual fishermen.

Sooke Traps Provide Big Canning Industry

Victoria, March 11.—Two companies operating five traps at Sooke, on the southwest corner of Vancouver island, are preparing for the season's operations. For 30 years now the fish caught in these traps have provided the raw product for the only salmon cannery in the vicinity of Victoria.

If it were not for the traps there would be no cannery industry here. The area around Sooke is too rough and exposed to bad weather to justify fishing by individual fishermen.

The gill-net men, as a matter of practice, give this district a wide berth. Heavy currents and reefs make it unsuitable for boat-fishing with nets and little of this has ever been done. The district is open to all fishermen, but none will fish there.

The *Victoria Colonist* says that the Minister of Fisheries, Hon. J. E. Michaud, visited Sooke a year ago intending then to cancel the licences for traps.

But when he looked over the situation he changed his mind. He found that if the traps were abandoned there would be practically no other commercial fishing of importance in waters around southern Vancouver island. Sooke would become a ghost town if the traps were put out of business.

On the question of labour involved the minister found that trap fishermen were employed nine months of the year. The traps have to be taken down every autumn and erected again every spring.

Only one Method

The *Victoria Times* recently pointed out that abolition of the Sooke traps would not mean the employment of one additional fisherman.

The traps are not used to cut labour costs. They are used at Sooke because there is no other method of taking fish in that area. The Sooke industry has an especially strong case on the labour point. It employs 100 per cent of white men.

CITY CLERK'S OFFICE

NEW WESTMINSTER, B.C., March 15, 1939.

Hon. J. E. MICHAUD,
Minister of Fisheries,
Ottawa.

Hon. SIR,—Please find enclosed herewith for your information copy of resolution as passed by the Council at a meeting held on Monday evening last the 13th inst.

Your co-operation in this matter will be greatly appreciated both by the Council and the Pacific Coast Fishermen's Union.

Yours respectfully,

City Clerk.

Whereas: The Dominion Government in 1937 passed legislation prohibiting fish traps in British Columbia waters (with the exception of seven trap sites located at Sooke, Vancouver island) there is no guarantee that at some future date, trap interests may be successful in having this legislation revoked and traps legalized in any part of B.C. coastal water, and

Whereas: We consider that Canada's insistence on allowing seven traps at Sooke, after the State of Washington had removed 219, constitutes a convincing argument for trap interests in that State to have them restored, and

Whereas: Several bills are before the Washington legislature drafted with the express purpose of getting traps back again in Washington, where previous to 1935 traps in that State took 70 per cent of the Fraser river sockeye, therefore

Be it resolved: That we the City Council of New Westminster, B.C., respectfully petition the Dominion Government to pass the necessary legislation during the present session, prohibiting the taking of salmon by means of traps in the waters of British Columbia, and

Be it Finally Resolved: That we forward a copy of this resolution with our official endorsement to the Honourable J. E. Michaud, Minister of Fisheries, Ottawa.

Certified a true and correct copy of resolution passed by the Council of the City of New Westminster at a meeting held March 13, 1939.

(Signed) A. G. BRINE,
City Clerk.

(Seal)

716-16-1

76186-43

March 17, 1939.

DEAR MR. GOODRICH,—I have the honour to acknowledge receipt of your favour of the 13th instant, together with clipping from the Vancouver *Sun* of the 11th instant.

Thanking you for the same, I beg to remain

Yours very truly,

J. E. MICHAUD,
Minister of Fisheries.

CHAS. F. GOODRICH, Esq.,
President,
Sooke Harbour Fishing & Packing Co., Ltd.,
504-5 Union Building,
Victoria, British Columbia.
716-16-1

March 18, 1939.

DEAR SIR,—I have the honour to acknowledge receipt of your favour of the 10th instant, together with representations with regard to trap fishing in British Columbia waters.

The matter will receive immediate attention and I beg to remain.

Yours very truly,

J. E. MICHAUD,
Minister of Fisheries.

J. J. GILLIS, Esq.,
President,
Prince Rupert Trades and Labour Council,
Sub P.O. No. 1,
Prince Rupert, British Columbia.

March 20, 1939.

DEAR SIR,—I have the honour of acknowledge receipt of your favour of the 15th instant, together with copy of resolution passed by the Council with regard to the licensing of traps at Sooke, Vancouver Island.

Yours very truly,

J. E. MICHAUD,
Minister.

A. G. BRINE, Esq.,
City Clerk,
New Westminster,
B.C.

Copy.

SESSIONAL PAPERS No. 235 A

DEPARTMENT OF THE SECRETARY OF STATE

MONDAY, April 3, 1939.

Supplementary return to an order of the House of Commons, dated 8th March, 1939, showing:—

A copy of all correspondence, letters, telegrams and other documents exchanged between the Minister or any official of the Department of Fisheries and any other person or persons regarding the use of fish traps in British Columbia, since April 29, 1938, to date.

FERNAND RINFRET,
Secretary of State.

Reference No. 127
Mover: Mr. Neill
Dated: April 1, 1939.

Copy.

DEPARTMENT OF FISHERIES

OTTAWA, March 31, 1939.

SIR,—I desire to revert to this Department's letter of the 25th instant enclosing return of correspondence, etc., pursuant to the Order of the House of Commons moved by Mr. Neill on March 8th, Reference Number 127, regarding the use of fish traps in British Columbia.

It has been found that through inadvertence the return was not complete and I attach a supplemental return covering correspondence, etc., that was not included with that previously furnished.

I am, Sir,

Your obedient servant,

J. J. COWIE,
Acting Deputy Minister.

Under-Secretary of State,
Ottawa.

Copy.

DEPARTMENT OF FISHERIES

OTTAWA, March 31, 1939.

SUPPLEMENTARY RETURN

To an Order of the House of Commons moved by Mr. Neill on March 8th, Reference No. 127, for a copy of all correspondence, letters, telegrams and other documents exchanged between the Minister or any official of the Department of Fisheries and any other person or persons regarding the use of fish traps in British Columbia, since April 29th, 1938, to date.

By Order.

Copy

CANADIAN NATIONAL TELEGRAM

MOA 255 55 NL

VANCOUVER B.C. Apr. 20 1938

Dr W A FOUND
Deputy Minister Fisheries Dept Fisheries
Ottawa Ont

Doctor Thompson anticipates utilizing salmon traps Sooke during week-ends purpose catching and tagging salmon which would obviate amongst other things purchase salmon from trap owner *stop* Also contemplates salmon seining Fraser river by commission boat *stop* Writer assumes no objection notwithstanding present regulations but would it not be desirable have regulations altered permit these operations

J A MOTHERWELL

Copy

784-3-7
2.30 P.M.

CN NL
OTTAWA April 21 1938

J A MOTHERWELL
Chief Supervisor of Fisheries,
Vancouver, B.C.

Permit under section four Fisheries Act being obtained to authorize Thompson utilize traps and do necessary seining

WM A FOUND

Charge Fisheries Account

Copy

April 25, 1938.

Dear Doctor THOMPSON,—To authorize you to have a salmon trap, or traps, in the Sooke area operated during any weekly close time, or close times, that may be found necessary to capture sockeye salmon for the Commission's tagging purposes, I am attaching a Permit from the Minister in the premises. This you will note, also covers such seining as may be found necessary for the above purpose in the Fraser and adjacent waters.

Enc.

In operating any trap, or traps, during a weekly close time, or close times, care will need to be taken to guard against embarrassment either to the operating company, or companies, or to this Department. I am not entirely clear as to what extent operations are proposed. During the weekly close time the traps must ordinarily be closed so that if fishing them were arranged by the Commission and this resulted in a quantity of sockeye or other salmon being taken that would remain in the trap, or traps, when the weekly close time ended, it would likely give rise to criticism. You will please consult with the Chief Supervisor of Fisheries before completing arrangements in the matter.

Yours truly,

WM. A. FOUND,
Deputy Minister.

Dr. W. F. THOMPSON,
Director of Investigations,
International Pacific Salmon Fisheries Commission,
New Westminster, B.C.

Copy

April 25, 1938.

SIR,—Adverting to your telegram of the 20th instant, I attach hereto a copy of a Permit that has been issued to Doctor W. F. Thompson to authorize needed trap and seine fishing for sockeye salmon tagging purposes during close periods. I also attach a copy of a letter to him forwarding this Permit. As this letter is self-explanatory, it is unnecessary to comment on it herein. You will please see that the arrangements made will not give rise to criticism that the companies owning the trap are benefiting by a practical infringement so far as they are concerned on the weekly close time.

Enc.

I am, Sir,

Your obedient servant,

WM. A. FOUND,
Deputy Minister.

Major J. A. MOTHERWELL,
Chief Supervisor of Fisheries,
Winch Building,
Vancouver, B.C.

Copy

INTERNATIONAL PACIFIC SALMON FISHERIES COMMISSION

NEW WESTMINSTER, B.C.,

May 7, 1938.

WM. A. FOUND,
Deputy Minister of Fisheries,
Ottawa, Canada.

Dear Mr. FOUND,—I wish to thank you for your letter enclosing a permit for the capture of salmon for scientific purposes.

I think this covers the situation adequately. I will have photostat copies made for the several field parties to carry.

Thank you for your attention to the matter.

Yours truly,

(Sgd.) W. F. THOMPSON,
Director of Investigations.

Copy

SOOKE HARBOUR FISHING AND PACKING CO., LTD.

504-5 Union Building,
Victoria, B.C.,

May 9, 1938.

Dr. W. A. FOUND,
Deputy Minister of Fisheries,
Ottawa.

Dear DOCTOR,—We have read with much interest the remarks of Mr. A. W. Neill on the floor of the House as reported in Hansard of April 26 and the able reply of the Minister who, we think, covered the points raised with much clearness.

Mr. Neill's arguments are always much more ingenious than ingenuous. While it is now, we assume, more or less a closed incident, we feel that it may be as well to place on file with your Department a denial of certain mis-statements just as a matter of record.

1937 CATCH

Mr. Neill states "They caught three quarters of a million fish."

The following is our total salmon catch:—

Red Springs..	14,978
White Springs..	4,434
Steelheads..	449
Sockeyes..	99,506
Pinks..	164,294
Chums..	1,642
Cohoes..	26,555
	<hr/>
	311,858

Of the above, more than one-half are pinks which only run in alternate years; a very different number than 750,000 as quoted by Mr. Neill. Mr. Neill pleads guilty to exaggeration and no one will dispute that plea.

WHALES TO SHRIMP

As your Department is aware, this Company has been requested by both Dominion and Provincial biologists to co-operate with them by saving all unusual specimens of fish taken by our nets and forward the specimens to the local museum. Our mode of fishing is no different from other modes in this respect; occasionally we do get an unusual specimen, and in such cases we save it for the museum instead of returning it to the water. This was the case with the whale, a *Balaenoptera Davidsoni*, the smallest and rarest species of finback whales. The Assistant Biologist, Dr. Cowan, advises us that through our co-operation the Provincial museum now has the only complete specimen of that species in the world.

As for the wolf fish, rat fish, sharks and sea lions, the Department will agree that these pestiferous and non-edible fish are taken by all forms of gear and it is only to be regretted that they are not taken in larger numbers. In

fact, the Department is engaged in the meritorious work of destroying the sea lions because they are known to destroy and mutilate large numbers of salmon.

A SPONTANEOUS PETITION

Petitions are never spontaneous. They are always sponsored by somebody or some organization. In this case, we are reliably informed that Mr. Neill assisted in drawing up the petition and certainly the wording of it would indicate this to be true. It is also significant that he admits that he paid for the printing because, to quote him, "I thought it would look better if *we* had it printed."

INCREASE IN LICENCE FEES

Mr. Neill appears to derive much satisfaction through having been instrumental in raising the licence fees of each trap from \$50 to \$500.

You will recall that this increase was made through the recommendations of the Fishery Committee and that we had no opportunity to offer a protest. The writer had appeared before the Committee at his own expense in good faith and had taken with him all data which in his opinion would interest them. After listening to all that Mr. Neill had to offer and to the witnesses which Mr. Neill had requested brought to Ottawa at Government expense I think you will agree that the large majority of the Committee were in accord with the Department's view that the case against the traps had fallen down and that the Department should be left with a free hand.

Unfortunately, however, a sub-committee was appointed to draft the report and from the composition of this sub-committee only a compromise report could be expected. The sop of a 950 per cent raise in the licence fee was given to Mr. Neill so that he could claim to his constituents that he had won a partial victory.

Under the circumstances we had to submit with the best grace we could, although we felt then and we feel now that it was most unfair. We know that Governments require money and can only raise it through taxation. If it had been found necessary, to meet the expenses of the fishery work, to increase generally the licence fees on all forms of fishing gear we would have submitted even more gracefully. We believe, however, that the Department would never, unless forced to do so by a compromise committee recommendation inspired by Mr. Neill, have levied a tax through vindictiveness or with a deliberate intent to cripple or destroy an industry. We do feel that our licence fees are unduly high and out of proportion to that collected from other forms of fishing gear. If our silence is to be interpreted by Mr. Neill that we concur in the reasonableness of the fee, then as a matter of record we must make our position clear.

Yours very truly,

SOOKE HARBOUR FISHING & PACKING CO., LTD.,
By (Sgd.) CHAS. F. GOODRICH.

Copy

MAY 19, 1938.

DEAR MR. GOODRICH,—I wish to acknowledge your letter of the 9th instant, with regard to the remarks made on the trap situation by Mr. Neill, M.P., when he recently discussed it in the House of Commons.

I have not the Hansard at the moment before me and I am not sure as to how selective he was in dealing with the number of fish taken by the traps. My impression is that he was not more specific than to use the word "fish" and not "salmon". My recollection also is that there was a considerable quantity of herring taken so that with the use of the word "fish" it is possible that the

number given would not be excessive, though from the standpoint of the traps themselves, salmon was really the only fishery that was concerned.

So far as the raising of the licence fee goes, it should not be forgotten that the Department a good many years ago arranged for even a much larger fee than the present on trap-nets, as well as on purse-seines and to some extent on drift-nets. The reduction was not made at the instance of the Department but following a recommendation to that end by a Special Commission that was appointed in 1922. While the fee may be out of line with that for purse-seines, it really is not with the fee on traps in Alaska.

The Department trusts that the approaching season's operations will be successful from all standpoints.

Yours truly,

Wm. A. FOUND,
Deputy Minister.

Chas. F. GOODRICH, Esq.,
President,
Sooke Harbour Fishing & Packing Co., Ltd.,
504-5 Union Building,
Victoria, B.C.

Copy

EXTRACT from report of Inspector Lloyd,
for week ending May 21, 1938.

"Two salmon traps operated at Sooke last week and I attended the lifting."

Copy

MAY 26, 1938.

DEAR MR. REID,—Pursuant to telephone request therefor, I attach a statement of the catch at the salmon traps in the Sooke area during 1937.

The following statement gives the pack of canned salmon derived from fish caught in District No. 1 (Fraser River area) in 1937:—

	Cases	Approximate Number of Fish
Sockeye	66,583	898,870
Springs	5,444	24,498
Steelhead	15	150
Bluebacks	1,354	27,180
Cohoe	11,242	112,420
Pinks	87,897	1,406,352
Chums	20,934	167,472

The pack is shown in cases and the approximate number of fish involved. It will be understood that the number of fish shown in this statement does not represent the total catch in the Fraser River area. Substantial quantities of certain of the varieties were marketed in other forms such as fresh, frozen, drysalted, etc., the complete figures for which are not yet available.

Yours very truly,

Wm. A. FOUND,
Deputy Minister.

T. REID, Esq., M.P.,
House of Commons,
Ottawa.

CATCH OF FISH AT SALMON TRAP-NETS AT SOOKE, BRITISH COLUMBIA, 1937

Week ending	Sockeye	Springs	Colho	Pinks	Chums	Steelhead	Sturgeon	Cod	Grayfish	Skate	Ratfish	Herring	Hake	Flounder	Bass	Halibut	Sole	Sea Lion	Shark	Pilchard	Barracuda	Wolf fish	Miscellaneous
May 15	8	92			45	10			2	1													
" 22	29	192			3	42																	
" 29	82	498	4			49																	
June 5	66	300	4	1	8	49																	
" 12	18	476				4																	
" 19	9	900			2	10																	
" 26	118	1,609	7			17		18	11	3					26								
" 28	lift 81	1,420	5			6	3	11	160	5	1	26	11	7	6								
July 1	" 123	1,084	8			23		4	50	3		130				1							
" 5	" 236	1,137	62	16	3	16	1	12	65		2	70	28	2	8		3						
" 8	" 387	1,179	135	9	8	43	1	6	40	4		90			15	1		1					
" 17	307	1,614	413	96	6	33		18	150		2	75	305	1	12		2		1				
" 24	1,178	1,071	565	1,024		30		17	272	9		80	140		14				1	16			
" 31	14,328	2,116	1,313	5,730	1	38		48	250	9		225	60		18	1	3			23	1		
Aug. 7	33,708	1,321	1,367	13,736		11	1	56	180	9			230		21		4					1	
" 14	26,357	921	1,080	35,780	2	1		56	725	21			400		28		6		1		1		
" 21	16,182	1,069	914	53,775	10	7		63	811	15		31	195		63		4		1	4	1	1	
" 28	5,053	783	1,346	15,791	1	4		45	215	26		362	254		31		8	1		20	1	1	1 Whale
Sept. 4	1,220	328	2,017	8,587	49	8		35	300	12		350	200		14		4			28			1 Porpoise
" 11	10	482	5,042	21,901	183	18		35	400	5		1	200		12		4						
" 18		356	2,767	6,588	100	11		26	620	14		2	380		12		5						
" 25		220	2,590	659	501	5		54	450	3		20	260		27								
Oct. 2	11	106	2,784	605	389	12		34	380	6		37	300				2				2		
" 9		39	2,954	14	154	2		29	120	9		23	140										
" 16	2	9	530	3	57			49	138	9		13	85										2 Mackerel
" 23	1		602	10	120			32	250	2		11	100					1					5 Mackerel
Total Fish.....	99,514	19,412	26,545	164,325	1,642	449	6	648	5,589	165	7	*	3,288	10	329	3	45	5	4	91	9	2	†

* Herring total: 1,439 fish; 108½ tons.

† 1 Whale; 1 Porpoise; 7 Mackerel.

DEPARTMENT OF FISHERIES

VANCOUVER, B.C.,

May 23, 1938.

SIR,—In connection with the operation of salmon traps in the Sooke area, I would advise that in the first lift made at Otter Point on the 16th instant, the following catch was made:—

43 Red spring salmon
 5 White spring salmon
 21 Steelheads
 9 Sockeye
 1 Chum salmon
 8 Cohoe salmon
 415 pounds herring

I am, Sir,

Your obedient servant,

(Sgd.) J. A. MOTHERWELL,
Chief Supervisor of Fisheries.

Dr. W. A. Found,
 Deputy Minister of Fisheries,
 Department of Fisheries,
 Ottawa, Ont.

June 2, 1938.

SIR,—I desire to acknowledge with thanks your letter of the 23rd instant affording particulars of the catch secured in the first lift of the current season at the salmon trap-net at Otter Point on the 16th instant.

To complete the record will you kindly advise the date from which the trap was in actual fishing operation this season.

I am, Sir,

Your obedient servant,

Wm. A. FOUND,
Deputy Minister.

Major J. A. MOTHERWELL,
 Chief Supervisor of Fisheries,
 Vancouver, B.C.

June 3, 1938.

SIR,—During the time that the Victoria area is without the services of a resident Fisheries Inspector, will you kindly arrange that either the Acting Inspector or the local guardian includes in his weekly reports particulars of the weekly catch of fish at the Sooke traps and any other relevant data that would be of interest to the department in connection with the fisheries of that area.

I am, Sir,

Your obedient servant,

Wm. A. FOUND,
Deputy Minister.

J. F. TAIT, Esq.,
 Supervisor of Fisheries,
 Nanaimo, B.C.

DEPARTMENT OF FISHERIES

NANAIMO, B.C.,
June 14, 1938.

Dr. W. A. Found,
Deputy Minister of Fisheries,
Department of Fisheries,
Ottawa, Ont.

SIR,—I would advise that in compliance with the request contained in your letter of the 3rd instant, arrangements have been made to have one of the local officers include in his weekly report particulars of the weekly catch of fish at the Sooke Traps, together with any other relevant data that would be of interest to the Department.

Particulars of fish taken in the lifting of three traps, on May 29, were added to the report of Guardian D. S. McMeekin for the week ending June 4. There were two previous lifts since commencement of trap operations, for which resultant catches are given hereunder:—

Otter Point trap commenced fishing May 10 and first lift on May 16 produced:—

Sockeye..	9
Springs..	48
Cohoe..	8
Chums..	1
Steelhead..	21
Herring..	415 lbs.

The second trap, Beachy Head, commenced fishing on May 19, and the two traps, lifted on May 23, produced:—

Sockeye..	46
Springs..	84
Cohoe..	20
Chums..	4
Steelheads..	78
Sturgeon..	2
Ling Cod..	8
Grayfish..	10
Skate..	4
Herring..	5,000 lbs.
Bass..	30

As canning operations have not yet commenced at Esquimalt, all of the salmon taken to date, as well as other edible fish, have been disposed of to wholesalers for the fresh markets. Grayfish, ratfish and odd sealions, which are shown in subsequent reports, have been destroyed and dumped overboard.

Traps now in operation are Otter Point, Beachy Head and Gordon's. Rough weather has held back completion of Coal Creek trap, but it is expected that this will be in operation in about a week's time, after which the Sooke trap will be completed as quickly as possible.

Yours faithfully,

(Sgd.) J. F. TAIT,
Supervisor of Fisheries.

EXTRACT from report of Inspector Lloyd, for week ending July 2, 1938.

"I attended the lifting of the Sooke traps on the weeks catch was considered the best for the season, four traps operated."

EXTRACT from report of Inspector A. F. Lloyd, Cowichan, No. 3, for week ending Saturday, July 16, 1938.

Visited the Sooke traps on the 11th four traps were fishing and the catches were considered light, the catches were mostly spring salmon and some sockeye.

SOOKE HARBOUR FISHING & PACKING CO., LTD.

VICTORIA, B.C., July 19, 1938.

Dr. W. A. FOUND,
Deputy Minister of Fisheries,
Ottawa, Ont.

DEAR DOCTOR,—In case your office has any available, will you kindly mail us copy of the 1937 Annual Report of the Department?

We note that on June 30th, Mr. T. Reid, M.P., made the statement that the catch of Fraser River salmon averaged 745 fish per man.

Have you any figures that would bear out that statement?

Mr. Reid undertook to make a comparison of the number of salmon taken (all species) at Sooke per man with the number taken per man by other modes in the Fraser River area.

We cannot conceive that this figure represents the number correctly as it would apparently require very many more fishermen on the Fraser to take the number known to have been taken, all species, than we know are employed. Also, the annual earnings per man would apparently be less than \$300,

Thanking you for any light you can throw on the subject, we remain,

Very truly yours,

(Sgd.)

SOOKE HARBOUR FISHING & PACKING CO., LTD.,

Chas. F. GOODRICH.

July 28, 1938.

DEAR MR. GOODRICH;—In Mr. Found's absence I desire to say in response to your request of the 19th instant that the 1937 report of the Department has not up to the moment been published. I am sending herewith a copy of the 1936 report, and I believe it will be possible to furnish 1937 information for any of the different statistical tables pertaining to the British Columbia salmon fisheries if you desire it immediately and will indicate the particular tables in which you are interested.

With reference to the statement of Mr. T. Reid, M.P., in the House of Commons as reported in Hansard of June 30th that the average catch, presumably of salmon per man, in the Fraser area in 1937 was 745 fish, it is not immediately apparent to the Department on what basis Mr. Reid arrived at this figure.

Yours very truly,

Encl.

J. J. COWIE,
Acting Deputy Minister.

Charles F. GOODRICH, Esq., President,
Sooke Harbour Fishing and Packing Co., Ltd.,
504 Union Building,
Victoria, B.C.

EXTRACT FROM REPORT OF INSPECTOR SCOTT FOR WEEK ENDING AUGUST 27, 1938.

"Five salmon traps at Sooke had very good catch of sockeye salmon during week, comparing favourably with previous two cycle runs, and present indications point to good catch during next week. Sockeye pack follows:

Cannery	Week ending	Week's Pack (cases)	Total Pack (cases)	Sockeye
Empire..	Aug. 27/38	1,920	2,939	
Empire..	Aug. 23/30	376	1,085	(Cycle comparisons)
Empire..	Aug. 25/34	2,541	5,395	(Cycle comparisons)

NOTE. Over ten thousand sockeye salmon left in traps on Friday as cannery unable to handle them this week. Cohoe pack for week 235 cases, total pack 369 cs., lower than previous cycle runs, except 1935 when week pack ending August 25th was 97 cases and total pack 286 cases. Salmon trolling and trap fishing for spring salmon very good at present. No salmon gill-nets or purse seines operated during week."

EXTRACT FROM REPORT OF INSPECTOR SCOTT FOR WEEK ENDING SEPTEMBER 3, 1938.

"Five salmon traps at Sooke experienced a sudden falling off in the catch of sockeye with poor indications for better catch next week as few sockeye are showing in waters adjacent at present. The catch of coho salmon was higher than both cycle runs of 1934 and 1935, both in weekly and total catch to date. Indications good for coho catches this coming week.

Comparisons	Sockeye (cases)	Total Pack (cases)	Week ending	Cohoe (cases)	Total Pack (cases)
Week ending Sept. 3/38	668	3,606	Sept. 3/38	222	591
Week ending Sept. 1/34	490	5,885	Sept. 1/35	173	364
Week ending Sept 3/30	1,988	3,833	Sept. 1/34	157	422"

EXTRACT FROM REPORT OF INSPECTOR SCOTT FOR WEEK ENDING SEPTEMBER 10, 1938.

"Five salmon traps at Sooke had poor catch of sockeye, with present showing in waters adjacent, believe this run over. Cohoe salmon catch continues to show improvement over 1934 cycle runs as below.

Comparisons	Sockeye (cases)	Total Pack (cases)	Week ending	Cohoe (cases)	Total Pack (cases)
Week ending Sept. 10/38	45	3,652	Sept. 10/38	316	907
Week ending Sept. 8/34	22	5,907	Sept. 7/35	164	528
Week ending Sept. 10/30	1,207	5,040	Sept. 8/34	252	674"

EXTRACT FROM REPORT OF INSPECTOR SCOTT FOR WEEK ENDING SEPTEMBER 17, 1938.

"Five salmon traps at Sooke had fair catch of cohoes. The following coho pack for this week include over 2,000 cohoes purchased from purse seiners and trollers at Port Renfrew.

Comparisons	Cohoe (cases)	Total Pack (cases)
Week ending Sept. 17/38..	1,173	2,080
Week ending Sept. 14/35..	381	1,025
Week ending Sept. 15/34..	314	988*

* Including some Port Renfrew fish.

Sockeye run appears definitely over now, as usual at this period. Chum salmon catch at traps small as usual, 46 cs. total 57 cs."

EXTRACT FROM REPORT OF INSPECTOR SCOTT FOR WEEK ENDING SEPTEMBER 24, 1938.

"Five salmon traps at Sooke had fair catch of cohoes. One trap at Becher Head ceased operations this week, leaving four traps operating."

EXTRACT from report of Inspector Scott for the week ending October 1, 1938.

"Four salmon traps at Sooke had good catch of cohoes. These fish are exceptionally large for this period, and condition very good, possibly four year fish."

EXTRACT from report of Inspector Scott for the week ending October 8, 1938.

"Four salmon traps at Sooke had poor catch of cohoes, due either to dry weather conditions or to run being practically over. 903 cohoes taken. All sold fresh.

"The Otter Point trap was dismantled on Friday, leaving only three traps to operate during coming week."

EXTRACT from report of Inspector Scott for the week ending October 15, 1938.

"Three salmon traps at Sooke had beter catch of coho salmon than last week, taking about 1,600 cohoes and 100 chums. Weather at beginning of week wet and stormy probably caused faster movement of salmon toward spawning grounds although salmon still in excellent condition for market. The salmon trap at Coal Creek was dismantled on 15th leaving only two traps to operate next week, both of which have holes in web in diamonds which if not repaired will allow fish to escape from traps. It is probable that trap fishing will cease next week, this will correspond with last year's final trap fishing during week ending Oct. 23/37."

EXTRACT from report of Inspector Scott for the week ending October 22, 1938.

"Two salmon traps operating at Sooke had light catch of coho salmon, 341 fish, coho run evidently about over. One trap expected to be dismantled this week end, leaving one trap to operate next week."

EXTRACT from report of Inspector J. C. Scott for the week ending October 29, 1938.

"One salmon trap at Sooke made final lift on October 24th, this trap was dismantled 25th, completing fishing operations this year."

DEPARTMENT OF FISHERIES

40-3-9-1

VANCOUVER, B.C., November 25, 1938.

SIR,—For the information of the Department I attach hereto statement showing in detail the catch of the traps at Sooke during the season 1938.

I am, Sir,

Your obedient servant,

(Sgd) J. A. MOTHERWELL
Chief Supervisor of Fisheries

Dr. W. A. FOUND,
Deputy Minister of Fisheries,
Department of Fisheries,
Ottawa, Ont.

CATCH AT SOOKE TRAPS, 1938

Date of Lift	Sock-eye	Springs	Cohoe	Pinks	Chums	Steel-head	Sturgeon	Cod	Gray-fish	Skate	Herring (lbs.)
May 16.....	9	48	8		1	21					415
" 23.....	46	84	20		4	78	2	8	10	4	5,000
" 30.....	53	94	18		3	39	1	10	26	4	2,100
June 6.....	101	165	14		1	41	4	18	18	3	4,750
" 13.....	272	379	23		2	62	3	17	9	5	450
" 20.....	147	302	25			30	2	28	35	10	400
" 27.....	193	816	64		1	65	1	52	65	9	500
July 4.....	304	1,075	86	3	2	69		73	150	9	595
" 7.....	203	394	63	2	1	29		22	40	3	180
" 11.....	58	99	17		1	16		6	170	6	
" 14.....	243	403	53			55		21	65	7	
" 18.....	893	912	131	76	2	61		17	97	9	160
" 21.....											
" 25.....	1,492	935	512	287	3	79	1	25	146	10	
" 28.....											
Aug. 1.....	3,247	1,223	781	277	1	50		36	419	13	290
" 4.....											
" 8.....	1,903	1,120	521	287	10	45		29	156	18	
" 11.....											
* " 13-14.....	150										
" 15.....	3,015	1,397	1,288	205	16	36	1	14	60	7	
" 18.....											
* " 20-21.....	212										
" 22.....											
" 25.....	20,598	1,111	2,491	100	23	22	1	16	50	7	
" 26.....											
" 29.....	7,603	859	2,127	171	75	9		171	235	7	100
Sept. 1.....											
* " 3-4.....	85	30	300								
" 6.....	545	406	2,619	50	27	16		18	152	10	2,400
" 8.....											
" 12.....		595	3,758		69	27		10	142	8	3,100
" 15.....											
" 19.....		171	3,100		100	8		7	234	8	51,800
" 22.....											
" 26.....		28	4,192		147	1		19	429	16	28,800
" 29.....											
Oct. 3.....		9	903	14	59	1		89	310	14	3,000
" 6.....											
* " 8-9.....			170								
" 10.....											
" 11.....		4	1,483		335	5		16	92	6	39,900
" 13.....											
* " 15-16.....			50								
" 17.....			341		70			11	95	8	1,600
" 20.....											
" 24.....		18	65			8		7	35	4	9,400
Total.....	41,732	12,677	25,223	1,472	953	873	16	740	3,240	205	154,940
Undersized salmon.....		41	4	25							
Grand Total....	41,732	12,718	25,227	1,497	953	873	16	740	3,240	205	154,940

Miscellaneous Catch—Trout 1, Flounders 62, Shad 3, Hair Seals 1, Wolf-fish 1, Octopus 1.

* Taken from traps to replace fish tagged by Biological Board.

CATCH AT SOOKE TRAPS, 1938

Date of Lift	Hake	Bass	Halibut	Sole	Sea Lion	Shark	Pilchard	Barracuda	Ratfish	Miscellaneous
May 16										
" 23		30								
" 30			1						2	1 trout.
June 6		28	1		1				6	14 U.S.
" 13		54							1	8 Fl.
" 20		52								3 U.S.
" 27		69		2	1					9 U.S.
July 4		66		9					9	9 U.S.
" 7		34	1	1					1	1 Fl.
" 11		92		1						1 U.S.
" 14		81							5	4 Fl.
" 18		53	2	3		1			8	9 Fl.
" 21										1 Shad.
" 25		174		2					7	8 U.S.
" 28										9 Fl.
Aug. 1		53		7					15	9 U.S.
" 4										14 Fl.
" 8		140				1			15	5 U.S.
" 11										8 Fl.
* " 13-14										1 H. Seal.
" 15		84	1			4			8	3 Fl.
" 18										
* " 20-21										
" 22										
" 25		32		1	1				6	2 Fl.
" 26										
" 29		12		1	1				9	1 W.F.
Sept. 1										
* " 3-4		12								
" 6		90			1	1		1	32	3 Fl.
" 8										
" 12		20							27	1 Fl.
" 15										
" 19		39		8	1				45	4 U.S.
" 22										1 Oct.
" 26		33		9	1	1			25	1 Shad.
" 29										
Oct. 3		36		8					38	
" 6										
* " 8-9										
" 10										
" 11		8			1	1			15	1 Oct.
" 13										
* " 15-16										
" 17	1	13		1	1	1			18	1 Oct.
" 20										
" 24				3	1				6	
Total	1	1,293	6	56	10	10		1	298	
Undersized salmon										
Grand Total	1	1,293	6	56	10	10		1	298	

Miscellaneous Catch—Trout 1, Flounders 62, Shad 3, Hair Seals 1, Wolf-fish 1, Octopus 1.

* Taken from traps to replace fish tagged by Biological Board.

DEPARTMENT OF FISHERIES

VANCOUVER, B.C., November 29, 1938.

40-39-1

SIR,—I beg to refer to my letter of the 25th instant, enclosing a statement showing the catch of fish by the traps at Sooke during the current season. On re-checking this statement it is found that certain typographical errors have occurred and I would appreciate your making the necessary corrections as follow on the statement forwarded to you:—

(1) Sockeye—The statement forwarded showed the number taken was 41,732. Please correct this to read 41,372.

(2) Bass—Number shown on form 1,293 should be 1,305.

(3) Octopus—Shown on the statement, 1. Should be 3.

I am, Sir,

Your obedient servant,

(Sgd.) J. A. MOTHERWELL,
Chief Supervisor of Fisheries.

Dr. W. A. FOUND,
Deputy Minister of Fisheries,
Department of Fisheries,
Ottawa, Ont.

DEPARTMENT OF FISHERIES

VANCOUVER, B.C., December 23, 1938.

10-5-1

Salmon Traps

SIR,—At a meeting of the B. C. Fish and Game Protective Association, Lower Mainland Zone, held at Mission City on the 9th instant, the following resolution was passed regarding the above subject:—

That whereas in the State of Washington they have seen fit to remove all salmon traps from their waters, we hereby request the Dominion Government to refuse any future licenses for salmon traps in British Columbia waters. Carried.

I am, Sir,

Your obedient servant,

(Sgd.) J. A. MOTHERWELL,
Chief Supervisor of Fisheries.

Dr. W. A. FOUND,
Deputy Minister of Fisheries,
Department of Fisheries,
Ottawa, Ont.

DEPARTMENT OF FISHERIES

VANCOUVER, B.C., January 5, 1939.

11-3-S-1

SIR,—Enclosed herewith please find the usual application for renewal of the Sooke Harbour Fishing and Packing Company, Ltd., salmon trap licenses, on Foreshore Leases Nos. 80 and 160, for the season 1939.

The usual Declaration is on file at this office and the fees will be paid as soon as the licenses are made available.

I am, Sir,

Your obedient servant,

(Sgd.) J. A. MOTHERWELL,
Chief Supervisor of Fisheries.

J. J. COWIE, Esq.,
Acting Deputy Minister,
Department of Fisheries,
Ottawa, Ont.

CANADA

DEPARTMENT OF FISHERIES

APPLICATION FOR A FISHERY LICENCE IN BRITISH COLUMBIA
SEASON OF 1939

1. Name Sooke Harbour Fishing & Packing Co., Ltd.
2. Address 504-5 Union Building, Victoria, B.C.
3. Country of birth
4. Kind of licence desired Two Trap-net licences
5. Species of fish to be taken Salmon
6. Area for which licence required Sooke foreshore lease No. 80
Sooke foreshore lease No. 160
7. Kind of boat to be used in operations (gas, sail, etc.)
8. Value of boat Value of net or lines
9. If you held similar licence preceding year, give number 1-2

The undersigned, being a Canadian Company, resident in the Province of British Columbia, hereby applies for the licence mentioned above.

Dated at Victoria, this day of 193.President.

Signature,

SOOKE HARBOUR FISHING
& PKG. CO., LTD.

DEPARTMENT OF FISHERIES

VANCOUVER, B.C., January 14, 1939.

11-3-T1

SIR,—Enclosed please find application from Messrs. J. H. Todd & Sons, Ltd., Victoria, B.C., for three trap net licences to be operated on Foreshore leases Nos. 25, 3 and 54, in the Sooke area.

The usual declaration in connection with this licence is on file in this office.

I am, Sir,

Your obedient servant,

(Sgd.) J. A. MOTHERWELL,
Chief Supervisor of Fisheries.

J. J. COWIE, Esq.,
Acting Deputy Minister of Fisheries,
Department of Fisheries,
Ottawa, Ont.

CANADA

DEPARTMENT OF FISHERIES

APPLICATION FOR A FISHERY LICENCE IN BRITISH COLUMBIA
SEASON OF 1939

1. Name, J. H. Todd & Sons, Ltd.
2. Address, P. O. Drawer 578, Victoria, B.C.
3. Country of birth.
4. Kind of licence desired, Three Trap-net licences.
5. Species of fish to be taken, Salmon.
6. Area for which licence required Foreshore No: 25—Muir Creek.
3—Gordon's.
54—East Sooke.
7. Kind of boat to be used in operations (gas, sail, etc.).

8. Value of boat, Value of net or lines.
9. If you held similar licence preceding year, give number.

The undersigned, being a British subject, resident in the Province of British Columbia, hereby applies for the licence mentioned above.

Dated at Victoria, Jan. 9, 1939, this day of 193.

.....Director.
Signature

J. H. TODD & SONS, LTD.
March 9, 1939.

Air Mail.

SIR,—It has been decided that salmon trap-net fishing will be permitted for 1939 in the Sooke area, i.e., that portion of the south-west coast of Vancouver Island between Sombrio Point and Beechy Head.

You may arrange for the issue of licences accordingly.

I am, Sir,

Your obedient servant,

J. J. COWIE,
Acting Deputy Minister.

Major J. A. MOTHERWELL,
Chief Supervisor of Fisheries,
Vancouver, British Columbia.

APPENDIX 4

REPORT TO THE HOUSE

THIRD AND FINAL REPORT

MONDAY, April 5, 1937.

The Standing Committee on Marine and Fisheries begs leave to present the following as its

THIRD AND FINAL REPORT

Your Committee has had under consideration an Order of Reference dated February 8, 1937, viz:—

That the question of the advisability of the Government issuing trap fishing licences in British Columbia waters be referred to the Standing Committee on Marine and Fisheries for study and report.

The Committee has held fourteen sittings and has heard six witnesses, including representatives of the Department of Fisheries, of the trap owners, and of the fishermen.

In considering this question the Committee has had in view the great importance of the salmon fishing industry in British Columbia waters, and the necessity for the conservation of the fish supply, the preservation of the quality of the pack and the furnishing of the greatest measure of employment.

Further, being satisfied of the great need for conservation of the fish and the avoiding of all wanton and useless destruction of this great food resource, your Committee recommends that the Department of Fisheries continue to work in co-operation with the authorities in the United States with such object in view.

We also submit the following recommendations:—

1. That no more trap licences be granted in British Columbia waters except in the so-called Sooke area, and concerning which we are unable to come to a decision as to whether they should be continued or not, without the opportunity of securing further information.

2. That, if the said traps are allowed in the so-called Sooke area, the licence fee for each trap be \$500 per annum for each trap licence, commencing with the year 1937.

3. That an opening of suitable size be made in the lead of such traps in order that the fish may have a better opportunity of passing on towards the spawning grounds when the trap is closed.

4. That the Department should be careful to see that the regulations providing for the closing of traps in use, for forty-eight hours per week, be rigidly enforced, and that the traps be subject to the same regulations as regards opening and closing seasons as prescribed for all varieties of fishing under the Fisheries Act and regulations.

5. That all inspectors or guardians employed by the Department of Fisheries be independent of all fishing companies or fishing plant owners.

6. That for the next year or two the check made in connection with the catch, as well as the escapement of sockeye and other varieties of salmon in the Sooke area be made with great care and detail so that the records expressed in both cases and numbers may be as accurate as possible.

A copy of the evidence taken is submitted herewith.

All of which is respectfully submitted,

A. E. MACLEAN,
Chairman.

SESSION 1939
HOUSE OF COMMONS

STANDING COMMITTEE

ON

MARINE AND FISHERIES

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 2

MONDAY, APRIL 17, 1939

WITNESS:

Mr. J. A. Rodd, Director of Fish Culture, Department of Fisheries.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1939

MINUTES OF PROCEEDINGS

MONDAY, April 17, 1939.

The Standing Committee on Marine and Fisheries met this day at 11 a.m.

Members present: Mrs. Black and Messrs. Brasset, Côte, Farquhar, Hanson, Lapointe (*Matapedia-Matane*), Mayhew, MacLean (*Cape Breton North-Victoria*), MacNeil, McAvity, McCulloch, McDonald (*Souris*), Michaud, Neill, Reid, Robichaud, Stirling, Taylor (*Nanaimo*) and Veniot.

In attendance: Mr. A. J. Whitmore, Head of the Western Division, Department of Fisheries, and Mr. Sylvestre, M.P.

Witness: Mr. J. A. Rodd, Director of Fish Culture, Department of Fisheries.

In the absence of the Chairman, Mr. MacLean (*Prince*), on motion of Mr. McAvity:—

Resolved,—That Mr. Reid act as Chairman.

Mr. Reid took the Chair.

At the request of Mr. Taylor (*Nanaimo*), the following change was authorized in the minutes of evidence of Monday, April 3.

Page 13, Line 19. Delete "around Mission" and substitute "Puget Sound."

The Acting Chairman read to the committee a telegram sent by the Chairman in answer to the Pacific Coast Fishermens' Union.

Mr. Mayhew protested against the wording of the telegram with respect to the representations mentioned therein.

Discussion followed.

The Committee resumed its consideration of Bill No. 15 and of Mr. Neill's amendment thereto.

On motion of Mr. Mayhew:—

Resolved,—That the Committee complete its study of the Saguenay River situation.

Mr. Rodd was called and examined.

By leave of the Committee, Mr. Sylvestre was allowed to question the witness.

Mr. Rodd placed before the Committee a memorandum regarding decisions from 1882 to 1922 with respect to administration of fisheries in the Province of Quebec.

Discussion followed.

The witness retired.

Ordered,—That Mr. Rodd's memorandum be printed in to-day's evidence as an appendix. (*Printed in to-day's evidence as appendix 1.*)

On motion of Mr. Mayhew:—

Resolved,—That the discussion regarding Mr. Rodd's memorandum be postponed until such time as the members have had an opportunity of reading it.

Mr. Hanson filed with the Committee a letter and two resolutions with reference to fish traps, received from,

(a) Charlotte City Fishermen.

(b) Prince Rupert Chamber of Commerce.

(c) Prince Rupert Trades and Labour Council.

Ordered,—That the above submissions be printed in to-day's evidence as an appendix. (*Printed in to-day's evidence as appendix 2.*)

The Committee adjourned at 12.30 p.m. to meet again at the call of the Chair.

ANTONIO PLOUFFE,
Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS, ROOM 429,

OTTAWA, April 17, 1939.

The Standing Committee on Marine and Fisheries met at 11 a.m. The Acting Chairman, Mr. Thos. Reid, presided.

The CLERK: Gentlemen, I am sorry to have to inform you that the chairman, Mr. MacLean, is unavoidably absent. Would you be good enough to elect an acting chairman?

Mr. McAVITY: I nominate Mr. Thomas Reid.

Mr. HANSON: I second the motion.

The CLERK: It has been moved by Mr. McAvity and seconded by Mr. Hanson that Mr. Thomas Reid be elected acting chairman. Is that your pleasure, gentlemen?

Some Hon. MEMBERS: Yes.

The CLERK: Then I would ask Mr. Reid to take the chair.

The ACTING CHAIRMAN: I wonder if we have a quorum this morning?

The CLERK: Yes.

The ACTING CHAIRMAN: There is one matter I should like to bring up, and that is the matter of notices of meeting. We should probably have noted in the votes and proceedings that the meeting of the fisheries committee was this morning, but I only received my notice about an hour ago for the meeting. I do not know who is responsible for sending the notices out, but I think that someone should have seen to it that the notices for the meeting were sent out on Friday at the very least. I must confess that if I had not received my notice I should have lost sight of the meeting this morning. I just mention that by way of suggestion.

Mr. TAYLOR: Mr. Chairman, there is one matter that I should like to draw to the attention of the committee. On page 13 of the minutes of proceedings and evidence, No. 1, of the standing committee, I am reported as having said:—

It is quite indispensable in so far as the Fraser river is concerned, because there is also an international question involved. The interests down around Mission would be very much concerned if fish could not go up river and spawn.

As a matter of fact, I do not know Mission in the matter. What I said was:—

The interests down Puget Sound way would be very much concerned if fish could not go up the river and spawn.

The ACTING CHAIRMAN: Do you agree that that correction be made gentlemen?

Some Hon. MEMBERS: Yes.

The ACTING CHAIRMAN: I understand that a wire has been received from Pacific Coast Fishermen's Union. You will remember that at one of our meetings Mr. MacLean was authorized to send a wire in answer to the one received from them. The wire received from the Pacific Coast Fishermen's Union read:—

Request permission practical fishermen this association appear before your committee re traps stop suggest government assume cost transportation and sustenance.

The chairman sent a wire on behalf of the committee, in answer to the one received, as follows:—

No decision arrived at re hearing witnesses stop committee wish know if all unions interested could combine in having not more than two representatives appear before committee providing committee decide hear evidence. stop meantime your union can file brief if desired.

That was the wire that was sent out by Mr. MacLean.

Mr. HANSON: Is there any answer to that, Mr. Chairman?

The ACTING CHAIRMAN: No, I do not see any answer. That went out on April 3, and I do not see any answer. But I thought it just as well that the committee be kept posted and advised as to what had been done on behalf of the committee by the chairman.

Mr. MAYHEW: I should like to protest against the wording of that telegram where it speaks of "two." They can easily send two representatives here, and probably you would have a representative of the gill net and the seine net fishermen, but you would not have a representative of the trap fishermen; or, on the other hand, they might send one who would represent the trap fishermen and one who would represent the gill net fishermen, while the seine net men would be out of it. It should be either one or three representatives who should be here. If one can come down and represent all three, that would be agreeable to me. But to have two to come down, representing two of the three and leaving the third one out, would not be a fair representation.

The ACTING CHAIRMAN: Are there any other views to be expressed than those expressed by Mr. Mayhew? I do not know if Mr. Mayhew was here when the committee instructed the chairman to dictate the telegram. I think at that time we were simply discussing, if I remember correctly, the wire received by the chairman on behalf of the Pacific Coast Fishermen's Union.

Mr. MAYHEW: Yes, Mr. Chairman, I was here; and I objected to the "two" coming down. I think Mr. Neill brought up the matter of having two come down, and I objected to two at that time.

Mr. HANSON: Since we have not heard anything from them, they may not be interested at all. They have not sent a brief, have they?

The ACTING CHAIRMAN: No, there is no brief here. I think, perhaps, for the moment, my own viewpoint would be that we should leave this in abeyance until we come to the point of deciding about witnesses; then we can discuss one, two or three, if any.

Mr. TAYLOR: In any case, if witnesses come, I suggest that both sides be adequately represented. There is no point in having representation from one side only. We must have witnesses from both sides.

Mr. HANSON: I do not think anyone suggested we should have only one side.

Mr. TAYLOR: Oh, no. I just wanted to make the point clear.

The ACTING CHAIRMAN: I think that could be left over until we come to the time of deciding it. Your views are on record; and I think when we come to decide it, we can take a motion then.

Mr. TAYLOR: Yes.

The ACTING CHAIRMAN: If that is agreeable to the committee.

Some Hon. MEMBERS: All right.

The ACTING CHAIRMAN: What is the wish of the committee this morning? Each and every one, I presume, has received all the information in connection with Puget Sound and the Fraser river catch of salmon in the traps. Is it the wish of the committee that we proceed with what we had been discussing, which was in connection with the bill as affecting Quebec, so that we can clear up one

matter? Or is it the viewpoint of the committee that we should go ahead with the trap question? I shall leave it to the committee. I think someone expressed the view that someone from Quebec should come before the committee and give evidence. I understand that a gentleman is here this morning.

Mr. WHITMORE: Mr. Rodd is here.

The ACTING CHAIRMAN: Mr. Rodd is here this morning to give us information with regard to the Quebec situation. If it is the wish of the committee, I suggest we hear him now; but I leave that for the committee to decide.

Mr. MAYHEW: I move that we complete the Saguenay river question.

The ACTING CHAIRMAN: Will someone second that?

Mr. HANSON: I will second it.

The ACTING CHAIRMAN: It is moved and seconded that we complete the Saguenay river discussion. Will all those in favour say Aye?

Some Hon. MEMBERS: Aye.

The ACTING CHAIRMAN: I declare the motion carried. Is it the wish of the committee to hear Mr. Rodd give us some information? Then anyone who wishes to ask any further questions of Mr. Rodd may do so. If it is, I will ask Mr. Rodd to explain the situation there.

J. A. RODD, *called*.

The WITNESS: I think possibly I can explain this better from the map and make it clearer to you in that way than by any explanation I could give in words. I understand that what you are interested in is the possibility of fish getting through or over the natural obstructions before the power development was effected. Is that correct?

By Mr. Hanson:

Q. Pardon me, but may I ask who Mr. Rodd is representing? Is he representing the Quebec government?—A. No, sir. I am from the Fisheries department. But I was down there on behalf of the Quebec government two years ago.

By Mr. Mayhew:

Q. May we have Mr. Rodd's position?—A. Director of Fish Culture.

Q. Would you first indicate where the power developments are on the Saguenay river?—A. This is a little larger scale map. The first power development, that is the one higher up the river, is just here at the foot of Isle Maligne. That is about $7\frac{1}{2}$ miles from the outlet of the lake; and between the lake and Isle Maligne the river is full of islands.

Q. It is full of what?—A. Islands. The river is broken up into numerous channels, and those channels and those islands, of course, create eddies that facilitate the ascent of fish. Isle Maligne where the power company had its highest development—

Q. Which power company?—A. The Saguenay Power Company. Isle Maligne divides the river at this point into two channels. I just mentioned the grand discharge. Over here is the little discharge. The two join together about 12 miles—that is just a guess—below the outlet of the lake. That is not far astray. The difference between low water level on the lake and high water level is $17\frac{1}{2}$ feet. That, of course, creates different water levels and again would facilitate the ascent of fish through those rapids. The second, the Alcoa Power, is down here; and that dam crosses the main river, the whole of the Saguenay, below this channel.

By the Acting Chairman:

Q. When would this rise of $17\frac{1}{2}$ feet take place?—A. That would be throughout the year. I think the low water period is in February and the high water period is in May. Before the dams were put in, most of the water came down—and still does—the grand discharge; and during the low water period in the winter time the little discharge was practically dry. I have never heard anyone suggest or express the opinion that fish did not get through or could not get through, if they wanted to. We are speaking of salmon and ouananiche.

By Hon. Mr. Michaud:

Q. Would you show where the Saguenay river joins the St. Lawrence river?—A. The Saguenay, down here joins the St. Lawrence at Tadoussac. This Lake, St. John, has a drainage area of 30,000 square miles. The development is simply enormous. When it was planned, it was the largest single power development in the world. Since then, of course, there have been other developments like that in Bonneville; but that was the largest single power development in the world at that time. The dominion government has not had anything to do with the Lake St. John fisheries since 1882. Since that year they have been administered by the province, so that the officials of the dominion government have not very much direct information or contact with that situation. The provincial officers believe that, without any doubt, the fish did go through. The officials of the power companies whom I met the fall before last had no doubt in the matter, or at least, they expressed no doubt but that the salmon and the ouananiche went through those channels, if they wished.

By Mr. Mayhew:

Q. When was the power development completed?—A. It was started in 1925 and I am not sure in what year it was completed. I might say that the figures I am giving you are from the reports of Mr. Lee, consulting engineer in Montreal and Mr. Vogan, chief designing engineer of the Alcoa Power Company.

By Mr. Mayhew:

Q. You said the discharge was practically dry at one time. Would it be dry in the spawning season?—A. The spawning season is in the Autumn. No, it would not be dry in the spawning season. There is another point that might be interesting. The discharge from the lake varies from 10,000 cubic feet per second to 225,000 cubic feet per second, and the company now has the right, under provincial charter, to use the storage in the lake between low water and high water mark, $17\frac{1}{2}$ feet; so you see that there is an enormous surplus of water being stored up for when they want it. I have searched the records as far as I could, and I notice that in 1896, the late Mr. Chambers—he used to fish for ouananiche and wrote a great deal about it—he says here in '96 that the lowest point in the Saguenay at which there is a well-established record of ouananiche having been seen in any considerable numbers is in the vicinity of Chicoutimi, where many are annually taken at the foot of the lowest rapids in the river; that is they come down through all these rapids and channels to, we will say, below the head of tide near Chicoutimi. He also says at the same time that he has taken the adult salmon in the Grand Discharge in September, with ova well developed, and he has seen thousands of young fry in the pools in the same area. That is below where both power plants are located at the present time.

Mr. Catellier, who was in charge of the hatchery at Tadoussac—

[Mr. J. A. Rodd.]

By Mr. MacNeil:

Q. Where is that? These names are unfamiliar to many of us.—A. Tadoussac is at the mouth of the Saguenay. This gentleman was in charge of the dominion government hatchery for many years, and he continued in charge when the province took it over. He reported that, in his opinion, the Atlantic salmon were going through to the lake. In 1906 he had a record of salmon, 9 pounds in weight, and one of 16 pounds in weight, having been taken in Lake St. John. That is a very large fish. In fact, ouananiche run on an average of 4 pounds. The 16 pound fish undoubtedly were Atlantic salmon. That is about all I have to say as to fish being able to go through.

Q. As far as you know the habits of the fish prior to the date of the power development, they did ascend the river to spawn?—A. No one has ever questioned that, and the general impression that I found everywhere, as I mentioned, is that they did go through.

Q. They went as far as the lake?—A. They went as far as the lake. In fact, the officials whom I met at the power plants, when I asked them the question, did not express the slightest doubt in the matter. They were quite satisfied that the ouananiche did go through.

Q. Do these salmon return to that river to spawn in cycles as they do on the Fraser river?—A. They do not run in cycles. They might be five or six year fish; but there is no well defined cycle, like a four-year cycle, as there is on the Fraser river where you have an enormous run once in four years and then smaller runs. The number of salmon from year to year is about the same.

Q. If they ascended prior to the power development and the power development has been under way since, is it reasonable to assume that there is no longer any urge on the part of the fish to ascend the river to that point? The cycles have been destroyed, in other words?—A. I do not think they have lost their urge to ascend, but if they are not able to ascend the provincial department believes that the ouananiche fishing has deteriorated. It also believes that the deterioration is due to the dams. Their egg-collecting operations would indicate a great falling off in the number of fish. They have attempted to get fish on the Metabetchuan, and their collection of eggs in 1932—I have these figures here—was something like 600,000, and in four years it dropped to 200,000. They attribute that falling off to the dams.

Q. What importance do you attach to the Saguenay as a spawning ground with relation to the fishing industry off the coast?—A. Very little. This region in Quebec is the only place in the world where they find these game fish, the ouananiche. You can appreciate the value that is placed on it from the game fish point of view.

By Mr. Taylor:

Q. Historically, is the act of reproduction the last act in the life of the fish?—A. No; the Atlantic salmon may reproduce several times.

Q. In this particular case?—A. This particular fish.

By Mr. MacNeil:

Q. I may be confused on two points, but are we dealing with the conservation of salmon that return to the sea or the conservation of game fish in the streams tributary to the Lake St. John?—A. Well, the point of interest in this particular region, the Lake St. John region.

Q. And the conservation of game fish, fresh-water fish?—A. Fresh-water fish. The ouananiche does not go to sea. The Atlantic salmon, of course, does go to sea, where it attains its growth and comes to the fresh water to spawn. There are several tributaries below Chicoutimi where there are good spawning grounds for Atlantic salmon.

The Acting CHAIRMAN: But they cannot get up?—A. They cannot get up these streams here.

By Mr. MacNeil:

Q. Do these streams enter the Saguenay above or below the power development?—A. Below the power development.

Q. They are still good spawning grounds?—A. For the Atlantic salmon, but the migration of the ouananiche is cut off.

By Hon. Mr. Michaud:

Q. Migration from where, the sea?—A. From the head of tide through the river to the lake.

By Mr. MacNeil:

Q. What are the habits of these fish with regard to reproduction?—A. The ouananiche will spawn in about five years. They pair and go through the usual manoeuvres.

Q. Why is the migration to tide water important?—A. The best fishing for the ouananiche was in the Grand and Little Discharge. While they are the gamest of fish if they cannot get from the angling grounds, where they were caught, back to where they spawn and have their growth, the run is bound to disappear. Does that make it clear, sir?

Q. Then it is not a question of conservation, it is a question of catering to sport fishing?—A. Oh, yes; conservation.

Q. Tourist traffic?—A. If the fish cannot move back to the spawning ground they drop down in numbers.

Q. They drop down?—A. They used to drop down over the rapids, and to prevent this or to get them back, is conservation.

By Hon. Mr. Michaud:

Q. They do not drop down as far as the St. Lawrence?—A. No, sir.

Hon. Mr. MICHAUD: The Saguenay is quite a long river. They drop down to these tributaries here.

The WITNESS: Yes,

Hon. Mr. MICHAUD: Lake St. John and the Saguenay run down to the St. Lawrence.

Mr. TAYLOR: About 100 miles, is it?

Mr. SYLVESTRE: Over 150 miles.

Hon. Mr. MICHAUD: One dam is here and the other is here; the fish used to go down here to these stretches where the fishing was good, especially that stretch here.

The WITNESS: Yes.

Hon. Mr. MICHAUD: From Lake St. John down to near Chicoutimi. That is the stretch where the fishing used to be done, and that is where the dams are built.

By Mr. MacNeil:

Q. Where do these fish spawn?—A. They spawn in the tributaries of Lake St. John. The best angling, according to Mr. Chambers and others, for the ouananiche was within a few miles of Lake St. John below the lowest rapids. Those who fished in the lake came down three or four miles and fished in those pools below. That, of course, is now flooded. The head at Isle Maligne, is 105 feet, and when the lake is at high level it is 122½ feet. The head down here is 150 feet, and the turmoil is something terrific.

Q. The point is that fish which are developed in Lake St. John are carried over the spillways of these dams but cannot return, consequently, there is an annual loss that is never replaced?—A. Never replaced.

[Mr. J. A. Rodd.]

The ACTING CHAIRMAN: Do they just drop over the dam?—A. The total population of ouananiche is limited. I have never heard anyone say he found dead fish below; but if they went over 150 feet in the condition in which I saw it I do not think any fish could live.

By Mr. Mayhew:

Q. You do not furnish them with parachutes?—A. Not there, sir.

By Mr. MacNeil:

Q. Have the hatcheries hitherto been able to replace that loss?—A. No, sir. There was a hatchery operating for a few years around '97 by a gentleman who ran a hotel, Mr. Bumer. He operated a hatchery for two or three years and discontinued, and the provincial government started in 1932 and ran a hatchery for four years. But they found a serious falling off in the numbers of fish in that period.

The ACTING CHAIRMAN: Can we assume from your remarks that the fish are hatched in the lake and go over the falls and gradually year by year the total number gets less and less?—A. When they go over the falls they never get back. Another thing is that this dam here has flooded and has destroyed all this angling water above it. This dam here has destroyed all the angling water up to where it reaches the natural level of the river.

By Mr. MacNeil:

Q. Have you any information as to why these power companies refuse to contribute toward the operation of hatcheries to replace the loss of fish?—A. They just said that they could not make them. They just maintain that the Act as it stands does not give the dominion government authority to make them contribute.

By Mr. Hanson:

Q. Even if they did have a hatchery above the dam and hatched out fish, your explanation is that they go down to the sea but that they could not get down over the dam alive and therefore it would not be of any benefit to have a hatchery above the dam?—A. Not unless they provided facilities for them to get down.

Q. To get down over the drop of 150 feet?—A. Yes, here. This shows the power plant at Isle Maligne. That is the Saguenay Power Company. The spillway is here, and the head at the power-house, is 100 feet. There is a spillway here, another one here, also spillways number three and number four. They have four spillways. The difference in elevation between this point and number four is 45 feet. On the Little Discharge there are three spillways. I should not like to venture a guess as to their ability to get the fish over here because there are so many channels. I have seen salmon go over 240 feet and come out alive at Concrete in the state of Washington.

By Mr. Taylor:

Q. Falling over the spillways?—A. Over the face of the dam.

By Mr. Hanson:

Q. You say it is a drop of 240 feet?—A. Yes.

By Mr. Taylor:

Q. Was that general, was that usual; or was it just once in a number that they could do that?—A. The officials at the plant told me that the fish that came down in the water came down alive, but those that happened to get out of the water and of course fell through the air and fell on the rocks were killed.

By Mr. Neill:

Q. These spillways provide rather a rough drop, do they not?—A. These spillways, Nos. 1, 2, 3 and 4, have a fairly direct drop; but are not straight down; more in the nature of a sluice or curve.

By Mr. Mayhew:

Q. Did you say of the fish even if they did go down did not go to the salt water, they stayed in the fresh water and developed there; is that right?—A. They have their growth in the lake.

Q. In the lake, and when they go out they just go out part way, down to the salt water?—A. The lowest record was as far as Chicoutimi.

Q. What would happen if you guarded your dam so that they could not go down and you retained them all in the lake?—A. I think it is possible to develop spawning grounds there.

Q. If you guarded the tops of your dams so they could not go over any of these spillways and destroy themselves; wouldn't that be the simplest plan to follow?—A. I think that the best answer to that is that the fish spawn in the Metabetchouan.

Q. Then a guard on the dam would be of assistance?—A. I think so, if it were possible; but they have a flow there of 225,000 cubic feet per second, and that is a terrific current.

By Mr. Taylor:

Q. The drop of the spillway would be what?—A. Well, even if you got them over the spillway, a great deal of the angling ground is destroyed.

Q. Yes?—A. There is not much use getting them over the spillway, because most of the area where they used to find them, when the fishing was best, has been flooded out. This, from here, is absolutely flooded out. This, from here up, is flooded out. I do not know how far up; certainly until the water backs up to overcome a head of 150 feet.

By Mr. Taylor:

Q. There seem to be numerous rivers and creeks there. Is there no place where the creeks below the dam and the creeks above the dam are close to each other in their sources, or in any point of their flow?—A. Well, there are. I don't know what the scale on this map is, but here is one that comes in below to the Little Discharge; and here is the Metabetchouan going into the lake; but it is very rocky, hilly country.

Q. I see.—A. The river at the upper power development was divided by Isle Maligne into two rocky gorges. They have spent in the vicinity of \$7,000,000 on the Bonneville fishways, and there is an average head of about 50 feet; on this river there is an average head of 100 and 150 feet at the dams.

The ACTING CHAIRMAN: To my mind it must be disastrous, because even with the fish going over the Bonneville dam the supply of spring salmon and other varieties is getting less and less each year. It is generally admitted that the Columbia river is becoming ruined in spite of the expenditure of money; even in spite of the expenditure on facilities for elevating the fish in glass lifts and allowing them to sail out on their own power; in spite of all that the supply of fish is going down.

By Mr. MacNeil:

Q. As I understand Mr. Rodd's evidence, this matter is one of no importance whatever as to the supply of sea-salmon?—A. Very little.

[Mr. J. A. Rodd.]

Q. It is in no way comparable with the conditions on the Fraser or the Columbia?—A. That is right. To the sea-salmon the spawning grounds of Lake St. John are of no importance.

The WITNESS: This is the Bonneville dam, Mr. Reid.

The ACTING CHAIRMAN: It might be interesting to the committee for a moment to see the Bonneville dam. They might be interested.

The WITNESS: An extreme head of 66 feet. Low head 35 foot average head at dam in the vicinity of 50 feet—here is the spillway of the dam, and here is the power-house; and right along the foot of the dams there are what they call collecting chambers; there a fishway—here, again, another fishway. Then, at the outlet of the power-house another collecting chamber running across with a fishway—here (indicating). Also two elevators, one at either end; and these elevators are in pairs, when one is operating the other is fishing. It takes about fifteen minutes for an elevator to fill and empty and be ready to fish again. Then the Tanner creek canal. Tanner creek is about a mile below the power-house. This canal is 40 feet in width and 8,000 cubic feet per second of water runs through—or $4\frac{1}{2}$ times the average flow of the Mersy river power development in the maritimes. They have spent somewhere in the vicinity of \$7,000,000 up to last year, and the last report I have seen the fish elevators were scarcely successful, but the fish were going through the fishways in large numbers.

Hon. Mr. MICHAUD: And through the canal.

The WITNESS: Through this canal. Something like 20,000 went through in one day, by actual count.

By Mr. MacNeil:

Q. The immature fish swim through the fishways?—A. They have other facilities for them getting through; there are the fishways and what they call diverters which divert them from going through the turbines; and then the lock—this is a navigation lock—they also expect that they will go through the navigation lock. They are hoping that they have that over-come. At the upper dam there is a head of 470 odd feet, and they are not trying to get them over there, they are putting in hatcheries, fish cultural facilities—that is on the Columbia.

The ACTING CHAIRMAN: Are there any other questions you would like to ask Mr. Rodd?

By Mr. MacNeil:

Q. You told us that the dam was first put there in 1925?—A. That is when the development started.

Q. That is over 13 years ago; why the long delay before taking any action until now?—A. I could not venture a guess as to that.

Q. Would you define for the information of the committee what a spillway is; I do not think some of us understand just what it is?—A. In these developments at times they have far more water than they use and they have these gates which they can regulate to let the surplus water down.

Q. Would not the surplus water run over the top of the dam?—A. They do not wish to have it going over the top of the dam so they distribute it here. They use what they need through the turbines and when I was there there was none going over the top of this dam at all.

Q. They have gates which they open down below and let it through that way?—A. Yes.

Q. They would only be opened at their convenience; and at their convenience would mean that it would not be a permanent opening for the fish to go through?—A. When they need the water the spillways are not open, but in this particular case I understand there has always been more water than they could use.

Q. There has always been a spillway open?—A. I believe there has always been a spillway open.

Q. Another question, Mr. Rodd; when it was proposed to have a hatchery put in Lake St. John where would they turn them out, into the lake or below the dam?—A. Into the tributaries to the lake.

Q. Above the dam?—A. Above the dam, and around the lake. Here is the outlet, and the fry or whatever they produce—fry or fingerlings—would be distributed in this area.

Q. Yes?—A. And in the Metabetchouan coming in here.

Q. And then they would go down through the spillway over the top of the dam or through the turbines when they reached a certain stage of maturity. The natural instinct would be to stay how long in the lake before going down?—A. Four years.

Q. Four years; they would go down a certain distance, which you say does not reach salt water, and linger around the river lower down and come up again; is that the idea?—A. That was before the dams were there.

Q. Before the dams were built they did not go out to sea but stayed around the lower regions of the river and when the season requires them to come back to spawn?—A. Yes.

Q. In this case then?—A. Mr. Michaud remarks they are not in the lower regions because they only went as far as Chicoutimi.

Q. Yes, they did not go down below to salt water?—A. Just to the head of tide water.

Q. Here is a question I wanted to ask; if these fish never did and will not go down to the salt water but stay in the river, or used to stay in the river, why not forget about the dams and develop the same fishing in the lake through hatcheries; have them put into the tributaries going into the lake, and then this sport fishing will still be possible?—A. That is what they want to do.

Q. Is there any biological objection to that; wouldn't that save a lot of trouble?—A. Yes.

Hon. Mr. MICHAUD: That is the purpose of this.

By Mr. Neill:

Q. Then there is this question, Mr. Rodd, if I understood you correctly; you said that since 1882 these fisheries have been administered by the province?—A. Yes.

Q. That is 57 years ago?—A. Why are they coming to us for legislation now; is that what you mean?

Q. Yes?—A. Well, no matter what the province administers the dominion government has to make the regulations, the laws and the regulations.

Q. They administered them for 57 years and now they come to you for this legislation. In what way were these fisheries turned over to the province; was it by legislation, by order-in-council, or what? My suggestion is they were never legally turned over at all.—A. I will read this, if you don't mind.

Q. What is it?—A. It deals with the provinces administering these fisheries.

Q. Is it an order-in-council? Or, what is it?—A. It is a memorandum. I will just give you a little of it.

Hon. Mr. MICHAUD: Give the history of it. Give the decisions.

The WITNESS: I will read to you: The various appeals and decisions of the Privy Council indicate that at confederation it was intended that the fisheries of Canada should be administered by the dominion. Now, a reason, one of the reasons, that would prove that would be that the dominion did administer all the fisheries of Canada from 1867 up until 1882. In 1882 the Supreme Court of

[Mr. J. A. Rodd.]

Canada in the Fisheries case determined that the fisheries in the non-tidal portions of streams belong to the riparian owners. Following this decision the fishing privileges in the non-tidal waters of Quebec were administered by the province.

By Mr. Neill:

Q. Is that non-tidal water?—A. That is non-tidal water.

Q. Yes?—A. That covers 1882.

By the Acting Chairman:

Q. It was always non-tidal?—A. It was always non-tidal; Lake St. John was always non-tidal. Do you wish me to follow it any further?

By Mr. Neill:

Q. That is a new thing to me. It is not quite what I was asking. Apparently then the jurisdiction that the province now claims over these fisheries is due to the fact, which I think everyone will recognize, that we have no control over the non-tidal waters. That is O.K. I had always understood they had. You indicated just now that the salmon did run, and I know there was a special arrangement made by which the dominion handed over, by arrangement with the province, control over both the non-tidal and tidal fisheries in Quebec province; isn't that so?—A. Yes.

Q. That is what I want to get at. What were the conditions? Were there any conditions mentioned under which the tidal waters in Quebec and the other provinces came under the jurisdiction of the dominion?

The ACTING CHAIRMAN: If that answer is completed now, would it not be advisable to read the whole memorandum?

The WITNESS: That was the agreement between the dominion and the province. Under that agreement the dominion government ceased to issue fishing licences in tidal waters, and the province issued them.

Mr. NEILL: They took over the whole control, did they not?

The WITNESS: That was, in fact, from 1882 until 1921, with the exception of, well, the north shore from Point des Monts to Blanc Sablon, the north shore of the St. Lawrence. From 1882 the province issued the fishing licences on the south shore of the river St. Lawrence and the baie Chaleur, and the dominion issued licences on the north shore and around Magdalen islands.

By Mr. Neill:

Q. What happened in 1921?—A. In 1921, following the Privy Council decision, which left the tidal waters and coastal waters and the tidal waters that are navigable from the sea with the dominion, the dominion issued licences for all this shore and the province also issued permits; so anybody who wanted to fish had to have a licence from the department and a permit from the province. The decision of 1920—the same decision I am speaking of—said that the soil was vested in the province.

By Hon. Mr. Michaud:

Q. Under the water?—A. Under the water. So the fisherman, if he had a dominion licence to fish and wanted to tie his net to a stake, had to have a provincial permit. It was a dual jurisdiction, and caused a great deal of trouble and was very unsatisfactory, so to end that they said—

By Mr. Neill:

Q. In what year was this agreement made?—A. 1922.

Q. Then just one more question now and I shall have the picture. You said an agreement was made. I want to know in what form it was, whether it was legislation, order in council, or what?—A. Order in council, February 13, 1922.

Q. What is the number?—A. I would have to look that up.

Q. What is the date?—A. February 13, 1922, dominion order in council; a provincial order in council was dated February 16 of the same year.

Q. Would it be possible to file that?

Hon. Mr. MICHAUD: Yes.

Mr. NEILL: It could go into the record as an appendix.

Hon. Mr. MICHAUD: We will file that. The decision of the Privy Council is dated November 20, 1920.

By Mr. Neill:

Q. Did that agreement extend to other provinces as well?—A. Quebec alone, the only agreement.

Q. Why, when decisions of the Privy Council apply to all of Canada, do they not?—A. Oh, yes.

Q. Why was an agreement not made with all provinces if it was found necessary to make one with Quebec in virtue of the decision of the Privy Council?—A. That is quite a long story. I told you about 1882. Then there was another Privy Council decision of 1898 and another one—

Mr. HANSON: Could we have the memorandum printed in the appendix?

The ACTING CHAIRMAN: Yes; I think it will be possible to have that memorandum placed in the record.

Hon. Mr. MICHAUD: Do you want to hear it read?

The ACTING CHAIRMAN: If it completes the inquiry.

Mr. NEILL: I think the witness ought to be able to tell me why, if as a result of the decision of the Privy Council a certain arrangement was made with the province of Quebec carrying out the decision of the Privy Council, it was not done with other provinces. The Privy Council decision must have been applicable to all Canada. Why was a subsequent arrangement by legislation or order in council only applicable to Quebec? That is what I want to know.

Hon. Mr. MICHAUD: He just told us that it was because Quebec then attempted to exercise its territorial jurisdiction, by insisting on the holders of federal licences taking out a provincial permit to give them the right to attach their gear to the soil in the waters. A person was liable to be prosecuted if he did not secure two permits. He may be refused by the province or by the federal government, or he might secure a permit from one jurisdiction. That was creating difficulties and in order to get over that apparently they came to an agreement whereby the federal government would withdraw and the province would take the responsibility of administering the laws and paying for the administration of the law and issuing permits.

Mr. NEILL: Why did not the same apply to other provinces?

Hon. Mr. MICHAUD: Because the provinces did not ask for it, I suppose.

Mr. ROBICHAUD: In other words, Quebec was the only province that insisted on its rights.

Mr. NEILL: These rights still exist so far as British Columbia is concerned.

Mr. ROBICHAUD: I suppose B.C. never insisted on the new jurisdiction.

Mr. NEILL: Some day some man who doesn't like it will take action and upset the condition in British Columbia.

[Mr. J. A. Rodd.]

The WITNESS: The reason why Quebec differs from the other provinces is this: the decision of the Privy Council was based on Magna Carta. Magna Carta did not apply to Quebec; the French laws applied. That resulted in a second appeal to the Privy Council and the decision was that the fisheries in the coastal and tidal waters and the waters that were navigable from the sea were vested in the dominion government and all property rights or lands remained with the province.

The ACTING CHAIRMAN: There may be some difference in this respect: British Columbia was a colony before confederation.

Hon. Mr. MICHAUD: Magna Carta applied in all the other provinces at confederation, but did not apply to Quebec.

Mr. NEILL: Would it not be possible to raise the point some day that the dominion is operating illegally in British Columbia?

Hon. Mr. MICHAUD: They have raised that point. There have been a number of Privy Council decisions regarding the fisheries and the rights as between the provinces and the federal government, and they are very interesting to read.

The WITNESS: The British Columbia situation was settled by the Privy Council decision of 1913.

By Mr. Neill:

Q. Not affected by the decision of 1920?—A. No, sir.

Q. Of course, I have not got the decision before me; I do not know what it says.—A. The decision of 1913 was based on Magna Carta. The decision of 1920 was based on the French laws.

Mr. HANSON: That being the case, would the dominion government have jurisdiction at all in relation to this bill?

The WITNESS: Yes.

Mr. HANSON: To turn over to the province—

The WITNESS: The making of the regulations and the laws rests with the dominion government.

By Mr. Neill:

Q. In spite of the decision?—A. In spite of the decision.

Hon. Mr. MICHAUD: The right and duty to legislate regarding fisheries have always been with the federal government, and have been continued with the federal government; but the right to administer the laws that are made by the federal parliament in non-tidal waters is in the province, and by the decision of 1920 in non-navigable waters in Quebec within the provincial jurisdiction.

Mr. NEILL: But tidal waters?

Hon. Mr. MICHAUD: As to Quebec, the word "navigable" is used instead of tidal; but it covers all tidal waters. Really by the decision of the Privy Council of 1920 the jurisdiction of the federal government was extended rather than restricted over fisheries in Quebec, because it extended to navigable waters instead of tidal waters. That is what accentuated the difficulty because in navigable waters which were not tidal the soil belonged to the riparian owners in the province, crown lands or owners of lands on the banks of the river wanted to preserve their rights, and that is why the province came to charge a fee for the right to attach fishing gear to the soil under the water.

Mr. NEILL: In what way would you want to attach it to the soil unless it is a set net?

Hon. Mr. MICHAUD: It was a set net.

Mr. NEILL: Are there not tidal waters that are not navigable? The words are not necessarily synonymous.

Hon. Mr. MICHAUD: I think it is admitted that all tidal waters are navigable.

Mr. NEILL: The tide runs up some rivers that are navigable to nothing but a canoe.

Hon. Mr. MICHAUD: It is navigable as far as you can reach from the ocean with a canoe. That is a navigable water according to the legal definition of navigation.

The ACTING CHAIRMAN: I remember a case in British Columbia where it was decided that if you could float up a river with a plank it was considered navigable.

Hon. Mr. MICHAUD: I should have used the word "dory" instead of "canoe." Dory is the correct word.

Mr. NEILL: It is all mixed up.

Hon. Mr. MICHAUD: It is very difficult.

Mr. NEILL: Geoffrion comes along and says we are both wrong; neither of us has jurisdiction in the matter.

The ACTING CHAIRMAN: I do not think the province of British Columbia has ever attempted to speak in respect of riparian owners' rights. They have shied away from that for a number of years.

The ACTING CHAIRMAN: I know of certain cases where owners of farms on the banks of the river are trying to claim it.

Mr. HANSON: Is it proper to ask this witness whether in his opinion this bill should be granted as it is drawn up or not?

The WITNESS: I say decidedly it should be granted. The dominion government should have the authority, or parliament, or whatever authority is needed, to protect the fisheries, and this amendment is simply for that purpose.

Mr. HANSON: Is there anybody here on behalf of those who take objection to the bill? Have we any witnesses opposing the bill?

Hon. Mr. MICHAUD: I do not know of anybody who is opposed to the bill.

Mr. MAYHEW: Is there no objection to it?

Mr. NEILL: In spite of what Mr. Geoffrion says? Mr. Geoffrion says, make your law, and we will fight it.

Hon. Mr. MICHAUD: Exactly.

Mr. NEILL: He says, make your decision and we will fight it.

Mr. HANSON: That is their worry.

Mr. NEILL: Had we not better find out all about it before we come to a decision? What Mr. Geoffrion says is this: he says, I think you are wrong; make your decision and then we will fight it. Had we not better find out if there are any objections and try to do what is right, instead of having to go to the Privy Council eventually?

Hon. Mr. MICHAUD: Mr. Geoffrion was informed that this bill had been referred to this committee and he replied that he had no objection to it.

Mr. NEILL: If he can get into litigation and go to the Privy Council six months or a year from now, it will be all right with him.

Hon. Mr. MICHAUD: We have no power to compel him to come here and oppose this bill. We tried in every way to inform him that the bill was before the committee, and asked him if he had any objections.

Mr. NEILL: The chairman has power to summon witnesses.

Hon. Mr. MICHAUD: Oh, yes.

Mr. NEILL: To put him on oath and ask him what his objections are.

Mr. MAYHEW: Has he been invited?

[Mr. J. A. Rodd.]

Hon. Mr. MICHAUD: He says he has no objections to the bill.

Mr. MAYHEW: Has he been invited to attend?

Hon. Mr. MICHAUD: Yes.

Mr. NEILL: Not definitely.

Hon. Mr. MICHAUD: He was invited by me after the first meeting by telegram, and I think by letter, also.

Mr. HANSON: Have you had any legal advice from the department in connection with the bill?

Hon. Mr. MICHAUD: That was drafted, like all legislation, by the Department of Justice. We do not attempt to decide upon the legality of any piece of legislation. Everything is done through the Department of Justice. They drafted this and submitted it to us.

Mr. MAYHEW: Has any reply been received in writing to your invitation?

Hon. Mr. MICHAUD: I think so, yes.

Mr. MAYHEW: Saying that he would not attend?

Hon. Mr. MICHAUD: That is my impression of the letter, that he had no objection to this legislation.

Mr. NEILL: He definitely stated in the letter to the provincial man that they had no power, and he says that the dominion have no power. Let them go ahead and make their decision and we will fight it. That is what he says. That is on record in this report No. 1.

The WITNESS: He said that under the bill, under the Act before it was amended.

Mr. SYLVESTRE: May I ask a question, Mr. Chairman, although I am not a member of the committee?

The ACTING CHAIRMAN: Yes.

Mr. SYLVESTRE: Do I understand by that bill that authority would be granted to the provincial government to collect \$5,000 from the two companies?

Hon. Mr. MICHAUD: Yes.

Mr. SYLVESTRE: I strongly object to that.

Hon. Mr. MICHAUD: That is the purpose of the bill.

Mr. SYLVESTRE: You see the point? The provinces would say to these companies, "The federal government gives us authority to force you—the two companies, to pay us annually a sum of \$5,000 for the purpose of maintaining and operating a hatchery." I am opposed to that. It is certainly a very serious principle that we apply to any companies building dams on any rivers in the province of Quebec.

Mr. NEILL: That is what the bill does.

Mr. SYLVESTRE: It is not only on the Saguenay river that you have dams in the province of Quebec. You have dams elsewhere, on different rivers. The moment the law gives authority to the province to collect a certain amount every year from these companies they would be able to collect from them all. They would have the principle by this amendment, and I think it is wrong.

Mr. NEILL: This bill does not apply to those two alone. It will apply to all dams.

Mr. SYLVESTRE: Certainly; and that makes it still worse.

Mr. HANSON: If this is passed, it would apply to all dams in Quebec.

Mr. NEILL: In Canada.

The WITNESS: In Canada.

Mr. COTÉ: Mr. Chairman, I should think it would be wise to ask the Department of Justice for legal advice on the jurisdiction of the federal government; if Mr. Geoffrion expresses a doubt, and if he suggests litigation, I believe it is our duty to have legal advice from the Department of Justice in order to avoid litigation. Suppose the Department of Justice says, "You have not the authority to do that. If you do it, you will certainly have litigation and the privy council will decide finally, according to our opinion, that you have no authority to pass that law." I think you should secure that legal advice from the Department of Justice first, and avoid litigation.

Mr. NEILL: Hear, hear.

The WITNESS: This letter from the provincial government has been before the Department of Justice. I think Mr. Geoffrion's objection, embodied in the letter from the province, has been before the Department of Justice; and this amendment is drawn up on the advice of the Department of Justice.

By Mr. Coté:

Q. Are they expressing the opinion, in their letter to the Department of Fisheries, that the Department of Fisheries and the Dominion of Canada or parliament has jurisdiction to pass this?—A. Yes.

Q. You have had legal opinion on that?—A. Yes. This amendment was drawn up by the Department of Justice with all the facts before it.

Q. You know what I want?—A. Yes, I understand.

Q. Or what I want to know. I am satisfied the Department of Justice drew a legal document according to the demand, but that is not what I am asking about. I want to know if they also said that we had authority to pass it. I know they have given to it legal form. I am sure of that. But have we jurisdiction to do that? As a matter of fact, are we saying that Mr. Geoffrion is making a legal mistake when he said they are not going to obey the law? That is what I want to know.

Mr. ROBICHAUD: In other words, was attention particularly drawn to Mr. Geoffrion's objection?

Mr. COTE: Yes, that is it.

By Mr. Robichaud:

Q. Perhaps it was laid before them; perhaps they informed them.—A. Yes.

Q. Was it drawn to their attention particularly?—A. Yes.

Q. Particularly?—A. Yes.

Q. It was?—A. Yes; and they were asked for their view as to who should give notice, the province or the dominion. They had the full facts; and the Department of Justice felt that it was advisable to amend the Act before serving the notice, and that is what the amendment is for.

By the Acting Chairman:

Q. Who is going to serve notice?—A. The dominion government.

Mr. NEILL: May I quote from what Mr. Geoffrion wrote to Mr. Gagnon:—

I gave the opinion to my clients that the right which you wish to exercise does not, in the circumstances, exist even at Ottawa. Consequently, they invested me with the duty of suggesting that you have the regular order given by the minister at Ottawa, should he find advisable to give it, and we shall refuse to submit to it, when you could take a lawsuit for a decision on the question.

[Mr. J. A. Rodd.]

By Mr. Telford:

Q. Is that not the only way you are ever going to settle it definitely, by reference to the Privy Council?—A. No. Mr. Geoffrion really objected to the bill as it stands now, to the Act as it stands now. The Department of Justice had this letter, had the full facts; and the Department of Justice felt that if the government wished to have the authority to protect the fisheries, the Act had better be amended as they suggested, according to their draft.

Q. After all, that is merely an opinion. It does not settle it. Mr. Geoffrion has an opinion and your Department of Justice have expressed their opinion. You are not going to get any definite settlement, as far as I can see, until it is referred to the privy council.—A. Well, in the meantime, why not agree to the amendment?

Q. If you agree to the amendment, will it not bring it to a head?

By Mr. Hanson:

Q. The only way you can bring it to a head is by agreeing to the amendment and let it go.—A. Yes; agree to the amendment and let it go.

By Mr. Sylvestre:

Q. Since the dams were built, do you claim that there are less ouananiche than before?—A. The province claims so.

Q. It is in my riding and I know something about it. There are more ouananiche in Lake St John than there ever were before because they do not go away now.—A. They have discontinued netting; netting was permitted in Lake St John until 1937.

Q. Yes?—A. And they discontinued the netting.

Q. Yes?—A. Because they were afraid the ouananiche were becoming scarce.

Q. But they had a hatchery operated for four or five years?—A. Yes.

Q. It closed last year?—A. Yes.

Q. The hatchery was on the Ashwapmuchuan at St. Felicien. According to my information there are more ouananiche in Lake St John and the tributaries now than ever before.

Mr. ROBICHAUD: Might I ask whether there was any question as to the validity of section 57 as it now stands?

The ACTING CHAIRMAN: As it stands in the Act?

Mr. ROBICHAUD: The section that we are seeking to amend by this bill, as it stands now, section 57. Is there any question as to its validity? If there is not, why should we amend it from the way it is or make it a civil offence instead of putting on a little heavier fine to force them to do it? Instead of \$4 a day, make it \$100, \$200, \$500 a day, so they will be forced to build that hatchery.

The WITNESS: The amendment provides for an annual contribution.

Mr. ROBICHAUD: Yes. It turns it into a civil action to collect a certain sum of money. Why not make it a criminal action? Then I do not think there would be any doubt as to the jurisdiction of parliament. Instead of making it \$4 a day, which will not force any company to do it, make it \$400 or \$500 or \$1,000 a day. Then they will be forced to build that hatchery.

Mr. TAYLOR: Am I right in assuming that the two charges are levied, Mr. Chairman—the full amount of \$5,000 or thereabouts, and the penalties per day?

Mr. NEIL: No. In that case there is no penalty. It is a civil action. The proceedings go before the civil court.

Mr. ROBICHAUD: It is a civil action; while, as it is now, it is a criminal action.

Mr. NEILL: Sub-section 2 of the new bill, down at the foot of the page provides that the court of suit shall be the exchequer court.

Mr. ROBICHAUD: What I want to know is whether section 57 as it stands now has ever been questioned as to its legality, as to the power of this parliament to pass it?

The WITNESS: Not to my knowledge.

Mr. NEILL: Yes, Mr. Geoffrion did.

The WITNESS: I believe that the first time it has ever been questioned was when Mr. Geoffrion raised the point.

Mr. ROBICHAUD: I do not mean the new bill. I do not mean section 57 as we have it now, but section 57 as it is actually.

The WITNESS: Not to my knowledge.

Mr. NEILL: And I understand when Mr. Geoffrion wrote that letter, he was referring to the old bill, not to the new one.

Mr. ROBICHAUD: To the old bill?

Mr. NEILL: To the old Act.

Mr. ROBICHAUD: The old Act?

Mr. NEILL: Yes. This had not been introduced at that time. That is clear from his letter.

Mr. ROBICHAUD: I thought he was referring to the present bill.

Mr. NEILL: No. He was referring to section 57 as it used to be, before this bill was introduced.

Mr. ROBICHAUD: Oh, that is different. In that case, there would be a difference.

The ACTING CHAIRMAN: It is certainly a very difficult matter for this committee to settle.

Mr. NEILL: The minister told us that this was referred to the Department of Justice, which apparently admitted that section 57 did not accomplish the purpose they had in mind. Then, in consequence of that, they introduced bill No. 15 which is before us. The minister told us that the other day.

Mr. ROBICHAUD: If section 57, as it stands now, was questioned, I think 57 (a) as we have it in this bill would be still more questioned.

Mr. MAYHEW: You think it would be better to fight it out on the old bill than on the new one?

Mr. ROBICHAUD: I should think so. Any \$4 penalty a day is not enough. Make it high enough so that they will be forced to do it or else they will be liable to a big fine.

The ACTING CHAIRMAN: Of course, it might be all right in some cases, but not in other cases.

Mr. ROBICHAUD: No, of course not.

Hon. Mr. STIRLING: Has the government thought of submitting this clause or suggested amendment to the supreme court for a decision?

The ACTING CHAIRMAN: No, I have not heard that suggestion. The only thing I heard the minister say was that the Department of Justice had given us the ruling on the new amendment.

Hon. Mr. STIRLING: Yes. But as has been pointed out, that is the opinion of the lawyers of the Department of Justice as opposed, apparently, by Mr. Geoffrion. My question is whether or not the government has considered submitting this contentious matter to the supreme court for a decision, as in another matter they are submitting a draft bill for that purpose.

The ACTING CHAIRMAN: So far as I know they have not considered that angle of it. It has got to be considered one of these days, because it is going to come to a head some of these days.

[Mr. J. A. Rodd.]

Mr. HANSON: According to his letter, Mr. Geoffrion says if this amendment passes he is going to fight it. That means that he intends to go to the privy council for a final decision. Is that not the way it is? That is the way I interpret it, anyway.

The WITNESS: He was referring to the bill as it stands.

Mr. NEILL: Yes, the old bill.

The WITNESS: As it stands, the Act.

By Mr. Hanson:

Q. On any action being taken, I presume, to force them to do certain things, he is going to fight it, as far as I understood that letter that he wrote?—A. Well, he refers to the Act as it stands.

Q. Yes?—A. But not to this; he does not know anything about the proposed amendment.

The ACTING CHAIRMAN: Gentlemen, what is your wish? Do you want to ask Mr. Rodd any further questions?

Mr. COTE: Mr. Chairman, my colleague, Mr. Sylvestre, tells me that the first dam was built in 1925 and that no fishway was provided at that time because I understand it was impossible to build it as the height was too great.

Is it fair for these companies to be taxed now, in 1939, because when they built they were not aware that they would have to allow for an overhead of \$5,000 a year as no fishways were required at that time? I do not think it is. This is an overhead that was not considered at that time, and fourteen years after the dam was built the Quebec government is calling upon the federal government to give them power to collect \$5,000 or \$10,000 from these companies. These companies, fourteen years ago, were never informed, when they assumed the expense of building the dam, that they would have to meet an expense of \$5,000 or \$10,000 a year. I do not think it is fair.

The ACTING CHAIRMAN: I think Mr. Rodd has an answer to that question.

The WITNESS: This was a condition that was embodied in the permission that was given. The dominion government by order-in-council on August 25, 1923, granted the Quebec Development Company Limited, so far as the rights and powers of that government were concerned, permission to dam the Saguenay river between Lake St. John and the foot of the rapids. But one of the conditions applied was as follows: An approved fishway shall be established on the dams or spillways by the applicant company at its own expense if requested by competent authority.

By Mr. Cote:

Q. They assumed that obligation?—A. They were ready to assume that. The provincial order-in-council was subject to the federal and provincial laws and regulations governing navigation and floating of wood, mines and fisheries. When they received permission those conditions were implied in the permission. A fishway would cost—

Q. It is impossible.—A. Nothing is impossible.

Mr. SYLVESTRE: They are expensive.

The WITNESS: It would be extremely expensive. It would be far more expensive than dealing with the Columbia river. They have twice the height, almost three times the height, that they have on the Columbia river. On the Columbia river they have just two channels to look after. In the Grand Discharge they have one channel and four spillways. On the Little Discharge they have three spillways. So that instead of having one fishway they probably would have eight.

Mr. SYLVESTRE: And there is another one below.

The WITNESS: Yes; 150 feet.

Mr. COTE: Mr. Sylvestre says there are more fish in Lake St. John than ever. They never had fishways then; it was impossible or too expensive to build any fishways. Fourteen years have elapsed and we are passing a new law and saying, "We are going back fourteen years and, instead of the fishways which we never asked you to build, we are going to fine you \$5,000 a year." We might pass that amendment and say that in the future, where fishways would be possible to build, the companies would be responsible for them.

Mr. SYLVESTRE: According to the order-in-council the company was obliged to build a hatchery. They first should have asked the company to establish a hatchery on Lake St. John. I think they never did.

Mr. COTE: They were not obliged to do that.

The WITNESS: They could still ask them to build these fishways.

Mr. SYLVESTRE: Yes, or a hatchery?

The WITNESS: Yes, or a hatchery. A hatchery would cost them a fraction of what a fishway would cost.

Mr. SYLVESTRE: But they are not obliged and they cannot be forced to establish a hatchery on Lake St. John to replace the fishways.

Mr. COTE: No; it means \$5,000 a year to replace them.

Mr. SYLVESTRE: There is something in the order-in-council about a hatchery.

The WITNESS: No, not in the order-in-council.

Mr. SYLVESTRE: Only the question of fishways?

The WITNESS: Yes, just fishways.

Mr. NEILL: Section 57 of the old Act does talk about a hatchery. The existing Act says:—

(b) Where the minister determines that the provision of an effective fishway or canal around the slide, dam or other obstruction is not feasible, or that the spawning areas above such slide, dam or other obstruction are destroyed, who after thirty days' notice in writing, neglects or refuses to pay the minister such sum or sums of money as he may require to construct, operate and maintain such complete hatchery. . .

They could ask them at that time for a lump sum of \$100,000. Apparently lacking this bill they cannot ask them for a yearly contribution, and the purpose is to enable the government to ask them for a yearly contribution instead of one lump sum. But they were a party to section 57 of the old Act.

Mr. COTÉ: That means the company will have to pay interest on a capital sum of \$200,000 at 5 per cent. It is simply asking the company to pay \$200,000, when nothing was required from them fourteen years ago.

Mr. NEILL: The Quebec government have got themselves into a hole and are asking us to get them out of it. They are muddling up the jurisdiction.

The ACTING CHAIRMAN: What is the wish of the committee regarding the amendment?

Mr. MAYHEW: Inasmuch as this memorandum is going to be spread on to-day's proceedings, it will give us all a better chance to read the memorandum, and I would suggest that the discussion be terminated now to be brought up again after we have had a chance to read the memorandum.

The ACTING CHAIRMAN: Will someone second that?

Mr. HANSON: I will second that motion.

The ACTING CHAIRMAN: You have heard the motion, gentlemen.

Hon. Mr. STIRLING: What is the motion?

[Mr. J. A. Rodd.]

The ACTING CHAIRMAN: That the discussion be postponed until such time as we have had an opportunity of reading the memorandum which has been placed on the proceedings of to-day.

Are you ready for the question? I declare the motion carried.

Do you wish to proceed now with the amendment moved by Mr. Neill or would you prefer to wait until our next meeting?

Mr. HANSON: I would suggest, Mr. Chairman, that we file the objections to the amendment and have them ready for our next meeting.

The ACTING CHAIRMAN: That is on Mr. Neill's amendment?

Mr. HANSON: Yes.

The ACTING CHAIRMAN: The amendment is:—

After the calendar year 1939, no one shall use a salmon trap net in any of the Pacific waters of Canada off the southwesterly shore of Vancouver Island.

That is the amendment which he moved in the house and which has been referred to this committee.

Mr. TAYLOR: I do not see how we can get through that in half an hour.

Mr. HANSON: No, but we can get certain of the evidence put on the record to-day and be able to read it over for the next meeting.

Mr. TAYLOR: I do not quite understand.

Mr. HANSON: I have certain protests which I should like to place on the record so that the members of the committee will have an opportunity to read them before the next meeting. For instance, I have one from the Prince Rupert chamber of commerce absolutely opposed to fish traps in any of the Pacific waters. I have one from the Fishermen's Association, Queen Charlotte City, to the same effect. I also have one from the Trades and Labour Council.

Mr. NEILL: Vancouver?

Mr. HANSON: Prince Rupert. And I have one from the Salmon Troller's Association, District No. 2. I should like to put those on the record so that the rest of the committee will have a chance to look them over. I understand that other members also have objections along the same line.

The ACTING CHAIRMAN: Is it agreeable to the committee that this evidence be tabled and placed on the record for the next meeting?

Mr. TAYLOR: Yes, I think so.

Mr. MAYHEW: I have no objection; you have similar ones. It is a repetition of what is already on file.

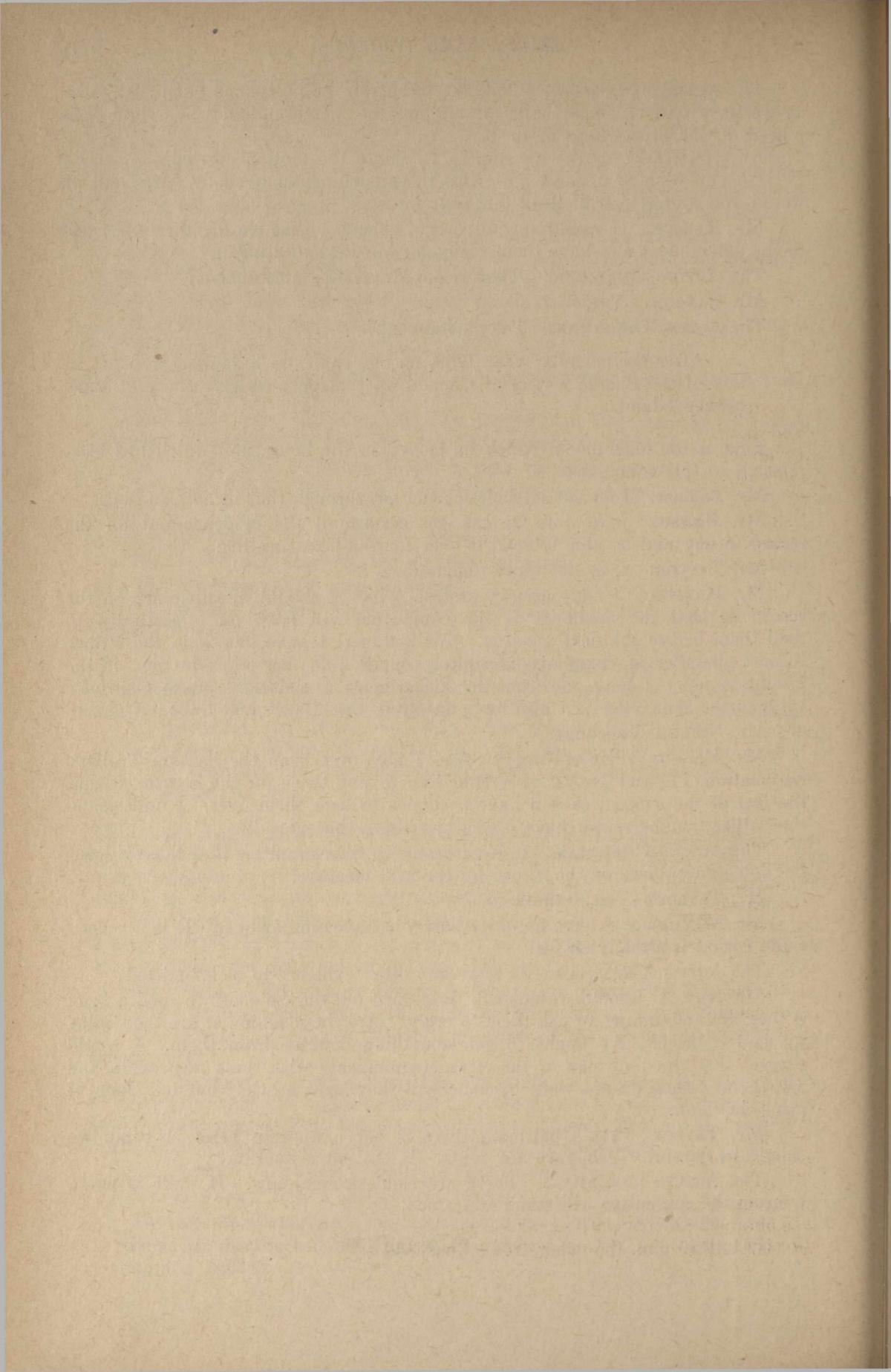
The ACTING CHAIRMAN: Is there any other evidence to be submitted?

Mr. NEILL: Should we not ask these men out on the coast to send a brief if they are not coming, or ask them to reply? Are they coming or are they going to send a brief? We ought to get something definite from them. I would suggest that the chairman or the clerk communicate with these men again and ask them if they do not want to come will they send a brief; but tell them to get a move on.

Mr. TAYLOR: Mr. Chairman, there is not a quorum here. I think we should be careful of what we are doing. Is ten not a quorum?

The ACTING CHAIRMAN: There are eight present now. If there is not a quorum the committee will stand adjourned.

(At 12.30 p.m. the committee adjourned.)



APPENDIX 1

721-8-2 Vol. 5
Page 129

FISHERIES ADMINISTRATION, PROVINCE OF QUEBEC

1. The various appeals and decisions of Privy Council would seem to indicate that the founders of Confederation intended that the fisheries of Canada should be administered by the Dominion Government. The Dominion Government administered the fisheries from the time of Confederation until 1882.

1882

2. The decision of the Supreme Court of Canada in a fisheries case determined that the fisheries in the non-tidal portions of streams belonged to the riparian owners. Following this decision, the fishing privileges in the non-tidal waters of Quebec were administered by the Province.

1898

3. The decision of the Judicial Committee of the Privy Council in the Fisheries Reference of 1898 determined that whatever property rights in the fisheries were held by the provinces prior to Confederation remained their property subsequent thereto, though the exclusive right to regulate the fisheries, no matter where they might be, is vested in the Federal Government. Following this decision, the different sea-washed provinces claimed the ownership of not only the estuarial fisheries but those within the three mile limit along the coast. The Dominion Government, on the other hand, contended that there is a public right of fishery in tidal waters controllable by the Dominion Government only.

1898

4. Pending a settlement of the above mentioned question, arrangements were made with the various provinces concerned, with the exception of Quebec, whereby the Department of Marine and Fisheries continued to administer the fisheries as previously. With Quebec it was arranged, pending such settlement, that the Dominion Government would continue to administer the fisheries on the north shore of the Gulf of St. Lawrence east of Point des Monts, and around the Magdalen Islands as formerly, and that the administration of the fisheries west of Point des Monts as well as most of those on the south shore of the river and Gulf of St. Lawrence would, pending settlement, be administered by the provincial authorities.

1913

5. Negotiations went on with the different provinces to settle this question of ownership amicably but such was not found to be possible, and finally in 1913 a reference to the courts was agreed upon with British Columbia in which the other provinces became intervenants. The decision of the Privy Council in that reference maintained the contention of the Federal authorities.

This settled the question in all the sea-washed provinces with the exception of Quebec which contended that as the decision was largely based on Magna Charta, and that as Magna Charta did not apply to the Province of Quebec, the decision did not affect the situation there.

6. It was finally agreed that a Reference should be submitted to the Court of King's Bench in Quebec under the authority of a provincial statute which was obtained for that purpose, and that either party would be permitted to appeal directly to the Judicial Committee of the Privy Council from the decision of the

said Court of King's Bench. The decision in the Provincial Court was adverse to the Federal contention but this decision was not upheld by that of the Judicial Committee of the Privy Council which was given on November 30, 1920.

1920

7. This decision, Privy Council, November 30, 1920, found that there is a public right of fishery in all the navigable waters of the Province of Quebec that are accessible by way of navigation from the sea and that the Dominion Government has in effect, exclusive jurisdiction to deal with this public right of fishery.

8. Following the decision of the Privy Council, it was provided by Order in Council of April 13, 1921, that fishing was prohibited except under licence from the Minister of Marine and Fisheries:—

1921

- (a) in the tidal waters of the Province of Quebec, and
- (b) in the non-tidal rivers and streams of the Province of Quebec which are navigable and accessible by way of navigation from the sea.

9. While the Privy Council decision of November 30, 1920, found that there was a public right of fishery in the coastal waters, it also found that the Province had exclusive power to grant the right to fix engines to the soil where the soil is vested in the Crown in the right of the Province.

The effect of this was that during 1921 fishermen in the waters of Quebec needed to have a licence to fish from the Dominion Government and a licence or permit to attach their nets to the soil from the Provincial Government.

1922

10. For the purpose of putting an end to such an unsatisfactory condition of dual jurisdiction, an agreement was reached, confirmed by Dominion Order in Council of February 13, 1922, and Provincial Order in Council of February 16, 1922, whereby the Province would administer all the fisheries of Quebec, inland and coastal, with the exception of those about the Magdalen Islands. The Magdalen Island fisheries remained with the Dominion Government.

OTTAWA, April 11, 1939.

APPENDIX 2

QUEEN CHARLOTTE CITY, B.C.,

February 15, 1939.

OLOF HANSON, M.P.,
Prince Rupert, B.C.

DEAR MR. HANSON,—At a meeting of Fishermen at Queen Charlotte City on February 15, 1939, the following resolutions were passed. We hope you will consider and support us in our demands.

RESOLUTIONS ON FISH TRAPS

Whereas, fishermen of the Pacific Coast have gone on record many times in favour of eliminating traps and other destructive gear; and

Whereas, regardless of the fact that the Dominion Government in 1937 passed legislation prohibiting traps in B.C. waters, "with the exception of seven trap site at Sooke Vancouver Island," there is no guarantee that at some future date, trap interests may be successful in having this legislation revoked, and traps legalized in any part of the B.C. coastal waters; and

Whereas, several bills are now before the Washington legislature drafted with the express purpose of getting traps back in Washington, where previous to 1934, "this was the year when they were taken out when Initiative No. 77 was passed," traps in that State took out 70 per cent of Fraser River sockeye; and

Whereas, we consider that Canada's insistence on allowing seven traps at Sooke, after Washington removed 219, constitute a convincing argument for the trap interests in Washington to have them restored; now therefore,

Be it resolved, that we petition the Dominion Government to pass the necessary legislation during the present session, prohibiting the taking of salmon by means of traps in B.C. coastal waters; and be it

Further resolved, that a copy of this resolution be forwarded to the Prime Minister of Canada, the Dominion and Provincial Department of Fisheries, the Department of Labour, Ottawa, the Department of Indian Affairs, Ottawa, A. W. Neil, M.P., Alberni, B.C., Grant McNeil, M.P., North Vancouver, B.C., the Board of Trade, Prince Rupert, B.C., the Trades and Labour Council, Prince Rupert, B.C., the Native Brotherhood of B.C., the Salmon Purse Seiners Union of B.C., Vancouver, B.C.

Dated at Queen Charlotte City, B.C., February 15, 1939.

Signed:

CHAS. VALLEY, *Chairman.*

BILL WALHOMULLY, *Secretary.*

PRINCE RUPERT CHAMBER OF COMMERCE

"Develop the North"

PRINCE RUPERT, B.C.,

March 1, 1939.

Mr. CHAS. VALLEY,
Chairman, Fishermen's Association,
Queen Charlotte City, B.C.

DEAR SIR,—This will acknowledge receipt of a copy of your resolution dated Feb. 15th dealing with the question of fish traps.

In regard to the matter, this Chamber of Commerce has on several occasions placed itself on record with the Government that it is definitely opposed to fish traps anywhere of any description.

We will notify our member Olof Hanson, M.P., who has also fought for the cancellation of all fish trap licences, that you have taken this matter up with us.

Yours very truly,

Secretary.

PRINCE RUPERT TRADES & LABOR COUNCIL

PRINCE RUPERT, B.C., March 10th, 1939.

OLAF HANSON, M.P.
Parliament Buildings,
Ottawa, Ont.

DEAR SIR,—At a recent meeting of the above Trades Council, the following resolution was passed, and the hope expressed that you would see your way clear to give it your undivided support.

Whereas: The Fishermen on the Pacific Coast have gone on record many times in favour of the abolition of fish traps and other destructive gear; and,

Whereas: Regardless of the fact that the Dominion Government in 1937 passed legislation prohibiting traps in B.C. waters (with the exception of seven traps at Sooke, Vancouver Island) there is no guarantee that at some future date, trap interests may be successful in having this legislation revoked and traps legalized in any part of B.C. waters; and,

Whereas: Several Bills are now before the Washington Legislature drafted with the express purpose of getting traps back in Washington, where, previous to 1934 (this was the year when Initiative No. 77 was passed, and they were taken out) traps in that state took 70 per cent of Fraser River sockeye, and,

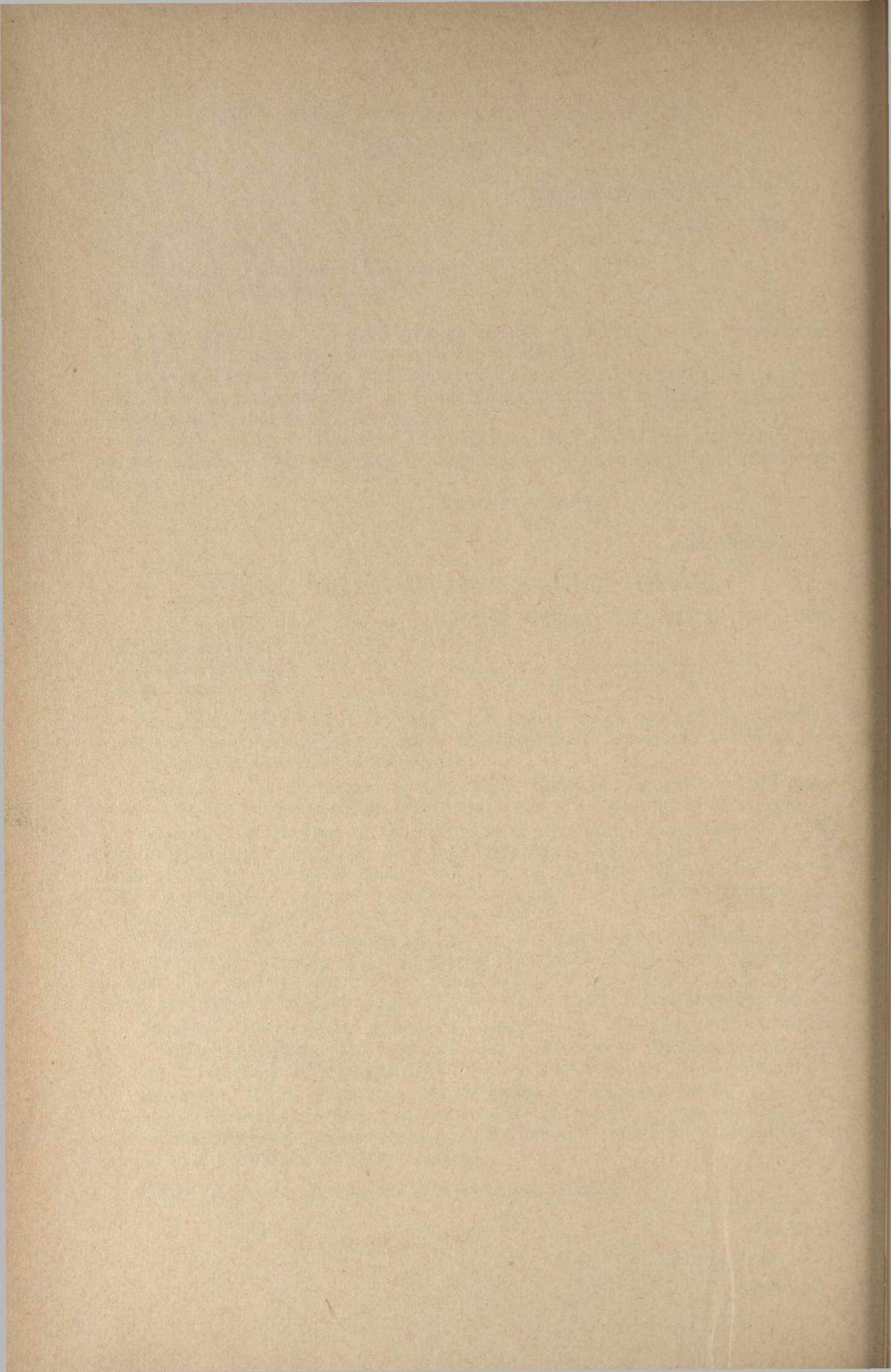
Whereas: We consider Canada's insistence on allowing seven traps at Sooke after Washington had removed 219, constitutes a convincing argument for trap interests in Washington to have them restored; now be it therefore,

Resolved: That we petition the Dominion Government, through the Hon. Minister of Fisheries, and our Federal Member at Ottawa, to pass the necessary legislation during the present session of Parliament, prohibiting the taking of salmon in B.C. waters, by means of traps.

Dated at Prince Rupert, B.C., March 10th, 1939.

J. J. GILLIS,
President.

T. H. ELLIOTT,
Secretary.



SESSION 1939
HOUSE OF COMMONS

STANDING COMMITTEE

ON

MARINE AND FISHERIES

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 3

Tuesday, April 25, 1939

WITNESS:

Mr. J. A. Rodd, Director of Fish Culture, Department of Fisheries

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1939

MARINE AND FISHERIES

MINUTES OF PROCEEDINGS AND REPORTS

Vol. 1

1900

Published by the Fisheries Research Board of Canada

OTTAWA
PRINTED AND BOUND BY THE KING'S PRINTER
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MINUTES OF PROCEEDINGS

TUESDAY, April 25, 1939.

The Standing Committee on Marine and Fisheries met this day at 11 a.m. Mr. A. E. MacLean (*Prince*) presided.

Members present: Messrs. Côté, Deslauriers, Ferron, Hanson, MacLean (*Prince*), MacLean (Cape Breton North-Victoria), Mayhew, McAvity, McCulloch, McDonald (*Souris*), Michaud, Neill, Pottier, Reid, Robichaud, Taylor (*Nanaimo*), Tustin and Veniot—(18).

Also present: Mr. A. Sylvestre, M.P.

In attendance: Mr. A. J. Whitmore, Head of the Western Division, Department of Fisheries.

The Committee resumed its consideration of Bill No. 15 and proceeded with the Saguenay River situation.

The Honourable Mr. Michaud filed with the clerk of the Committee, for printing in to-day's minutes of evidence, the following documents which the clerk read.

1. P.C. 360, dated February 13, 1922.
2. P.C. 307, approved February 18, 1922.
3. Copy of a telegram sent to Mr. Aimé Geoffrion, K.C., of Montreal, dated March 29, 1939.
4. Copy of a letter received from Mr. Aimé Geoffrion, K.C., dated March 30, 1939.
5. Copy of a letter addressed to Mr. Aimé Geoffrion, K.C., dated March 31, 1939.

Mr. Michaud also made a statement clarifying paragraph 4 of the memorandum printed as appendix 1 to the minutes of evidence of April 17.

Discussion followed.

Mr. Rodd was recalled and questioned.

The witness retired.

The Committee discussed the advisability of hearing Mr. Aimé Geoffrion, K.C., of Montreal.

On motion of Mr. Pottier:—

Resolved,—That Mr. Aimé Geoffrion, K.C., of Montreal, be given an opportunity to appear before the Committee, on behalf of the companies he represents, at the next sitting and that he be asked to reply before that date.

Some discussion took place regarding the advisability of having witnesses appear before the Committee with respect to trap, seine and gill net fishermen.

It was agreed that this question should be considered and decided at the next meeting.

At 1 o'clock, the Committee adjourned until Friday, April 28, at 11 a.m.

ANTONIO PLOUFFE,
Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS, ROOM 268, April 25, 1939.

The Standing Committee on Marine and Fisheries met at 11 a.m. The Chairman, Mr. A. E. MacLean, presided.

The CHAIRMAN: Gentlemen, let us proceed. I understand it is the wish of the committee to discuss further this question of the Quebec situation.

Hon. Mr. MICHAUD: Mr. Chairman, at the last meeting of the committee I gave an undertaking to file some documents which had been referred to by some of the witnesses, and I have here a copy of an order-in-council dated the 13th of February, 1922, and another dated the 18th of February, 1922. They are the two orders-in-council which were referred to. I have also a copy of the correspondence with Mr. Aime Geoffrion which was referred to and which I stated I would file. I have also a copy of a telegram which I forwarded to Mr. Geoffrion on the 29th of March, 1939, and a copy of a letter from Mr. Geoffrion to me dated the 30th of March, 1939, and a copy of a letter which I forwarded to him on the 31st of March, 1939. The committee decided at the last meeting to print these documents in the record, and I understood they would be produced at the next meeting. I therefore produce them for the record.

Mr. CÔTÉ: Could those documents be read to us?

The CHAIRMAN: Certainly, if it is the wish of the committee and if the documents are not too lengthy.

(Clerk reads copy of order-in-council 360.)

P.C. 360

CERTIFIED copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 13th February, 1922.

The Committee of the Privy Council have had before them a report, dated 13th February, 1922, from the Minister of Marine and Fisheries, submitting as follows, with reference to a minute of council of April 13th, 1921 (P.C. 1246), authorizing the Minister of Marine and Fisheries to undertake the administration of the fisheries in the tidal and navigable waters of Quebec that are accessible by way of navigation from the sea:—

1. That following such authority, the Department of Marine and Fisheries undertook the administration of the fisheries in all the aforementioned waters, and allowed no one to fish therein, in a fishery in which licenses were required, without first procuring a license from it;

That as under the privy council decision of November 30th, 1920, the province has the exclusive power to grant the right to fix engines to the soil, where the soil is vested in the crown in the right of the province, so far as such engines and the affixing of them do not interfere with the right of the public to fish or prevent the regulation of the right of fishing by private persons without the aid of such engines, and as most of the licensed fishing in the province of Quebec is done by means of engines that are attached to the soil, the provincial authorities during the past season refused to allow anyone to fish with appliances attached to the soil where it claimed the ownership of the soil without first procuring a license from them authorizing the use of such fishing engines.

Thus the fishermen, through no fault of their own, were placed in the position of having to procure two licences and pay two sets of fees before they could engage in fishing. Also under such conditions should it happen at any place that a fisherman who had procured a licence from the federal authorities were refused one from the provincial authorities, or vice versa, he would be unable to fish and no fishing could go on at that place.

This dual jurisdiction also required dual expenditure in the administration of the fisheries, as each authority found it necessary to maintain a staff of fishery officers.

The minister states that with a view to putting an end to such an undesirable state of affairs, he arranged for a conference with representatives of the provincial government, and to that end the Minister of Colonization, Mines and Fisheries and the Deputy Attorney General for the province of Quebec came to Ottawa, and on the 13th February instant the minister discussed the whole matter with them. At this conference it developed that the provincial authorities, in view of their interest in the river fisheries, and of the necessity for their maintaining a staff of officers for the proper administration and protection of these fisheries, are prepared to undertake, under proper regulation by the federal government as to conditions under which such fishing may be carried on, the responsibility for the administration of all the coastal fisheries of the province as well, with the exception of those about the Magdalen Islands.

The provincial authorities are also prepared to undertake the operation of the two fish hatcheries that the Department of Marine and Fisheries is maintaining in Quebec for the development of the salmon fisheries there.

In view of the important saving that would be involved to the Federal Exchequer, and of the eminent desirability of removing as far as possible all dual control in the fisheries, the minister recommends that the entire administration of the fisheries, under the Fisheries Act and regulations passed thereunder, be handed over to the provincial authorities, and that the staff of federal fishery officers, as well as the fisheries patrol steamer *Loos* be withdrawn, such to become effective on April 1, 1922.

The minister further recommends that the Gaspé and Tadoussac fish hatcheries of the Department of Marine and Fisheries, together with all their appurtenances, be transferred to the provincial government of Quebec on the 1st July, 1922, when the present season's operations will have been completed.

It is understood that the administration of the Fish Inspection Act and of the Meat and Canned Foods Act, in so far as it affects the fisheries, will be continued in the province of Quebec by the Department of Marine and Fisheries as heretofore, and that the said department will undertake the administration in that province of all federal enactments that may become effective regarding the improvement of the handling, packing and curing, etc., of fish.

The minister also recommends that a copy of this minute, if approved, be forwarded to the Lieutenant-Governor of the province of Quebec for the information of his government, and that he be requested to state whether the arrangements recommended herein are acceptable to his government.

The committee concur in the foregoing recommendations and submit the same for Your Excellency's approval.

(Sgd.) RODOLPHE BOUDREAU,
Clerk of the Privy Council.

Mr. REID: By that order in council the dominion government simply handed over the rights?

Hon. Mr. MICHAUD: Yes, to the province.

(Clerk reads copy of report of Executive Council, dated the 16th February, 1922, No. 307.)

No. 307

Concerning the administration of the Fisheries in the tidal and navigable waters of Quebec that are accessible by way of navigation from the seat.

The Honourable the Minister of Colonization, Mines and Fisheries, in a report dated the 16th February (1922), sets forth: that an order in council of the government of Canada, P.C. 360, was passed on the 13th February, 1922, reading as follows:—

P.C. No. 360

Certified copy of a report of the committee of the privy council approved by His Excellency the Governor General on the 13th February, 1922.

The committee of the privy council have had before them a report dated 13th February, 1922, from the Minister of Marine and Fisheries, submitting as follows, with reference to a minute of council of April 13th, 1921 (P.C. 1246), authorizing the Minister of Marine and Fisheries to undertake the administration of the fisheries in the tidal and navigable water of Quebec that are accessible by way of navigation from the sea;

1. That following such authority, the Department of Marine and Fisheries undertook the administration of the fisheries in all the aforementioned waters, and allowed no one to fish therein, in a fishery in which licences were required, without first procuring a licence from it;

2. That as under the privy council decision of November 30th, 1920, the province has the exclusive power to grant the right to fix engines to the soil, where the soil is vested in the crown in the right of the province, so far as such engines and the affixing of them do not interfere with the right of the public to fish or prevent the regulation of the right of fishing by private persons without the aid of such engines and as most of the licensed fishing in the province of Quebec is done by means of engines that are attached to the soil, the provincial authorities during the past season refused to allow any one to fish with appliances attached to the soil where it claimed the ownership of the soil without first procuring a licence from them authorizing the use of such fishing engines.

Thus, the fishermen, through no fault of their own, were placed in the position of having to procure two licences and pay two sets of fees before they could engage in fishing.

Also under such conditions should it happen at any place that a fisherman who had procured a licence from the federal authorities were refused one from the provincial authorities, or vice versa, he would be unable to fish and no fishing could go on at that place.

This dual jurisdiction also required dual expenditure in the administration of the fisheries, as each authority found it necessary to maintain a staff of fishery officers.

The Minister states that with a view to putting an end to such an undesirable state of affairs, he arranged for a conference with representatives of the provincial government and to that end the Minister of Colonization, Mines and Fisheries, and the Deputy Attorney General for the province of Quebec came to Ottawa, and

on the 13th February instant the minister discussed the whole matter with them. At this conference, it developed that the provincial authorities, in view of their interest in the river fisheries, and of the necessity for their maintaining a staff of officers for the proper administration and protection of these fisheries, are prepared to undertake, under proper regulation, by the federal government as to conditions under which such fishing may be carried on, the responsibility for the administration of all the coastal fisheries of the province as well, with the exception of those about the Magdalen Islands.

The provincial authorities are also prepared to undertake the operation of the two fish hatcheries that the Department of Marine and Fisheries is maintaining in Quebec for the development of the salmon fisheries there.

In view of the important saving that would be involved to the federal exchequer, and of the eminent desirability of removing as far as possible all dual control in the fisheries, the minister recommends that the entire administration of the fisheries, under the Fisheries Act and regulations passed thereunder, be handed over to the provincial authorities, and that the staff of federal fishery officers, as well as the fisheries patrol steamer "Loos" be withdrawn, such to become effective on April 1, 1922.

The minister further recommends that the Gaspé and Tadoussac fish hatcheries of the Department of Marine and Fisheries, together with all their appurtenances, be transferred to the provincial government of Quebec on the 1st July, 1922, when the present season's operations will have been completed.

It is understood that the administration of the Fish Inspection Act and of the Meat and Canned Foods Act, in so far as it affects the fisheries, will be continued in the province of Quebec by the Department of Marine and Fisheries as heretofore, and that the said department will undertake the administration in that province of all federal enactments that may become effective regarding the improvement of the handling, packing and curing, etc., of fish.

The minister also recommends that a copy of this minute, if approved, be forwarded to the Lieutenant Governor of the province of Quebec for the information of his government, and that he be requested to state whether the arrangements recommended herein are acceptable to his government.

The committee concur in the foregoing recommendations and submit the same for your excellency's approval.

(sgd) RUDOLPHE BOUDREAU

Clerk of the Privy Council

That the arrangements set out in the said order-in-council are satisfactory and in conformity with the views held by the government of the province of Quebec.

The hon. the minister therefore recommends that the said arrangements be accepted by this government and that a copy of this order-in-council be forwarded to the Governor General of Canada for the information of his government.

Certified

(Sgd.) A. J. MORISSET

Clerk, Executive Council.

March 31, 1939.

AIME GEOFFRION, Esq., K.C.,
112 St. James St. W., Montreal.

DEAR SIR,—I beg to acknowledge receipt of your letter of the 30th instant with regard to bill No. 15 amending the Fisheries Act.

According to the wish already expressed, I shall take note of your request and shall advise you before recommending the order in council against the Saguenay Power Co., Ltd., or the Aluminum Co., Ltd.

For your personal information, I am sending you, herewith, the copy of a document submitted to the department by the Hon. Minister of Fisheries at Quebec with regard to this question.

I remain,

Yours very truly,

J. E. MICHAUD,
Minister of Fisheries.

CANADIAN NATIONAL TELEGRAPHS

OTTAWA, March 29, 1939.

AIME GEOFFRION, Esq., K.C.,
Barrister, Solicitor,
Montreal.

Bill number fifteen amending fisheries act referred to committee of marine and fisheries and may be up for consideration on Mondays and Fridays.

J. E. MICHAUD,
Minister of Fisheries.

March 30, 1939.

The Hon. J. E. MICHAUD,
Minister of Fisheries,
Ottawa.

Honourable SIR,—I thank you for your telegram with regard to bill No. 15 amending the Fisheries Act.

I have no objection to the bill.

What I would like as I stated to you in my letter of the 1st instant, is that no order in council authorized by the present Fishery Act as well as by the bill be passed against the Saguenay Power Company, Ltd., or the Aluminum Power Company, Ltd., two companies which have dams in the Upper Saguenay river, known as the "Grande Decharge," as requested by Mr. Gagnon, Minister of Fisheries at Quebec, before I have given my evidence.

You are the judge. I have objections to offer to the request of Mr. Gagnon and I would not like to be sentenced before being heard.

(Signed) AIME GEOFFRION.

Hon. Mr. MICHAUD: Now, there is another little matter I would like to bring to the attention of the committee. At the last meeting a memorandum was read which appeared as an appendix at page 87 of the minutes of evidence of April 17, and paragraph 4 reads as follows:—

4. Pending a settlement of the above mentioned question, arrangements were made with the various provinces concerned, with the exception of Quebec, whereby the Department of Marine and Fisheries continued to

administer the fisheries as previously. With Quebec it was arranged, pending such settlement that the dominion government would continue to administer the fisheries on the north shore of the Gulf of St. Lawrence east of Point des Monts, and around the Magdalen Islands as formerly, and that the administration of the fisheries west of Point des Monts as well as most of those on the south shore of the river and Gulf of St. Lawrence would, pending settlement, be administered by the provincial authorities.

Now, this paragraph as drafted might lead people to believe that at the time the government of the dominion agreed to leave to the jurisdiction of the federal authorities most of the fisheries on the south shore. For the sake of clarity and precision I want to make this correction in the last part of this paragraph. The line of demarcation I understand was established on the south shore as well as on the north shore, and though the paragraph in the memorandum would lead one to believe that there was no real line of demarcation established on the south shore of the St. Lawrence, a line was drawn, a point was established west of the line drawn from Point des Monts on the north shore to Cap Chat on the south shore to be administered by the province; the rest including the Magdalen Islands was to be administered by the federal authorities. On the south shore the point of demarcation between the federal and provincial authorities was Cap Chat.

Mr. CÔTÉ: The term south shore means also the Bay de Chaleur and the St. Lawrence and Gaspé and Bonaventure shores?

Hon. Mr. MICHAUD: Yes, that is my understanding. That is what I was told.

The CHAIRMAN: Just looking at this document casually it appears that the province has pretty nearly the full control.

Mr. REID: That has not been decided. I would ask the minister, has the fact that the union government by order-in-council handed over to the province separate rights—

Hon. Mr. MICHAUD: I do not admit that the government did do that, whatever the wording of the order-in-council may be. I understood when I took charge of the administration of the department that the attitude of the federal government was that they would agree to keep their hands off certain waters in the province of Quebec, and because the province had in 1922 undertaken to be responsible for the cost of administering the fishery legislation over certain waters, that the federal government had been satisfied to withdraw and keep away from those waters and that has been the attitude that has been taken by my department.

Mr. CÔTÉ: Under the judgment of the privy council when anybody wanted a licence to fish he went to the federal authority and the province of Quebec maintained that the province also had a right to issue a licence for salmon because the fishermen were attaching their fishing gear to the bottom. That is the reason the order-in-council was passed.

Hon. Mr. MICHAUD: The province wanted to maintain their property rights and their jurisdiction over property, and the federal authority wanted to maintain its administrative jurisdiction which was confirmed by the privy council, and there you had the two authorities which resulted in conflict: some people who applied to the federal officers for licence to fish were given licences and when they applied to the provincial authorities for the right to attach their gear to the bottom they might be refused that authority and be brought to court. There were difficulties for two years and a settlement was brought about by an agreement which was recited in the order-in-council which we have just heard read.

Mr. CÔTÉ: With regard to that letter from Mr. Geoffrion to the minister, I do not want to appear rude but I believe there is a trap in this letter—it may be a legal trap. Here is what Mr. Geoffrion says: "I have no objection to the bill"; but he adds in the third paragraph, "what I would like, as I stated to you in my letter of the 1st instant, is that no order-in-council" and no law should be passed "before I have given my evidence. You are the judge. I have objections to offer to the request of Mr. Gagnon,"—the Minister of Fisheries in Quebec—"and I would not like to be sentenced before being heard."

It appears clear from reading that that he had no objection to the bill, but that he has an objection to offer. That is something I cannot understand. He says he has no objection to the bill, but he says: Don't condemn me, don't pass that bill before I have been heard.

Mr. NEILL: He does not say, "don't pass the bill", he says don't take action against my clients under the bill.

Mr. CÔTÉ: No, he says: "What I would like, as I stated to you in my letter of the 1st instant, is that no order-in-council authorized by the present Fishery Act as well as by the bill be passed against the Saguenay Power Company, Ltd., or the Aluminum Power Company, Ltd., two companies which have dams in the Upper Saguenay river, known as the 'Grande Decharge', as requested by Mr. Gagnon, Minister of Fisheries at Quebec, before I have given my evidence.

You are the judge. I have objections to offer to the request of Mr. Gagnon and I would not like to be sentenced before being heard."

Mr. NEILL: Before the minister gives an order. He does not object to the legislation.

Mr. CÔTÉ: I do not exactly understand what he means; but he said he had no objection to the bill but he wanted to be heard anyhow. If he wants to be heard it must be absolutely on the legality of the bill. To the best of my belief I think Mr. Geoffrion should be heard. I understand that the minister wrote to him that he would be welcome to appear before the committee, but I really believe that the committee through the chairman should notify Mr. Geoffrion to come here if he wants to and be heard as he requests in his letter.

Mr. NEILL: It is quite clear that he does not object to this bill; he wants to be heard before the minister gives an order under the bill.

Mr. MAYHEW: If necessary, I would make a motion to the effect that in view of the fact that the validity of the present bill is in question, any amendment to the bill must also be questioned, and I would, therefore, move that the bill be referred to the supreme court for decision and that the matter be settled before we start out making any other bills or amendments to it.

Hon. Mr. MICHAUD: I do not think it is correct to say that the jurisdiction of the federal parliament to pass the present legislation is questioned in any respect; I do not see how it could be stated that there is some question of the jurisdiction of the dominion parliament to pass the bill which is now before this committee. I do not think there is any question whatsoever that the Fisheries Act, which it is sought to amend, has been questioned or is questioned. I do not see what could be referred to the Supreme Court of Canada. I fail to see what question could be referred to that body.

Mr. CORÉ: I wonder if the hon. member (Mr. Mayhew) would be satisfied to amend his motion to state that Mr. Geoffrion should be heard first so that after the committee have heard him we can decide to submit the matter to the supreme court if necessary. We would get a opinion on that from Mr. Geoffrion, and then we might decide afterwards whether it is worth while to submit the case to the supreme court.

Mr. NEILL: Mr. Geoffrion has been invited to come here.

Hon. Mr. MICHAUD: Yes, by that telegram, by myself. The moment the bill was referred to the committee I felt it my duty to notify Mr. Geoffrion as well

as to notify the government of Quebec that this bill was before the committee, and I did so, and anyone who wanted to oppose or support it was free to come here and do so. I do not think it was my duty to invite them to be here or to tell them that they should be here; it is for them to act as they feel justified to act.

Mr. SYLVESTRE: But he did not say that he would not come.

Mr. MAYHEW: The motion has not been seconded and it is not necessary to withdraw it. I was under the impression from what the minister said that the bill was in question and that is why I made my motion. I am prepared to forget it.

Mr. HANSON: Since there is no objection to the bill and since Mr. Geoffrion has only asked the minister not to take any action under the bill until such time as he has an opportunity to be heard, I think the only thing for us is to accept the bill as drafted, or accept the amendment to the bill as drafted by the department and let it go at that. We have really had no objections to the bill from anywhere. The minister states his legal opinion on it, and we have a right to accept the amendment for that reason, Mr. Chairman. Therefore, I move that we accept the amendment which has been sent to the committee by the government; and whether the minister takes any action after the bill is passed with regard to the objections that may be placed before him we have nothing to do. I move, therefore, that the amendment be accepted as presented.

Mr. SYLVESTRE: May I say a word, Mr. Chairman?

The CHAIRMAN: Yes.

Mr. SYLVESTRE: The position is this: the company wrote to me, and they are opposed because they claim that since the dams have been built—the two dams—there are more fish in the lake than there were before; and that is true. These dams, as a matter of fact, do not do any harm to the fish in lake St. John; they increase the number, especially because the fish cannot reach the sea now. Furthermore, it has not been proven that these dams did any harm to the fish in lake St. John. Now, according to this the companies are expected to pay \$10,000 a year for a hatchery. That is a lot of money to pay to keep open a hatchery—it will not cost that much. There was a hatchery built a few years ago on lake St. John and certainly they did not spend \$10,000 there; they spent just a few hundred dollars.

Mr. COTÉ: I believe that argument is serious. The salmon come from the north shore of the Bay of Chaleur and from the sea, and they are supposed to replenish the lakes and fresh water rivers; but as Mr. Sylvestre says, there are more fish. If there are more fish than there were before it is impossible that it would be justice to tax those two companies \$10,000 a year, which represents \$200,000 at 5 per cent. I do not think that would be a just thing to do. When the dams were built, had they cut off the way for the fish to get to the lake from the sea it would be different—the province would have suffered damages—but instead of suffering damages there are more fish in the lake and in the rivers than there were before. Why impose a tax of \$10,000 a year upon these two companies when they have not done any harm by the improvements which they have made with their dams?

Mr. SYLVESTRE: The best protection which the province gave to lake St. John was to prohibit nets, and I think that caused a great increase in the number of fish.

Mr. NEILL: Are the fish in the lake the same as before—salmon?

Mr. CÔTÉ: There are no salmon. There cannot be any salmon if the fish do not come from the salt water. In the Atlantic region the salmon come down the rivers to the salt water in the fall. They go to the salt water and they fatten themselves during the winter and they come back in the beginning of

June and go up the rivers to spawn. Then they come back afterwards in the fall. It does seem, however, that no salmon were going up that way because the distance was too great, I suppose, and the sea trout did not either, it was only the soft water fish.

Hon. Mr. MICHAUD: It is not the salt water fish; it is an inland fresh water fish—land-locked salmon or ouananiche.

Mr. CÔTÉ: The ouananiche is supposed to be salmon that was a real salmon thousands or millions of years ago but they were caught inland by an earthquake, and they changed from a real standard salmon to a kind of salmon that is called ouananiche. The flesh is red and it is a fighting fish, but it is not a salmon any more.

Mr. NEILL: Are they good eating?

Hon. Mr. MICHAUD: Very fine, so they say. The last ten years we have not got any—the last fifteen years.

The CHAIRMAN: I would like to hear from Mr. Rodd on this question. We had his evidence on the last day, and I should like to hear from him again.

Mr. McAVITY: Mr. Chairman, Mr. Rodd gave evidence that if you did build a hatchery above the falls it would not stop the fish going down. What would be the use of building a hatchery if you cannot keep the fish in the lake, because the fishing waters below, according to Mr. Rodd's evidence, have been destroyed. There is no fishing ground below, so if you cannot keep the fish in the lake what is the good of building the hatchery?

Mr. SYLVESTRE: There are fish in the lake now.

Mr. RODD: The ouananiche, according to the records and evidence that I have—the best ouananiche fishing was in the water that is now flooded out by these two dams, but in addition to that, as Mr. Sylvestre said this morning, there is excellent fishing for ouananiche in some of the tributaries—the Peribonka and the Metabetchowan—they are probably two of the best. The hatchery that was operated made its distributions in the tributaries to the lake and the object of another hatchery would be to supplement the natural reproduction in the lake itself and the tributaries to the lake, forgetting about the part that has been destroyed by the dams.

Mr. McAVITY: How would you keep the fish from going over the falls?

Mr. RODD: I do not think that would be possible. They have a very splendid habitat in the lake itself and in the tributaries. Now, Mr. Sylvestre says that the fishing has improved. The information I have received from the provincial government is that it has not improved, that it has deteriorated since the dams were built, so there is one statement against another.

Mr. CÔTÉ: Have you been given the species of fish that are supposed to be in that lake? Have you been told by Quebec that salmon or sea trout were going up there?

Mr. RODD: The game fish of the lake is the ouananiche. There are others such as pike and whitefish.

Mr. CÔTÉ: Quebec does not say that ouananiche go to salt water?

Mr. RODD: No, but I do not think there is any doubt but that some of the best fishing for ouananiche was between the outlet of the lake, say a couple of miles below the outlet to the lowest rapids above Chicoutimi.

Mr. SYLVESTRE: For a couple of months in the summer time.

Mr. RODD: The fishing in the rapid water has now been flooded out.

Mr. McAVITY: That fishing ground has been destroyed, has it?

Mr. RODD: That fishing ground has been destroyed, that is true. The Metabetchowan hatchery that I have referred to was not in the nature of a permanent hatchery, I understand, and that it was more or less of a seasonal

affair because they ran it only for about four years. It was not an establishment like the one at Tadoussac which is of a permanent nature. Now, the cost of construction of that hatchery would only be a fraction of the cost of putting up a modern hatchery. Any kind of a fully equipped hatchery will run from \$15,000 to \$40,000 in construction costs.

Mr. SYLVESTRE: And how much does it cost to operate a year?

Mr. RODD: Between \$7,000 and \$18,000 a year depending upon the extent of the operations.

The CHAIRMAN: Those hatcheries which are there now are operated by the provincial government?

Mr. RODD: Yes.

Mr. NEILL: What did you say was the capital cost?

Mr. RODD: I am speaking of the hatcheries in the east—\$15,000 to \$40,000.

Mr. HANSON: That is the cost to build them?

Mr. RODD: The cost to build them, including the rearing ponds that go with the Atlantic salmon and the trout hatchery.

Mr. COTÉ: According to what you just said, the only damage that was suffered because of the building of the dams is the fact of a couple of miles—

Mr. RODD: It is more than that; it is twenty odd miles.

Mr. COTÉ: The fish had to go up the tributaries.

Mr. RODD: The principal fishing was in the Grande Decharge. I say this subject to correction, but would it not be over twenty miles from where the good fishing started to where it ended?

Mr. COTÉ: I am pointing that out because I understand that that part of the bill which obliges the people to build fishways when they are erecting dams is to facilitate the passing of the fish from the salt water to the soft water.

Mr. RODD: Yes, that is right.

Mr. COTÉ: It does not exist in that case. The only thing the people are suffering from covers about eighteen or twenty miles of river which is not fished, but the dams do not prevent the fish going up. Instead of fishing in the lower twenty miles, the people have to fish up the river and in the tributaries. So we never lost any fish in the province; it is only a displacement of the fishing.

Mr. RODD: There is the other section of the Act that is under consideration. That is, in case a fishway is not practicable that the company be obliged to contribute towards a fish hatchery.

Mr. COTÉ: Yes, but it is not for the same purpose for which the bill has been passed—to provide for the fish to go up—not because the fishing grounds were displaced, but to secure the number of fish coming from the salt water; and it does not exist in that case.

Mr. RODD: That contention is scarcely correct, is it, Mr. Minister?

Hon. Mr. MICHAUD: What?

Mr. RODD: That contention is not correct. There are two sections of the bill; it is the other section that is under consideration.

Mr. COTÉ: I am not saying that is so; I am asking you if it is so.

Mr. RODD: I thought you did say so.

Mr. COTÉ: I was not telling you what it is; I was asking you what existed.

Mr. MAYHEW: Would the passing of this bill create a precedent that might damage the Fraser river?

Mr. RODD: It would apply all over Canada.

Mr. MAYHEW: I think British Columbia had better take a little time to consider it before we pass it.

Mr. TAYLOR: I would like to ask the minister whether this bill is not designed with the idea of covering the whole of Canada, and in the event of large hydro work being undertaken on a river like the Fraser river the bill would then be constituted so as to deal with the companies, assuming such works were constructed?

Hon. Mr. MICHAUD: Indeed.

Mr. TAYLOR: Then, it seems to me, Mr. Chairman, that this bill should be considered in the light of its application to the whole of Canada. In that case one can understand the message from Mr. Geoffrion in which he says that he has no objection to the bill, but that he does not want to be convicted and condemned before he has been heard. That, it appears to me, would be an attempt to vindicate the position of his company when it comes to be declared by the minister: Now, you have to pay \$10,000 a year. He wants to say, "well, the fishing up above the dam is better than it was before, and why impose this on us; let the existing conditions remain." That is the way the picture appears to me, Mr. Chairman, and I would suggest that we are quite correct in accepting the general tenor of this bill and leaving the matter of the issue that will arise afterwards under the law to the minister to be determined when he meets Mr. Geoffrion on account of his clients.

Mr. MAYHEW: Would Mr. Taylor's suggestion mean that each dam would have to be thought out on its own basis rather than settled on a broad rate before the dams are built?

Hon. Mr. MICHAUD: That would be the effect of this legislation.

Mr. REID: Am I right that under the present Act the only penalty clause is in section "D" and these amendments put a \$4 a day penalty as well as having section "D"? It is provided where a sufficient flow of water is not going over the spillway.

Hon. Mr. MICHAUD: The penalty applies to all the sub-sections.

Mr. REID: What is going through my mind is this: you are still leaving section "D" in there and there you have a \$4 per day penalty clause.

Hon. Mr. MICHAUD: The \$4 penalty clause does not apply only to paragraph "D", it applies to all the provisions of all the four paragraphs, A, B, C, and D; because if you read section 57 it says, "every owner or occupier of a slide, dam or other obstruction across or in any stream" shall be liable to a penalty of not less than \$4 and not more than \$20: (A) where the minister determines it to be necessary for the public interest, etc., etc., (B) where the minister determines that the provision of an efficient fishway or a canal around a slide, dam or other obstruction is not feasible, etc., etc.; and then there is (C) and (D) but the last three lines of section 57 apply to all the provisions of all the four paragraphs.

Mr. REID: I thought that as the Act stands without any change whatsoever you have one penalty, clause (D), apart from section 57(a); and the minister administers it in the public interest; and in clause (B) the minister says what he determines is necessary, and in clause (C) it says, "where the minister requires the installation and maintenance of such fish stops or diverters," and then you come to (D), "where the minister determines it to be necessary to provide a sufficient flow of water over the spillway." As the Act still stands you have the final clause which states \$4 per day and not more than \$20 for each day as a penalty, and the way I take it is that if these amendments go through you will have two new sections, and the amount may be any amount which should be determined by the minister in the case of obstructions and in the case of building of hatcheries. When you come down to clause (D), "where the minister determines it to be necessary to provide a sufficient flow of water over the spillway," the penalty will be \$4 and not over \$20.

Hon. Mr. MICHAUD: It remains as it is. The effect of the bill which is now before the committee is to take out paragraph (B) of section 57, as it stands in the original line and to make a new section to provide for the conditions which are not provided for in section 57 (B).

Mr. REID: It may be any sum set by yourself as minister.

The CHAIRMAN: There are one or two questions I would like to be clear about, and possibly the minister could give us some information with regard to them. As the matter stands now, the jurisdiction over these waters is in the provincial government.

Hon. Mr. MICHAUD: No, I did not say that; I did not admit that, and nobody ever claimed it. The situation is simply this: the administration of the regulations which are made applicable to these waters is undertaken by the provincial authority; that is the extent to which I admitted.

Mr. NEILL: I take the position you have handed over the administration of the fisheries; you did not hand over the ownership of the fisheries.

Hon. Mr. MICHAUD: No, we could not do that.

Mr. NEILL: You only handed over the administration.

The CHAIRMAN: We simply allow them to spend their money and take the responsibility.

Mr. TAYLOR: As a matter of fact, I assume, we did not hand over anything.

Hon. Mr. MICHAUD: No.

Mr. TAYLOR: We allowed them to go ahead.

Mr. CÔTÉ: They are just managers for us.

The CHAIRMAN: I can hardly see that, because in this appendix 1 the last clause reads:—

For the purpose of putting an end to such an unsatisfactory condition of dual jurisdiction, an agreement was reached, confirmed by dominion order-in-council of February 13, 1922, and provincial order-in-council of February 18, 1922, whereby the province would administer all the fisheries of Quebec, inland and coastal, with the exception of those about the Magdalen Islands. The Magdalen Island fisheries remained with the dominion government.

Now, if the government here passed an order-in-council giving them that power and the Quebec local authority passed an order-in-council accepting the responsibility, I cannot for the life of me see how until those orders-in-council are cancelled or revoked—how the jurisdiction is not in the provincial government.

Hon. Mr. MICHAUD: If you read them again, Mr. Chairman, you will see that it is only the administration that has handed over—the administration of the regulations.

Mr. CÔTÉ: Let me illustrate that. I was the provincial member for my riding for twenty years, and I believe until 1936, for about four or five years, through the Fisheries department I always asked in January and February to have an extension of the smelt fishing for four or five or six or seven or eight days and it was always referred from Quebec to the department here at Ottawa and it was always refused, and we had to comply with the orders. It means that Quebec manages but Ottawa rules.

The CHAIRMAN: Yes.

Mr. CÔTÉ: Ottawa always refuses.

Mr. NEILL: Don't you always grant those requests?

Hon. Mr. MICHAUD: When they are reasonable.

Mr. REID: I am wondering if this would actually work out in a practical way, and I am taking the new amendment 57 (a): "Where the minister determines it to be necessary"; and then in (b) you say where the minister determines it is not feasible. You say it is not feasible to build a slide, or a canal around a slide.

Hon. Mr. MICHAUD: The first thing that has to be done is: the minister has to determine; the minister is given the power to determine that the fishway is not feasible.

Mr. REID: Here is the point I am coming to: all the spawning areas above such slide, dam, are destroyed.

Hon. Mr. MICHAUD: That is the second point.

Mr. REID: What are you going to assess them for? For the purposes of constructing, operating or maintaining such complete hatchery establishment as will in the opinion of the minister meet the requirements? If the fish can neither go up nor down and it is not feasible to build a canal around the slide or dam what good would the hatchery be?

Hon. Mr. MICHAUD: You must apply this to the case which is actually before us.

Mr. REID: Take the case which is actually before us. No fish can go up at all and yet they have a hatchery above. Now, this amendment you are putting through is to compel the establishment of hatcheries to meet the requirements for maintaining the annual run of migratory fish. I cannot see, if it is not feasible in your opinion to build something around an obstruction, what use there will be for a hatchery. You could not simply take the eggs from the obstruction above, you have to get the fry to go up.

Hon. Mr. MICHAUD: The young fry does not have to do down to go to salt water. You are speaking with the picture of the Fraser river in your mind and the protection of the salmon which have to resort to salt water and go to sea, but that is not a case that will apply to this class of fish which does not have to go to sea once in a lifetime.

Mr. CÔTÉ: As I said before, this is the reason why the bill should not be passed. If the fish do not go to salt water there is no harm done.

Hon. Mr. MICHAUD: The only harm that is done—and the only thing that the Quebec government wants to correct—is that the hatching or annual propagation and angling has been destroyed in the tributaries south or below the dams down to Chicoutimi. I might say that is the point we have in mind.

Mr. CÔTÉ: Mr. Rodd, have you any evidence that the spawning grounds have been destroyed by the dam?

Mr. RODD: No.

Mr. CÔTÉ: The bill was just passed to boost the spawning of the fish.

Mr. RODD: You mention spawning grounds. We have definite proof that all the lower area is flooded out, and we have Mr. Chambers' report written in 1896 that he has found salmon in a spawning condition just in the rapids above Chicoutimi; and he has also seen in September large numbers of small fry. The two together would certainly indicate that there must have been spawning there. The two would indicate that, would it not?

Mr. CÔTÉ: When was that?

Mr. RODD: That was in 1896.

Mr. CÔTÉ: 1906?

Mr. RODD: 1896.

Mr. CÔTÉ: 1896?

Mr. RODD: Yes.

Mr CÔTÉ: But that is not in 1924.

Mr. RODD: I have nothing about that in 1924.

Mr. CÔTÉ: I had people tell me that around Montmorency falls they do not get any. You have not seen them there for fifty years. They do not go in there any more.

Mr. RODD: There is certainly some confusion in regard to migration, or migratory fish. Migratory, as we understand it, does not mean that the fish has to go to sea—that it necessarily has to go to sea.

Mr. REID: This Act, if it applies to the province of British Columbia, does not go far enough.

Mr. RODD: This applies to the province of British Columbia.

Mr. REID: Then I say it does not go far enough.

Mr. RODD: A migratory fish is a fish that may go to sea or it may go from a lake to a river or back again. This will apply to British Columbia.

Mr. REID: I understand that it does. But I say that I do not think it goes far enough, now that we are amending the act.

Mr. RODD: I do not know anything about that.

The CHAIRMAN: When I asked the minister the question about jurisdiction, he said that it was only the administration of the act that was handed over to the provincial government.

Hon. Mr. MICHAUD: That is right, yes.

The CHAIRMAN: Then in administering the act, the provincial government built a hatchery above the dam; is that right?

Hon. Mr. MICHAUD: Yes.

The CHAIRMAN: Has the provincial government made any complaints against these companies with regard to destroying the fisheries there?

Mr. CÔTÉ: This is the first we have had.

Mr. SYLVESTRE: The first time.

Mr. CÔTÉ: It is fourteen or fifteen since they built these dams. They were never called on to build fishways or pay a fine. Fifteen years after everything is done, they are called on to pay a fine; and they cannot see that they have done any harm, because the fish do not go up there.

The CHAIRMAN: If the provincial government has made no complaint, has the public generally in that community made any complaint?

Mr. SYLVESTRE: No.

The CHAIRMAN: There has been no complaint from either the provincial government or from the people?

Mr. SYLVESTRE: I have never heard of any, except maybe a few sportsmen who used to go, in the summer time, to fish in the rapids in the Grand Discharge. Now they are going up in the rivers and they get the same amount of fish. They had to change their location.

The CHAIRMAN: If there is no complaint from the provincial government, and if there is no complaint from the public generally, why the amendment at all?

Mr. POTTIER: I think there was a letter from some lawyer. I think we had some correspondence.

Mr. RODD: There was a complaint inasmuch as the provincial government has requested this notice to be served on the companies.

Mr. POTTIER: When?

Mr. RODD: Last year.

The CHAIRMAN: Has the provincial government asked for this?

Mr. RODD: The provincial government requested the dominion government to serve notice on the company.

Mr. CÔTÉ: To do what?

Mr. RODD: To serve notice on the company to contribute towards hatcheries as provided in the act.

Mr. CÔTÉ: That was nineteen years after the dams were built.

Mr. RODD: The dams started about 1925. There is one point that has not been brought up in regard to administration. I will quote from the Order in Council that was given to you this morning—"Are prepare to undertake under proper regulation by the federal government." That is provided in the Order in Council.

Mr. NEILL: P.C. 360?

Mr. RODD: The Order in Council of February 13, 1922.

Mr. NEILL: What paragraph?

Mr. RODD: Page 2, paragraph 2.

Mr. TAYLOR: Mr. Chairman, I should like to observe that, in the minutes of evidence on the 3rd of April, at page 1, there is a long letter to the minister signed by O. Gagnon, and after reciting the case he says:—

Mr. Geoffrion is therefore legally applying the statute.

I would like to know in the circumstances, if you would be disposed to send the notice provided at paragraph (b) of section 57, to the following gentlemen, with a view to obtaining from each of the said companies a yearly contribution of \$5,000 for the construction, operation and maintenance of an entire hatchery.

In case the said companies should refuse to comply with your notice, I would appreciate that you let me know if you would agree to take procedures against them, after the 30-day period had expired, by exacting the maximum fine provided in section 57.

I think it is obvious from that letter that the whole of this reference has come to this committee.

Mr. CÔTÉ: That was last year.

Mr. TAYLOR: The date of Mr. Gagnon's letter is September 13, 1938.

Mr. CÔTÉ: Yes. That means that Mr. Gagnon, fourteen years after the dams were built, called upon the federal government to take action against the two companies for \$10,000 which would be paid to the province of Quebec.

The CHAIRMAN: Is the committee in favour of having Mr. Geoffrion come here and give evidence?

Mr. NEILL: He does not want to come.

Mr. POTTIER: I think so. I understand there is a question of jurisdiction between Quebec and the federal government, and we had better go cautiously before we step into any definite stand that we cannot withdraw from. I think if we can get any light on it, we should do so.

The CHAIRMAN: I think we are more or less in the dark unless we hear from an authority such as Mr. Geoffrion who is acting for the company.

Mr. POTTIER: I think so.

The CHAIRMAN: What is the wish of the committee?

Mr. NEILL: I would refer the committee to section 20 of the act. It is the identical thing which we are now being asked to pass, with this difference, that we are going to ask them to put up an annual sum. This is what section 20 reads, after reciting exactly the same thing, if it be determined by the minister that it is not feasible to build a fishway or provided the spawning areas above

such are destroyed, "The minister may require the owner or occupier of such slide, dam or other obstruction, to pay to him, from time to time. . . ." That is the whole difference. "To pay from time to time such sum or sums of money as he may require to construct, operate and maintain such complete fish hatchery establishment. . . ." The only difference is that as it is now they will pay from time to time and they want to make it an annual payment. If we throw out this bill, we still have section 20 where it clearly says exactly what I have read. The only difference is they would come upon them for the whole cost of the dam—that is \$40,000 or whatever it is—whereas now they are asked to provide an annual sum. That is the whole difference between section 20 which is still in the act and section 57 as it is proposed.

Mr. REID: I am sorry the minister is not present, because I should like to have told him what prominent lawyers have said about this Fisheries Act. They have said that the whole thing should be scrapped and rewritten because any time they have endeavoured to take any action in law, they have had to amend it. A very prominent K.C. told me it was the most loosely written act in the whole dominion. That point was just up a minute ago.

Mr. NEILL: A worse one is the Indian Act.

Mr. REID: They had to amend it twice last year.

Mr. HANSON: You had better make that recommendation.

Mr. REID: Speaking about an amendment, I should like to see one to that section, because we are making it an indefinable amount in the first section of the act and in section (d) we are leaving it as it is, \$4 per day, which would not be adequate in a river like the Fraser.

Mr. TAYLOR: If a dam is erected there, the chances are it would destroy all your fish

Mr. REID: I should like to see that change made in the act, if it is deemed advisable so to do.

Mr. McCULLOCH: I think the companies are having a hard enough time to get along without any other penalty being put on them. Most of those companies are just struggling along now.

The CHAIRMAN: In the absence of the minister, I do not know whether or not we can do very much more with this bill today. What is your opinion?

Mr. POTTIER: Are you going to get Mr. Geoffrion? Are you going to wait for his views or opinions?

The CHAIRMAN: I am going to wait for the views of the committee.

Mr. NEILL: Perhaps Mr. Pottier was not here earlier when a letter was read, or a wire, from the minister to Mr. Geoffrion inviting him to come, or telling him the thing was coming up. He did not indicate that he wanted to come. It was read today, I think.

The CHAIRMAN: Yes.

Mr. NEILL: That might be read again, that telegram from the minister to Mr. Geoffrion. The clerk might read it again. By the way, what is the date of it?

The CLERK: It is dated March 29, to Mr. Geoffrion, and reads:—

Bill No. 15 amending Fisheries Act referred to Committee of Marine and Fisheries and may be up for consideration on Mondays and Fridays.

On March 30, Mr. Geoffrion answered:—

I thank you for your telegram with regard to Bill No. 15 amending the Fisheries Act. I have no objection to the bill.

What I would like, as I said to you in my letter of the first instant, is that no order in council authorized by the present Fisheries Act as well as by the bill be passed against the Saguenay Power Company Limited or

the Aluminum Power Company Limited, two companies which have dams in the upper Saguenay river known as the "Grande Decharge," as requested by Mr. Gagnon, Minister of Fisheries at Quebec, before I have given my evidence.

You are the judge. I have objections to offer to the request of Mr. Gagnon and I would not like to be sentenced before being heard.

Mr. McCULLOCH: I would give him a chance to be heard.

The CHAIRMAN: He says he wants to give evidence. Where does he want to give evidence? Here?

Mr. CÔTÉ: That is what I was wondering.

Mr. NEILL: He wants to give evidence before the minister as against the order in council. He is not kicking against the bill. He is kicking against any possible order in council.

Mr. HANSON: Action the minister may take after the bill is passed. That is what he means.

Mr. NEILL: Yes.

Mr. CÔTÉ: It would be too late to kick afterwards.

Mr. RODD: His protest is not against the bill but it is against the act. Is that not right?

Mr. NEILL: No; it is against any possible action taken under the bill.

Mr. RODD: Yes, the act.

Mr. NEILL: An order in council.

Mr. CÔTÉ: He says he offers no objection to the bill. He wants to be heard afterwards, before an order in council is applied to this company. I think he would be too late. The law would be the law.

Mr. HANSON: I would send him a wire from the committee referring to the wire he sent to the minister that he wants to be here, and let him know.

THE CHAIRMAN: We could notify him right away if we could agree on the date of our next meeting—if it is to be this week or next Monday or whatever date it would be—and say that we were not clear whether he wished to give evidence before the committee, that we would sit on such and such a day, and if he wished to be here and present any argument, we would give him a chance to do so.

Mr. NEILL: And ask him to be here at that time.

Mr. RODD: Might I correct my last statement? What I intended to convey was that Mr. Geoffrion is protesting against the act as it stands; his protest that he submitted is against the act.

Mr. NEILL: I do not agree with you.

Mr. RODD: He is protesting against the legislation as it stands.

Mr. NEILL: No. All he says is that he wants to be heard against the present act.

Mr. RODD: Yes. That is what I say.

Mr. NEILL: He says they have not power under the present act to sue his company.

Mr. RODD: That is what I wanted to make clear, that he protests against the present act.

Mr. NEILL: No. He is also saying if the act is amended to give you power of putting teeth into the bill, then he wants to be here.

Mr. REID: I would take it from his letter that he is not agreeing. Even though he says "I have no objection to the bill", we know how lawyers speak. They say, "I have no objection, but I do not agree with it; go ahead and do what you like but you are all wrong." That is not saying for one moment that he is agreeing with the bill or the act at all.

Mr. TAYLOR: You had better see what tools he has in his work box. Somebody had better write a letter and see if he is ready to come.

The CHAIRMAN: Ask him for a reply?

Mr. NEILL: If you are going to do that, why not get the company here?

Mr. TAYLOR: He is the company.

Mr. HANSON: He represents the company.

Mr. POTTIER: We should get the two sides of this thing.

Mr. RODD: This matter applies to the whole of Canada, not to these two companies only.

Mr. REID: I was going to suggest that, after we hear Mr. Geoffrion, the thing be referred for further consideration. My view is that if it was drawn up, it was drawn up at the instigation of Quebec or some interest in Quebec; and now when we come before the committee it is evident that it applies to the whole of Canada, the whole nine provinces. In view of that, we must view the amendment as it applies to a river like the Fraser.

Mr. TAYLOR: Mr. Chairman, I should like to ask what Mr. Reid has in his mind about the Fraser river in connection with this bill.

Mr. REID: It will only take me a minute to tell you. It is well known that the Fraser river has been charted, plotted and planned by engineers of the provincial government; and it has been so well done that any company desiring so to do could make application to the provincial government for the right to manufacture power above Hope. Some of the dams that would have to be constructed would be exceedingly high; and I can foresee a difficulty arising there should they proceed with their application and in the event of the application being granted. I have stated publicly and stated before the authorities in Victoria that the civil servants and those having to do with Victoria are very keen to grant those rights to some provincial company to make power. Having that information, I must say I regard this bill as being a very serious bill.

Mr. TAYLOR: Of course I am at one with you in recognizing the importance of the Fraser river. But would the passing of this bill be against any correct action that might be taken on the Fraser river?

Mr. NEILL: No.

Mr. REID: Let us take section (d) in the act as it is now:—

Where the minister determines it to be necessary to provide a sufficient flow of water over the spillway or crest with connecting sluices into the river below, to permit the safe and unimpeded descent of fish, who after three days' notice in writing, neglects or refuses to provide such shall be liable to a penalty of not less than four dollars and not more than twenty dollars for each day or part of a day during which such notice is not complied with.

That means that any company doing that, ignoring the demand made by the Minister of Fisheries, could very well afford to pay that \$4.00 per day, something like \$1,460 per year; or at \$20.00 per day, if the fine was the maximum, it would only be \$7,300; because in the constructing of sluices it might take \$2,000,000.

Mr. TAYLOR: Then there is a good reason why this bill should be passed.

Mr. REID: Not be passed. I am objecting to section (d) as not going far enough.

Mr. TAYLOR: Not going far enough?

Mr. WHITMORE: Not going far enough. It goes part way.

Mr. REID: It does not go far enough; and I say that now it has been opened up, this is the time to consider it.

Mr. TAYLOR: I see.

Mr. NEILL: I have a suggestion to make, Mr. Chairman. I feel inclined to agree with Mr. Hanson and Mr. Taylor that we pass this bill as it is. I think it will do us good in British Columbia, because any power plant coming along will face this situation: They have got to take care of the hatcheries, as the case may be. There is a different situation down here where, as Mr. Sylvestre points out, they have waited ten or twelve years before they have asked for this. He also points out with a good deal of truth, apparently, that it has not affected the fish going up and down—that there is plenty of fish in the lake. I should not like to see British Columbia, who have no personal interest in the Quebec situation, overrule our friends from Quebec. How would it be if we adjourned and let the Quebec members meet the minister and discuss with them what his position would be when an application came up to deal with these two particular features? Then, perhaps, it might be agreeable to pass the bill as is.

The CHAIRMAN: I think that is a good suggestion.

Mr. NEILL: Because he has the whole say; and he might say, "I consider \$5,000 is ridiculous. I will cut it down." A little compromise discussion might meet the situation. As far as British Columbia is concerned, I do not see much wrong with it. I think it is a good thing.

Mr. POTTIER: I think that would be putting the minister on the spot, to go and ask him what he is going to do if a certain thing is done.

Mr. NEILL: It would not be putting him on the spot. Those things are not done.

Mr. POTTIER: I agree with you. But I suggest that going to the minister and asking, "What will you do if we do so-and-so?" is putting him on the spot.

Mr. NEILL: No. That is putting it coarsely.

Mr. POTTIER: I think we are going a little too far. I think we should pass it on its merits ourselves and discharge our responsibility, without depending on what the minister is going to do about it. It is either good or bad. Suppose this minister passes out. We do not know what is going to happen to another minister, and we are just as badly off as ever. He might have different views. The thing is either good or bad in itself.

Mr. MAYHEW: I think there is a doubt in the mind of most of us yet whether it is good or bad. That is the reason that I think we should go slowly until we have definitely cleared it up in our minds.

The CHAIRMAN: I feel very strongly that we should hear Mr. Geoffrion.

Mr. POTTIER: To bring this thing to a head, I will make a motion that Mr. Geoffrion be asked to appear before this committee at the next meeting.

Mr. CÔTÉ: I second that.

Mr. NEILL: Mr. Geoffrion is a high-priced man. If you send to have him in any capacity, he will want \$200.

Mr. POTTIER: We pay nothing. He is representing his company.

Mr. NEILL: Ask him if he wants to come.

The CHAIRMAN: I think it would be well to communicate with him and tell him that if he wants to appear on behalf of his company, he has an opportunity of doing so.

Mr. NEILL: Do not tell him to come at \$200 a day.

Mr. POTTIER: I did not have that in mind.

The CHAIRMAN: That is the only reason I hesitated to have a motion passed by the committee at all. If we pass a motion here asking him to appear, then we commit ourselves.

Mr. POTTIER: No, I do not want to do that. I will put it this way, that we give him an opportunity on behalf of his company of appearing.

The CHAIRMAN: To make representations.

Mr. POTTIER: Yes.

Mr. REID: Before you put the motion, might I ask Mr. Rodd what the definition of a migratory fish is. It is new term being used.

Mr. RODD: It is not defined in the act, Mr. Reid. It is a general term. Any of the salmon that go from the sea to fresh water to spawn are migratory. Also other fish as well to the extent to which they migrate—speckled trout from lakes to the tributary streams, or vice versa.

Mr. REID: It covers all varieties?

Mr. RODD: Yes; so long as they have a well defined migration.

Mr. TAYLOR: I wonder if the British Columbia members would agree to asking the minister to put heavier molars into this act so as to suit the B.C. Case?

Mr. REID: Heavier what?

Mr. TAYLOR: Molars—grinders—teeth.

Mr. REID: I should like to see that done.

Mr. NEILL: While we are dealing with that invitation to Mr. Geoffrion, I would add to that that he be asked to reply, so that we will know when we meet again. Ask him to send a reply. He can send it collect if he likes.

Mr. McAVITY: I should like to ask Mr. Rodd if a hatchery is a suitable substitute for a slide for migratory fish. It does not seem to me that it is practical. You take the eggs from the fish below the dam and hatch them above, and then the fish tumble down over the dam or else they cannot go back again.

In some cases it is not practical for them to tumble over the dam. They would be killed going over. It does not seem to me that a hatchery is a suitable substitute for a slide.

Mr. NEILL: In a lake forty miles long, there would not be many going over the dam.

Mr. McAVITY: Then they are not migratory.

Mr. NEILL: Is that lake forty miles long?

Mr. SYLVESTRE: Twenty-five.

Mr. CÔTÉ: Morevoer, the fish never go over.

Mr. McAVITY: I was not speaking of that particular case, I was speaking of all Canada. Is a hatchery at a dam a suitable substitute for a fish slide?

Mr. REID: No.

Mr. RODD: You are bringing up the question of the small or young salmon getting through, are you?

Mr. REID: It brings up the whole question, I think.

Mr. McAVITY: Yes.

Mr. RODD: Yes, but it is getting them down. I do not know. In the Columbia river they have spent \$7,000,000 in fishways, in fish passes. They maintain that they are going through satisfactorily. Mr. Reid has other advice.

Mr. REID: I have advice to the contrary.

Mr. RODD: Yes.

Mr. REID: To the effect that various varieties are going down year by year.

Mr. RODD: In our experiments, fish that go through turbines are killed, to a very large extent. As opposed to that, we have reports from Scotland, that they are going through turbines there under a head of 100 feet.

Mr. REID: That is the hard-headed Scotch.

Mr. RODD: Yes, that is the hard-headed Scotch. We have had conflicting evidence and the department is planning to carry on further investigations on

that point. I was at a plant and they assured me that there was no trouble in getting fish over the dam in Washington state, at Baker lake outlet. That was 240 feet. They maintained that the fish that were going down in the water were going down alright and it was those that worked toward the edges and the surface...

Mr. NEILL: They came through the spillway?

Mr. RODD: They came over the spillway; at that point the fish were not going through the turbines. The entrance to the turbines was down low and the fish were swimming high; and the turbine draw had no effect because they were swimming high. They were affected by the drag over the spillway. The matter is so complicated that each situation is a problem in itself.

Mr. REID: Yes. But what would be your view if I should ask your opinion in the event of a dam being constructed across the Fraser river, in the light of the knowledge of the Columbia, realizing that the fish even from Hope ascend 500 miles up, after they leave Hope, into the interior rivers and lakes of British Columbia? You are leaving a loophole, in my opinion, for the company to get away from paying something and putting up sluices or something in the way of taking care of your fish now. I do not believe any amount of money would compensate for the loss in the Fraser river. That is my own view, subject to correction.

Mr. RODD: What would be the value of the Fraser river fishery?

Mr. REID: I beg your pardon?

Mr. RODD: What is the possible value or probable value of the Fraser river fishery?

Mr. REID: That is hard to estimate.

Mr. RODD: That is what I mean. It is hard to estimate; so when you ask me questions like that, I find it very difficult an answer. I can see that if that happens in the Fraser a very difficult situation would be created.

Mr. REID: I reckon that the fish are worth \$20,000,000.

Mr. RODD: \$20,000,000 or \$30,000,000?

Mr. REID: That is a lot of money.

The CHAIRMAN: There is a motion before the committee now, and I will read it. It is that Mr. Geoffrion be given an opportunity to appear before the committee on behalf of the companies he represents at the next meeting and to let us have a reply before that date. Are you ready for that motion?

Some Hon. MEMBERS: Carried.

The CHAIRMAN: That is agreed. I suppose it is almost too late to take up the British Columbia matter, but there is one thing to which I wish to direct the attention of the committee. We did invite the Pacific coast fishermen to appear here, and we have had no reply.

Mr. REID: I do not think they want to appear.

The CHAIRMAN: The wire read:—

No decision arrived at re hearing witnesses stop committee wish to know if all unions interested could combine in having not more than two representatives appear before committee providing committee decide hear evidence stop meantime your union can file brief if desired.

Mr. NEILL: Who did you send that to?

The CHAIRMAN: The Pacific Coast Fishermen's Union, 164 Hastings Street, Vancouver, B.C.

Mr. NEILL: On what date?

The CHAIRMAN: The date on which it was sent is April 3rd.

Mr. NEILL: You received no answer?

The CHAIRMAN: No answer.

Mr. REID: We really did not invite them. We merely asked them in that wire in the event that the committee decided to hear witnesses, if they would try to amalgamate and send two representatives.

The CHAIRMAN: Yes.

Mr. REID: That is why I raised objection when you mentioned that.

Mr. HANSON: I can see reason for delay because they cannot do it in one day. They want to get in touch with the different organizations and the different organizations would have to hold meetings and decide on this; and it is only two or three weeks since they were communicated with.

Mr. NEILL: Did you write?

The CHAIRMAN: No, it is a telegram.

Mr. HANSON: But they have to have communication with the opposite side of Vancouver island, Vancouver north, New Westminster. It takes a couple of weeks.

Mr. REID: I do not think they took very long last time to notify them when it was decided.

Mr. MAYHEW: That is the wire I objected to at the last meeting. You were not here, Mr. Chairman, but I objected to the part where you said "not more than two." You are not going to get the trap interests, the seine net interests and the gill net interests to combine. If they send down two, you are going to have one of each, which means that one would be left out. You had better have three.

Mr. NEILL: I think the idea was that we would ask them separately. We would not ask them to combine.

Mr. MAYHEW: We could do that.

Mr. NEILL: We have to do that now.

Mr. MAYHEW: As long as the trap nets are on the same basis as the others, it is all right.

The CHAIRMAN: That wire was practically in reply to this wire to the chairman dated March 11th:

Request permission practical fishermen this association appear before your committee re traps stop suggest government assume cost transportation and sustenance.

Mr. NEILL: When did you get that?

The CHAIRMAN: That was one they sent us on March 11th.

Mr. NEILL: They have exhibited a desire to come.

The CHAIRMAN: This was the reply:—

No decision arrived at re hearing witnesses stop committee wish know if unions interested could combine in having not more than two representatives appear before committee providing committee decide hear evidence stop meantime your union can file brief if desired.

Mr. NEILL: Perhaps they are trying to get the various bodies to unite. That may be.

Mr. MAYHEW: All I want is the door left open so that if the trap net interests try to send someone down to represent them, they may do so on the same basis as the others.

Mr. NEILL: Oh, yes. There is no exclusion of them.

Mr. REID: If we had a quorum—

Mr. NEILL: Why does Mr. Mayhew not move that they be asked if they would like to send a representative? Why do you not move that the trap netters be asked if they would like to send one?

Mr. REID: I was going to suggest that if we had a quorum we could have discussed the question of the advisability of witnesses, because that matter should come up at our next meeting, when we get into this,—whether the committee is going to have witnesses or not. These telegrams have left the matter on the table just to be decided.

The CHAIRMAN: We can wire them again if it is the wish of the committee and ask them if they wish to appear; we can ask them for a reply.

Mr. NEILL: Or will they submit a brief.

The CHAIRMAN: Yes.

Mr. HANSON: I think myself we cannot go any further on this trap situation unless we have some witnesses or briefs from them.

Mr. NEILL: Yes. They are apparently keenly interested. I got a petition yesterday and another to-day—I have added them up and I should think there would be about 2,700 names on them—which they have asked me to present to the house. They said they were going to send some more later on; so apparently they are actively prosecuting the matter.

Mr. TAYLOR: There is an industry out there of making institutions.

Mr. REID: We do not know what is going to happen with reference to the session. No one can forecast that.

The CHAIRMAN: No.

Mr. REID: We have not so many more meetings left.

The CHAIRMAN: No.

Mr. REID: Here we are at this late date undecided as to witnesses, and it takes time to negotiate with them.

The CHAIRMAN: It is largely in the hands of the British Columbia men. They are all here. If you want to wire them to send their witnesses, all right.

Mr. NEILL: Ask them if they would be willing to appear.

Mr. MAYHEW: We have given them an invitation and have not heard from them. I would suggest that we carry on with our business, taking it for granted that their silence meant that they were not interested.

Mr. NEILL: We did not do that with Mr. Geoffrion. When Mr. Geoffrion did not reply, we sent another wire to him. Why not to these people?

Mr. POTTIER: Well, Mr. Geoffrion did reply.

Mr. NEILL: Yes, he did; and we are going back to him again.

Mr. TAYLOR: That is what we appear to have done about the fishermen. They asked for the privilege of being heard and we wrote them and told them.

Mr. NEILL: Yes.

Mr. TAYLOR: We have dealt fairly with them, and I want to deal absolutely fairly with every one. Whatever fairness is extended to them must be extended to all others.

Mr. NEILL: Surely. There is no need to set up straw men and knock them down. No one is trying to interfere with the right of the trap interests to be heard.

Mr. TAYLOR: I am glad to hear that.

Mr. NEILL: I think we should invite them. If we invite one, we should invite the others. This should not be going down on the record, should it, if we have not got a quorum?

Mr. MAYHEW: That is quite all right; but we should not have had to fight to have the door left open for them. It was brought up at the first meeting when you first proposed it. I objected to two coming down then; yet the wire was sent which definitely asked for two.

Mr. NEILL: Pardon me. I think the chairman addressed himself to the fishermen, not to the trap netters.

Mr. TAYLOR: Do I understand that this is going down when there is no quorum?

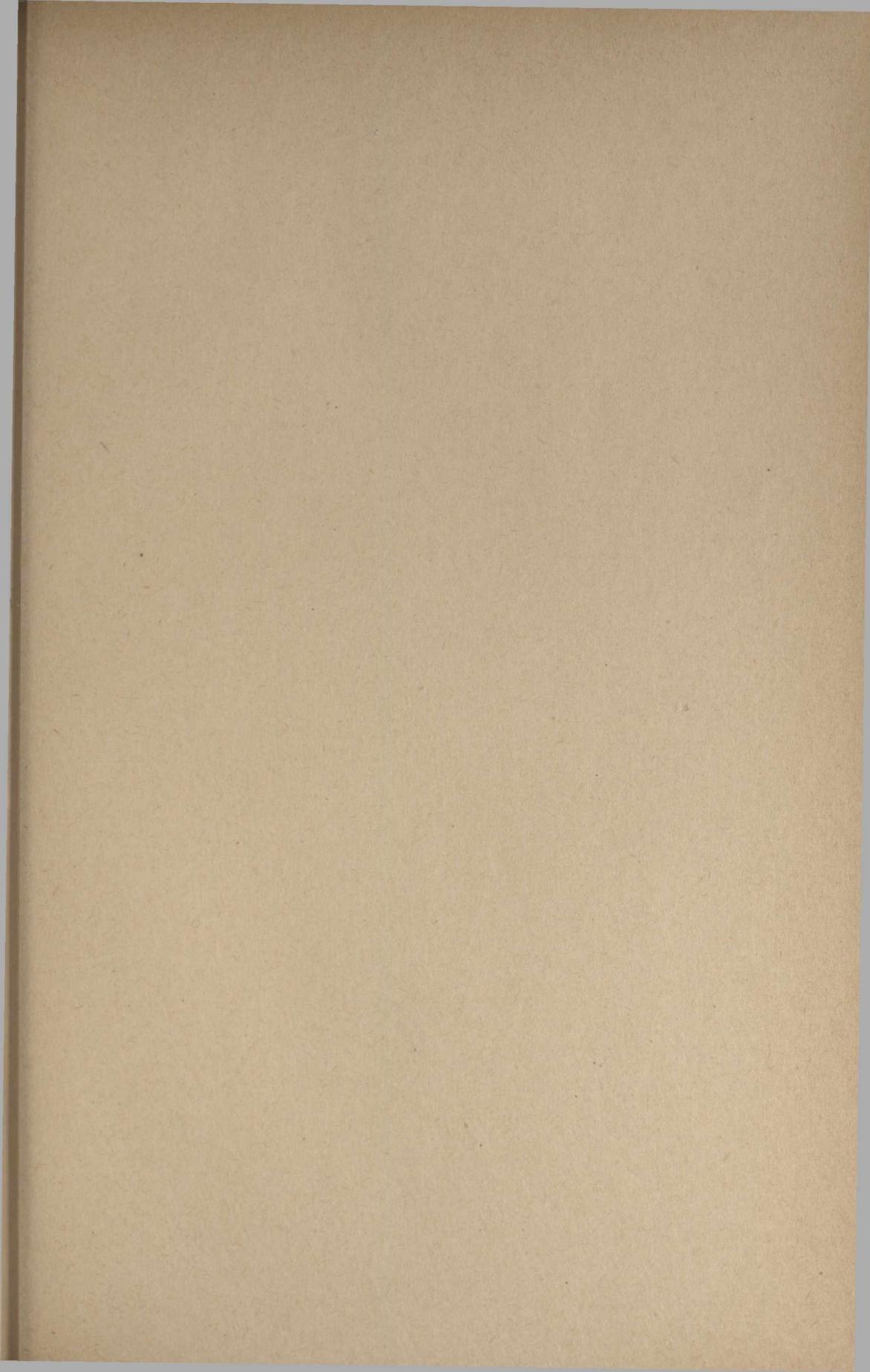
Mr. HANSON: There is a quorum here. We have eight.

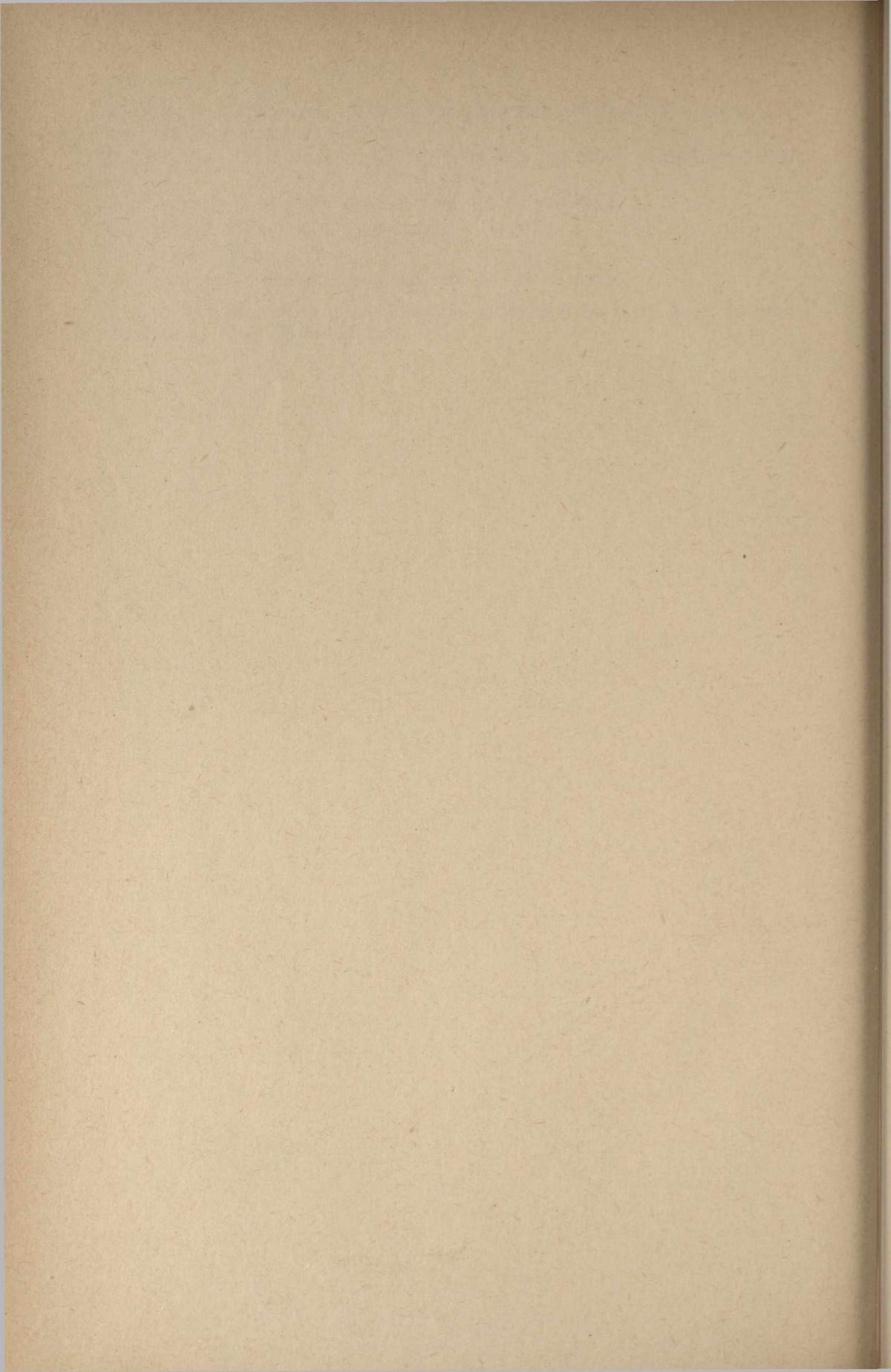
Mr. TAYLOR: What is the quorum?

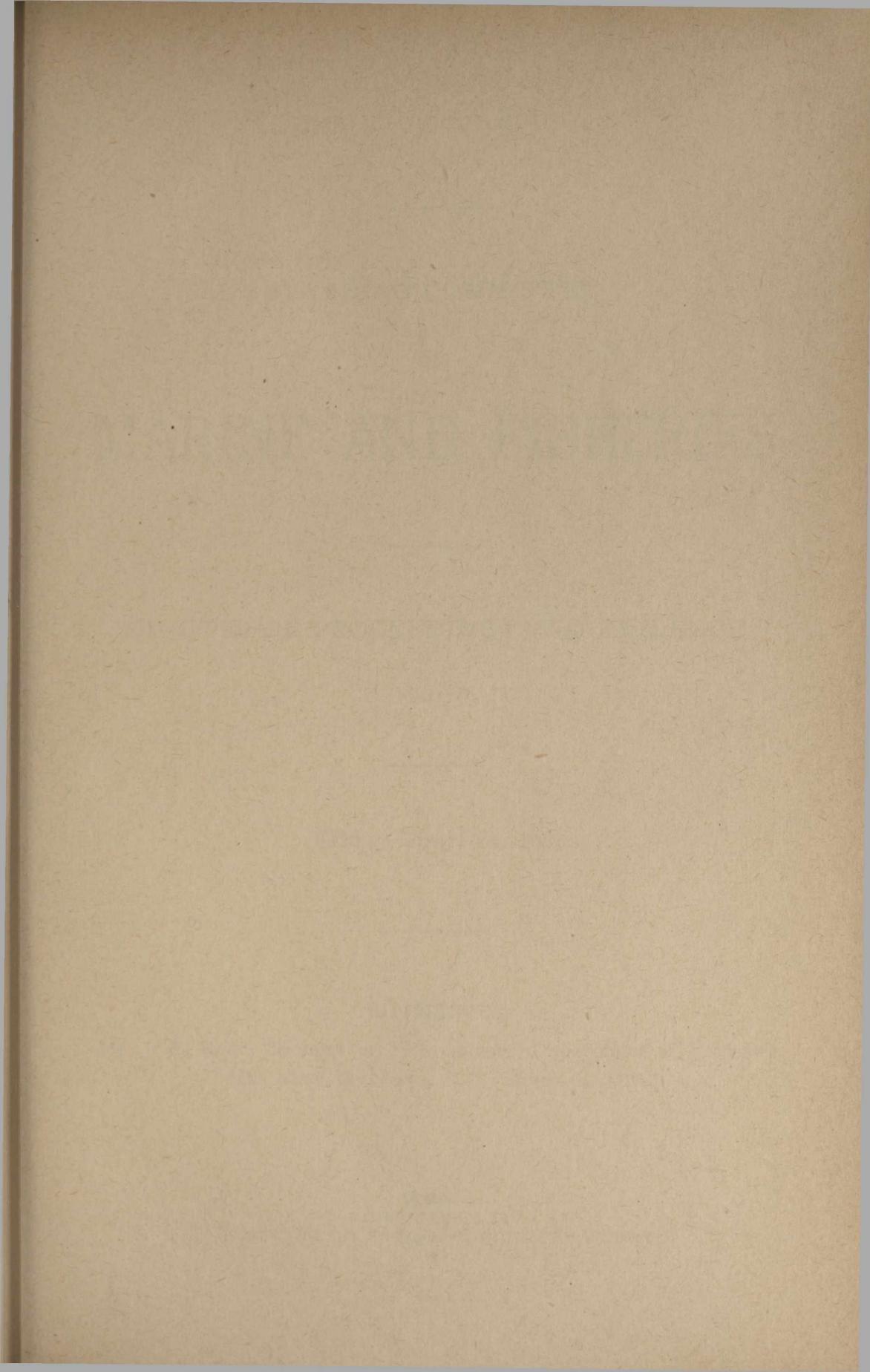
The CLERK: Ten.

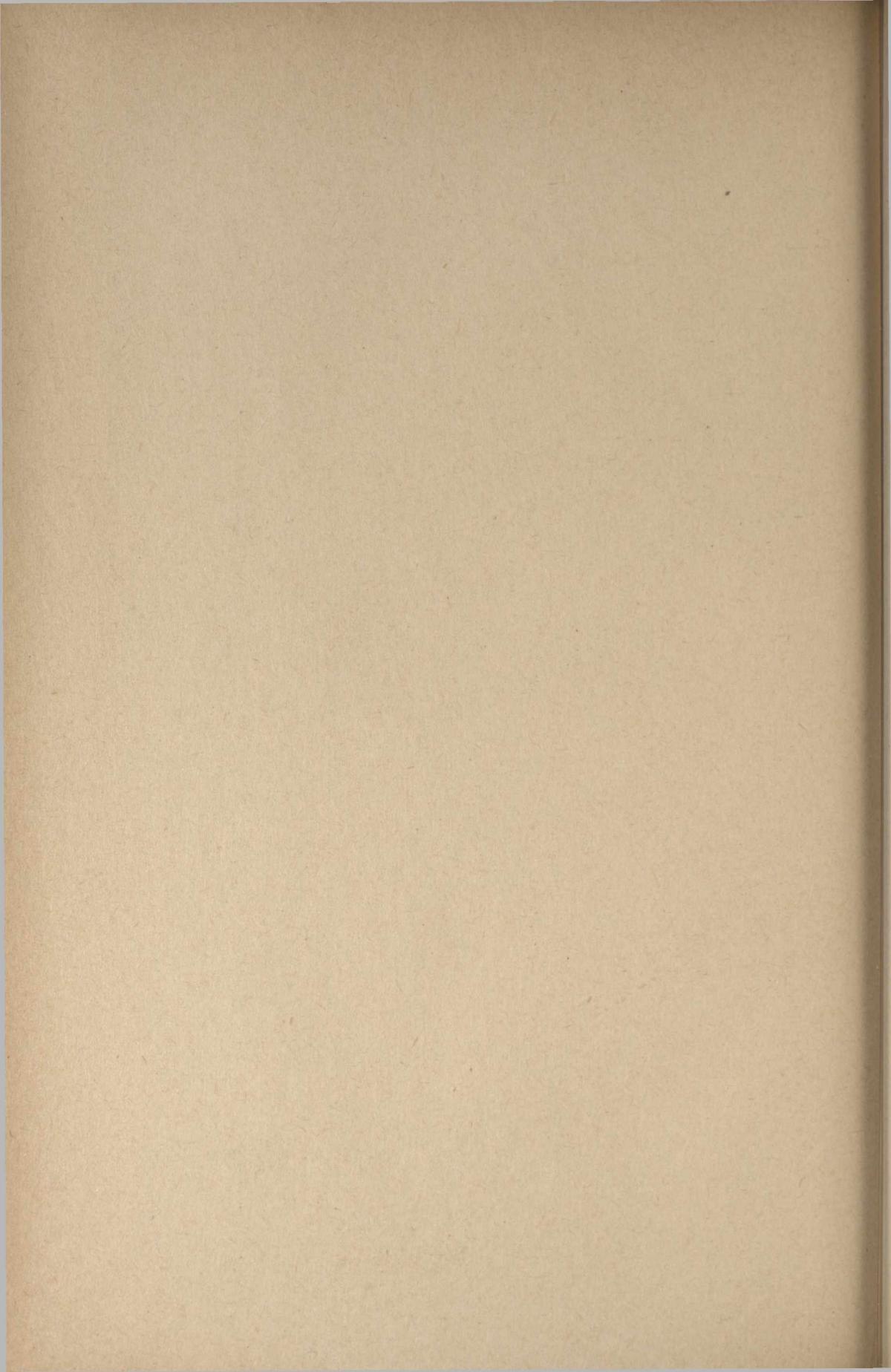
The CHAIRMAN: Perhaps it should not be taken down.

After further discussion, the committee adjourned at 12.45 p.m., to meet again on Friday, April 28, at 11 a.m.









SESSION 1939
HOUSE OF COMMONS

STANDING COMMITTEE

ON

MARINE AND FISHERIES

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 4

Friday, April 28, 1939

WITNESSES:

Mr. J. A. Rodd, Director of Fish Culture, Department of Fisheries;
Mr. Aimé Geoffrion, K.C., Montreal, Que.

OTTAWA
J. O. PATENAUDE, I.S.O.
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1939

MINUTES OF THE BOARD OF MARINE AND FISHERIES

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MINUTES OF PROCEEDINGS

FRIDAY, April 28, 1939.

The Standing Committee on Marine and Fisheries met this day at 11 a.m., Mr. A. E. McLEAN (*Prince*) presiding.

Members present: Messrs. Côté, Hanson, MacLean (*Prince*), MacLean (*Cape Breton North-Victoria*), Mayhew, McAvity, McCulloch, McDonald (*Souris*), Michaud, Neill, Pottier, Reid, Robichaud, Taylor (*Nanaimo*) and Veniot. (15).

Also present: Mr. A. Sylvestre, M.P.

In attendance: Mr. J. A. Rodd, Director of Fish Culture, Department of Fisheries; Mr. A. J. Whitmore, Head of the Western Division, Department of Fisheries; Mr. Aimé Geoffrion, K.C., Montreal, Que.

The CHAIRMAN read to the Committee:—

1. Telegram sent to the Pacific Coast Fishermen's Union, dated April 26.
2. Telegram received from the Pacific Coast Fishermen's Union, dated April 26.
3. Letter sent to Mr. Aimé Geoffrion, K.C., of Montreal, dated April 26.
4. Telegram from Mr. Aimé Geoffrion, K.C., dated April 27.
5. Telegram in reply to Mr. Aimé Geoffrion, K.C., dated April 27.

The clerk read a letter received from Mr. Aimé Geoffrion, dated April 27, in which he makes a suggested amendment to Bill No. 15.

The Committee resumed its consideration of Bill No. 15.

Discussion followed with respect to the question of migratory fish.

Mr. Rodd was recalled and further examined.

On motion of Mr. Hanson:—

Resolved,—That Section 57A (1) be amended by adding, after the word "obstruction," in line 3, the words "which he deems necessary for the public interest."

On motion of Mr. Hanson:—

Resolved,—That Sections 1 and 2, as amended, be passed.

Mr. Aimé Geoffrion, K.C., of Montreal was called and examined.

The Committee considered the amendment of Mr. Neill contained in the Order of Reference dated March 2, 1939, viz:—That the following be inserted as a new section.

Section 32 is hereby amended by inserting the following subsection 2 thereof: "After the calendar year 1939, no one shall use a salmon trap net in any of the Pacific waters of Canada off the South-Westerly shores of Vancouver Island."

Mr. Neill filed with the clerk particulars respecting gill-netting in the Sooke Area and it was agreed to print them in to-day's minutes of evidence.

In respect to the proposed amendment of Mr. Neill and on motion of Mr. Hanson:—

Resolved,—That all words after the word “Canada” be deleted.

On motion of Mr. Hanson, the amendment of Mr. Neill, as amended, was adopted.

By unanimous consent, Mr. Pottier moved, and the Committee agreed, that Mr. Neill’s amendment contained in the Order of Reference, as amended by the Committee, be reconsidered.

Following discussion on the advisability of hearing further witnesses regarding trap fishing, it was moved by Mr. Taylor that the Committee hear no further witnesses and it was agreed that the Chairman telegraph the Pacific Coast Fishermen’s Union and the trap owners asking them to submit briefs as soon as possible.

At 1 o’clock, the Committee adjourned to the call of the Chair.

ANTONIO PLOUFFE,

Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS, ROOM 268,

April 28, 1939.

The Standing Committee on Marine and Fisheries met at 11 o'clock. The Chairman, Mr. A. E. MacLean, presided.

The CHAIRMAN: Gentlemen, we have a quorum; let us proceed. Before we go on with the question we were discussing at our last meeting I shall tell you what has been done in the meantime. I wired the Pacific Coast Fishermen's Union on April 26th the following wire:—

Wired you April third suggesting unions interested could combine to have representatives appear before committee if we decide to hear same or if they wish file a brief Stop Up to present have had no reply Stop Wire your suggestions as have further meeting twentyeighth instant.

Mr. REID: When did you send that telegram?

The CHAIRMAN: The day of our last meeting, the 26th of April. We got this reply:—

Received all your telegrams can send witness to committee provided government meet expenses.

A. V. HILL,
Secretary.

So that they are still waiting to hear from us whether they are going to come or not. Now, that deals with the British Columbia situation.

After you left the last meeting, Mr. Minister, it was suggested that I should write to Mr. Aime Geoffrion and ask him whether he wished to appear before the committee. I wrote him on April 26th as follows:—

AIMÉ GEOFFRION, Esq., K.C.,
Messrs. Geoffrion and Prud'homme,
Barristers and Solicitors,
112 St. James St. W., Montreal.

DEAR SIR,—As chairman of the Marine and Fisheries committee in the House of Commons, I have been requested to write you in connection with the power dams on the Saguenay river, as I understand that you represent the two companies interested in the power situation there and, therefore, are also interested in the amendments to the Fisheries Act which are now before the committee.

My purpose in writing you now is to advise you that the committee will meet on Friday, the 28th instant, at 11 o'clock, House of Commons, for further discussion to the amendments to the Act, and if you wish to make any representations on behalf of the companies which you represent the committee would be pleased to give you the opportunity of doing so.

Would you kindly reply either by letter or by wire, letting us know if it is your wish to appear before the committee.

Yours very truly,

A. E. MACLEAN,
Chairman, Fisheries Committee.

Now the first document we received from Mr. Geoffrion was a telegram dated Montreal, April 27th, which read as follows:—

A. E. MACLEAN,
Chairman, Fisheries Committee, Ottawa.

Cannot reach Ottawa before twelve. Stop. I am writing you my criticism in case that is too late.

AIME GEOFFRION.

I received a letter from Mr. Geoffrion and I have the letter here.

Hon. Mr. MICHAUD: Would you have that letter read?

(Clerk reads letter.)

GEOFFRION AND PRUD'HOMME

Advocates and Barristers

112 St. James St. W.,
Montreal, April 27, 1939.

Mr. A. E. MACLEAN,
Chairman, Fisheries Committee,
House of Commons, Ottawa.

DEAR SIR,—I confirm this morning's telegram reading as follows:—

Cannot reach Ottawa before twelve. I am writing you my criticism in case that is too late.

The point I wish to make may probably be stated fully in a letter. I do so in view of the possibility of my not reaching the committee in time.

I represent the companies owning dams on the Grande Decharge which connects Lake St. John with the Saguenay at Isle Maligne and at Alcoa or Racine.

I do not understand the legislation to be aimed at my companies because, as stated in the explanatory notes, it is only intended to provide for payment of an annual sum instead of "a sum or sums of money"; the amendment also apparently provides for an action to recover instead of a penalty.

We have no objections to these two alterations.

The point I wish to raise is a different one.

I construe the existing section 57 paragraph (b) as well as the proposed section 57A as applying only to the case where a fish way would be necessary; in other words, to a case where previously to the building of the obstruction, the stream was used annually by migratory fish. In other words, it is not intended to apply to a stream where there was at the time no migration of fish, particularly when that condition has existed since time immemorial.

I always thought that was the proper construction of the statute because it is the only equitable construction; the only reason for the payment by the builder of the obstruction of the cost of maintaining a hatchery must be the damage he causes to spawning beds above it. That view is supported by the statement in the fourth and fifth lines that the destruction of the latter is by reason of the obstruction as well as by the last lines of paragraph 1 where the requirements to be met are those for maintaining the annual return of migratory fish.

There is another confirmation of the view in section 20, paragraph 1 with which this new section as well as the existing section 57, paragraph (b) are obviously connected. There, it seems that the whole paragraph including the end requiring the owner of the obstruction to pay for the hatchery is governed by the opening words that the minister must determine that it is necessary for the public interest that a fish pass should exist.

However, the wording is not overwhelmingly clear. I would suggest to make the new section correspond to section 20 without doubt, that there be added in the third line after the words "other obstruction" the words "which he deems necessary for the public interest." They are the words of section 20, paragraph 1. The doubt would be eliminated; of course, other words would do but I would suggest these are probably the best since they are those of the other section of the Act on the same question.

Yours truly,

AIME GEOFFRION.

Mr. TAYLOR: In other words, they deny there were migratory fish.

Mr. NEILL: Is Mr. Geoffrion coming?

The CHAIRMAN: Well, I wired him on receipt of the telegram as follows:—

Re telegram twelve satisfactory room four twenty-nine.

So he may be on the noon train.

Mr. NEILL: Would you mind reading the amendment again. He wants to add something to 57(a); what is it he wants to add?

Mr. REID: Might I ask the minister a question? I should like to know if the amendment we have been offered took out of the Act the present subsection A?

Hon. Mr. MICHAUD: The what?

Mr. REID: Section 57.

Hon. Mr. MICHAUD: Oh, no.

Mr. REID: That is still left in the Act?

Hon. Mr. MICHAUD: Oh, yes, the amendment proposed is in the third line of section 57(a). After the word "obstruction" he suggests adding the words, "which he deems necessary for the public interest."

Mr. NEILL: There is no objection to putting that in, is there?

Hon. Mr. MICHAUD: No, it is simply to make it conform with the direct provision of the Act, section 20.

Mr. NEILL: If that is going to make him happy, why not put it in?

The CHAIRMAN: It gives the minister more control too—full control.

Hon. Mr. MICHAUD: Oh, no. This is the penalty clause. The minister is controlled by section 20.

Mr. TAYLOR: It is merely structural embellishment, is it not?

Hon. Mr. MICHAUD: Yes.

The CHAIRMAN: Painting the lily.

Mr. VENIOT: Might I ask Mr. Rodd to give us a clear definition of the term "migratory fish"? Does that mean fish that simply move up and down the river or fish that move out to the sea?

Mr. RODD: The migratory term is pretty wide in its application. It is sometimes applied to fish that move from salt water into and up rivers and also when there is a case of a defined migration from a lake to a tributary and back again. Migration simply means moving from one point to another in the well defined manner.

By Mr. Veniot:

Q. It is a very broad term?—A. Yes, it is a very broad term.

By Mr. Côté

Q. Would that principle apply in the present case?—A. Yes, it would apply in the present case.

Q. How?—A. To the extent to which the fish moved from the lake to the rapids and back again.

Q. Have you evidence of that—that the fish left the tributaries to go down the lake and spawn?

Hon. Mr. MICHAUD: It is the other way about; they left the lake to go to the tributaries to spawn.

By Mr. Côté

Q. Is there anything to prevent the fish from going up now?—A. The fish that are below those dams are unable to get above; the fish that are below are unable to get above the dams now.

Q. What I am asking is whether you have evidence that before the dams were built fish were going up the rapids above where the dam is actually?—A. The only evidence we have is published and I gave it the other day.

Q. That was in 1866.—A. 1896 and along about 1906. I think those are the years, and the condition between 1906 and 1925 in the Grande Decharge had not changed between 1906 and 1925.

Q. And in that report of 1896 do they say that fish coming from salt water were going up—there were no salmon or sea trout, were there?—A. In the 1906 report, or in one of the reports from which I quoted, a 7-pound salmon and a 16-pound salmon were caught in lake St. John. Now, they could not be land-locked fish.

Q. No, it is impossible, because land-locked salmon do not go over three or four pounds.—A. Yes, a 6 pounder is a large one. Those fish, provided they were salmon, and the report says that they were salmon and must have been salmon—

Q. They must have been; but since that time no real salmon have been seen above the rapids.—A. I have no knowledge of any.

By Mr. Mayhew:

Q. Does not the usage of the word quite often determine the meaning of it?—A. Yes.

Q. I am inclined to think when this was drafted they used the word "migratory" in the sense that it was from sea to fresh water.—A. I think that is so.

Q. If that is right his letter is also correct; it should be correct.

By Mr. Reid:

Q. Is that word "migratory" put in any other part of the Fisheries Act or just in this? Is it a new word used in the Fisheries Act in this connection to define fish that move from fresh to salt water or from salt water to fresh water? I do not remember having seen it before.—A. I do not remember having seen it. I could not say unless I went over the Act. In its general application it refers to sea fish. I am saying that subject to an examination of the Act. I do not remember any other condition when it was used except in regard to salmon.

The CHAIRMAN: With regard to the word "migratory," in the Migratory Birds Act it refers purely to birds that go down south for the winter and return here the following summer.

Mr. VENIOT: The reason I ask for a definition of the word "migratory" as applied to fish is that in my opinion the whole amendment revolves around the definition of that term. If migratory fish applies only to fish that go out to salt water then this word "migratory" here, this definition will change the entire aspect of this Act, because there would be no question of migratory fish involved by the construction of these dams.

Mr. TAYLOR: I think it was brought out, Mr. Chairman, that the fish went down to some streams or quiet waters below the present site of the dams.

Mr. VENIOT: The point I am trying to bring out is the difference between a clear definition of "migratory"; if it applies only to fish going down to salt water then this Act has no reason for existence, because there is no question of migratory fish; if "migratory" is a broad definition, including fish that go to salt water as well as fish that migrate from the lake down to a certain portion of the river which is not salt water, then this Act may be applied, otherwise it may not.

Mr. RODD: Under this section fishways have been installed in streams in the prairie provinces where the most plentiful species of fish was the sucker. I think "migratory" is very broad in its application.

By Mr. Neill (to Mr. Rodd):

Q. Mr. Geoffrion says that before the dams were put there the fish never went up into the lake and back again; is that so or not?—A. The evidence I gave the first morning was all that I could find, and it was to the effect that the fish not only came down but went up.

Q. Before the dam was constructed?—A. Before the dam was constructed.

Q. He says very definitely to the contrary.—A. I think everyone agrees that the best fishing or best angling for the ouananiche was in the stretch in the Grande Decharge approximately three miles below the lake and just above Chicoutimi.

Mr. SYLVESTRE: That is true. There must have been a movement of fish.

By Mr. Côté:

Q. How far from the dam is that?—A. Twenty odd miles from the lower dam.

Mr. SYLVESTRE: From the lake itself it is more than that?

Mr. RODD: It is more than thirty miles, yes.

Mr. CÔTÉ: I mean the piece where they used to fish for ouananiche.

Mr. RODD: Thirty miles.

Mr. CÔTÉ: How far is it from the dam?

Mr. SYLVESTRE: There were many places—everywhere where they had rapids.

Mr. RODD: Everywhere where they had rapid water.

Mr. SYLVESTRE: And there was a long sweep of rapids.

Mr. RODD: I would say there was between twenty and thirty miles at the least.

Mr. SYLVESTRE: Oh, yes.

Mr. REID: Have you any record which would indicate or show the extent of the fishing previously and afterwards?

Mr. RODD: No, I have not, except that the best fishing has completely disappeared since the dam was built; the best fishing water has been completely flooded out.

The CHAIRMAN: The department must have considerable evidence in other streams about salmon and sea trout going up over certain rapids. Could you give the committee a little general idea of the height of rapids they will go over and so forth?

Mr. RODD: A good deal depends on the general condition, the turbulency of the water and if the fall or decline or rapid is broken up by rocks and obstructions that form eddies. Such fish as the Atlantic salmon can climb a most surprising height. In the Mersy we had a fishway that overcame a height of fifty-nine feet. Salmon went through the fishway and other fish as well.

Mr. CÔTÉ: Not in one bound?

Mr. RODD: No, in a series of jumps.

Mr. CÔTÉ: Because I understand that the maximum height which a salmon can climb in a straight fall is thirty feet. That is what I have heard.

Mr. RODD: Yes. I think that would be the extreme height unless it is broken up.

Mr. POTTIER: Generally speaking, fishways have not been very successful, have they—not the type you have on the Tusket river, for example, with the height they have there? I was just wondering.

Mr. RODD: As a rule, fishways for getting the fish up, in this department's experience, have been generally successful.

Hon. Mr. MICHAUD: Provided there are fish to go up.

Mr. RODD: Provided there are fish to go up and that there is water to come down.

Mr. NEILL: We are discussing legislation which is proposed or has been introduced into this house by the minister. We are now drifting into a discussion of how the minister will exercise his discretion under it, and I think it is beside the point. Mr. Geoffrion is coming here in half an hour and he is going to take up our time arguing that the minister should not use his discretion under the Act as regards the two dams. But the minister is not on trial here nor are his actions. It is this legislation. Mr. Geoffrion himself said it is all right, with the exception of a little trivial amendment. Why can we not pass this legislation? We are not responsible for the discretion with which the minister exercises his powers under it. That seems to me is between him and possibly the provincial government and the dam owners. The dam owner's case is not before us, but this legislation is. Mr. Geoffrion is going to take up our time arguing that the Act as amended or otherwise does not apply to the dams. That is the case to discuss with the minister before he makes up his mind about an order under the Act. It seems to me that all we have to do to-day is to deal with this legislation. Is it good or is it not?

Mr. REID: Speaking to the legislation, Mr. Chairman, I am just wondering if it goes far enough at the present time. I take the last two lines of subsection (b) of section 57 which reads:—

As will in the opinion of the minister meet the requirements for maintaining the annual return of migratory fish.

Mr. RODD: Yes.

Mr. REID: If you were visualizing a dam being built across the Fraser river, there is nothing in here to say what the annual return will be, as to the amount.

Mr. RODD: No. It will be in the discretion of the minister.

Mr. REID: We do not say what the annual return is, or the extent of it. It just says "for maintaining the annual return of migratory fish." If fifty go up, it could be very well argued there was an annual return.

Hon. Mr. MICHAUD: You are thinking of figures and money, in terms of increase. The annual return does not mean the number of fish that can be ascertained that go over that water. It is the return annually of the migratory fish.

Mr. REID: I see.

Hon. Mr. MICHAUD: Annual return is the return annually of the fish back and forth.

Mr. REID: I see that now.

The CHAIRMAN: The minister seems to be prepared to accept the suggestion of Mr. Geoffrion and add the words "which he deems necessary for the public interest."

Hon. Mr. MICHAUD: I should have no objection whatever to that. As a matter of fact, it makes it conform with the direct stipulation of section 20.

Mr. TAYLOR: It may also be found in a test that it will have an additional value to you.

Hon. Mr. MICHAUD: Yes.

Mr. TAYLOR: Where there is an attempt to increase the return of fish by artificial propagation or otherwise.

Mr. HANSON: If the minister is prepared to accept those changes that Mr. Geoffrion has suggested, and if there is no other objection, what is the use of taking up any further time of the committee with the witness?

The CHAIRMAN: It might be well to have a motion. Does anyone wish to move that amendment as suggested by Mr. Geoffrion and accepted by the minister?

Mr. HANSON: I move that we accept it, if the minister has no objection. I move that we accept the amendment that is presented, with the changes that Mr. Geoffrion has asked for in the amendment.

Mr. POTTIER: What does "public interest" mean? Does that mean the interest of the power companies or the interests of the fish?

Mr. NEILL: Of the public.

Mr. POTTIER: I am just wondering if there is something there that we are letting ourselves in for.

The CHAIRMAN: It is leaving it, I would judge, more to the discretion of the minister as to what he deems in the public interest.

Mr. POTTIER: I think we are narrowing the thing rather than broadening it. That is what I am afraid of. I am just wondering.

Hon. Mr. MICHAUD: No, I do not think so. If you read section 20 of the Act, paragraph 1, you will find this:

Every slide, dam or other obstruction across or in any stream where the minister determines it to be necessary for the public interest that a fish-pass should exist, shall be provided by the owner or occupier with a durable and efficient fishway, or canal around the slide, dam or other obstruction. . . .

and so on. The suggestion that Mr. Geoffrion makes is that section 57 (a), which we are seeking to enact, being the penalty clause for the violation of the provisions of section 40, should conform in terms and phraseology to the enactment of section 20, paragraph 1. That is all that suggestion means.

Mr. ROBICHAUD: Where would the words come in?

Hon. Mr. MICHAUD: After the word "obstruction" in the third line.

The CHAIRMAN: If we knew for sure if our friend Mr. Geoffrion was coming, we might bide our time until twelve o'clock; but we are not definitely sure.

Mr. MAYHEW: Would it not be wise to put in the definite meaning of migratory? In other streams where they would be running from lakes down the river, someone might come along and put a dam across that river and claim they were not migratory.

Mr. MACLEAN (Cape Breton): What about a definition in the general Act?

Mr. MAYHEW: That is what I mean. If it was in the general Act, it would be covered then.

Hon. Mr. MICHAUD: Migratory fish is a fish that migrates, that moves from one place. It is a transient fish.

Mr. NEILL: A member of parliament might be said to be migratory.

Hon. Mr. MICHAUD: Sure.

Mr. ROBICHAUD: Unemployed.

Mr. MAYHEW: That has been used with the idea that it was to the sea for a long time.

Hon. Mr. MICHAUD: A member of parliament is a migratory poor fish.

Mr. NEILL: Sometimes there is a dam that blocks his further return, is there not?

Mr. POTTIER: Has not "migratory" to do with the propagation of the species? It migrates for the purpose of propagating.

Hon. Mr. MICHAUD: It is pretty hard to find out the intentions of these fish.

Mr. POTTIER: It is plain when you consider this migratory question. They change for the purpose of breeding from one place to the other. Your birds migrate from one place to the other and breed during the course of migration. I think that migration has to do with propagation. For example, fish that just came from one lake to another in a playful manner or from whim I do not think would come under the category of migratory fish.

Hon. Mr. MICHAUD: Such fish are liable to get caught on their way.

Mr. POTTIER: I am sincere about that.

Mr. MAYHEW: That would be migratory.

Mr. POTTIER: If they spawned in one lake and went from one place to the other, I think it would be migratory.

Mr. CÔTÉ: I believe that the real definition of migratory will be found in the reason that the bill was passed. It was to protect the spawning grounds of the fish. So when the fish just migrate, passing from one place to the other, just enjoying themselves, I do not believe that is the reason why the bill was passed. The bill was passed to protect the fish migrating for spawning purposes, meaning that if you were erecting a dam which was preventing fish from migrating from one place to another where it is supposed to spawn, the companies erecting it were to be fined or provide for a fishway. But as Mr. Pottier says, I do not believe the reason that the bill was passed was just to direct somebody to pay for a fishway or the equivalent in a fine when the fish are only passing from one place to another during the course of the summer. I do not believe they will say it is for that.

Mr. ROBICHAUD: In other words, it is not passed for tourist fish. It is passed for the purpose of protecting spawning.

Mr. CÔTÉ: Yes. Would it be just for the committee to consider fining a company or a private individual \$5,000 or \$10,000 just because it or he deprived the public of two or three miles of fishing places? I do not think so.

Mr. MAYHEW: From the very fact that we cannot agree among ourselves upon the meaning of the word "migratory" I think it is evident that we should have an explanation of it.

Mr. ROBICHAUD: It seems to me that the words suggested by Mr. Geoffrion would set the matter right. If we passed this section 57 (a) with those words added, then it would give the minister discretion. It does not mean that every time a dam is built, you have to have a hatchery. It does not mean that at all. It gives the minister discretion; if a dam is built and the dam obstructs the necessary migration for spawning purposes, then he can apply the section. I think those words will put the whole thing right.

Mr. MAYHEW: Question.

The CHAIRMAN: Do you second Mr. Hanson's motion that the words be added?

Mr. ROBICHAUD: Yes, I do.

The CHAIRMAN: It has been moved by Mr. Hanson and seconded by Mr. Robichaud that the words "which he deems necessary for the public interest" be added after the word "obstruction" in section 57 (a), line 3. Is the committee ready for the motion? If so, will all those in favour so signify by saying Aye? Contrary? I declare the motion carried. Can we do any more with this bill? It is just doubtful from Mr. Geoffrion's letter whether he is going to come to-day or not. I suppose the minister would like to get it disposed of.

Mr. POTTIER: It says here in the last part of this section "The annual return of migratory fish." It is an annual thing.

Hon. Mr. MICHAUD: Oh, yes. Read the other section. The first part gives the purpose.

Mr. POTTIER: Yes.

Hon. Mr. MICHAUD: It reads:—

Where the minister determines that the provision of an efficient fishway or canal around the slide, dam or other obstruction which he deems necessary for the public interest is not feasible, or that the spawning areas about such slide, dam or other obstruction are destroyed. . . .

The CHAIRMAN: Yes. That defines it that it is in regard to fish that move back and forth for spawning purposes.

Mr. POTTIER: That is it.

The CHAIRMAN: Mr. Neill has the law and gospel there.

Mr. REID: Would this be retroactive if it were passed?

Mr. ROBICHAUD: Coming back to what the minister just read, it strikes me that after the word "feasible" instead of "or" it should be "and." You must find that the thing is not feasible and that the spawning grounds are destroyed, both. The way it is now, where we have "or", he may find just one, that the dam is not feasible. Well, is it necessary in the first place? So I think you should have both, that the dam is not feasible—the fishway is not feasible, and moreover that it would destroy the spawning grounds. I think we should have "and" there instead of "or."

Mr. POTTIER: "And" for "or."

Mr. ROBICHAUD: I think both should be there. I think the minister has to find both things. Suppose he finds only the first part, that the fishway is not feasible. He will not have to decide that they must build a hatchery, because there might be no fish to come up. He must find it is not feasible and that it destroys the fish, both.

Mr. POTTIER: If the fish cannot come up, they cannot spawn.

Mr. ROBICHAUD: Yes; that is what I say. A fishway may not be feasible but I say it may not be needed at all. There may be no fish to come up. So I should think you would have to have the two conditions, that they are interfering with the spawning grounds and that the fishway is not feasible.

Hon. Mr. MICHAUD: There are two different situations that may arise. I think the Act, as provided, both in its positive enactment in section 20 and in its penalty clause, is correct. The word "or" has been employed in both cases to meet different conditions that may arise. I would not suggest making any change.

Mr. HANSON: It is a technicality of the legal fraternity. The layman does not understand whether you mean "or" or "and" or if you want them both.

The CHAIRMAN: Do you want to read the definition of migratory, Mr. Neill?

Mr. NEILL: Under "migratory," it simply refers to it as connected with migration. Under migration is given the explanation that it is the act of migrating; removal from one region or habitat to another, and especially in large bodies; change of abode. Birds are the most marked migrants; mammals are less so. Then they mention a number of mammals such as the reindeer and the Arctic fox; polar and other seals. Then among the periodically migrant animals are the lemmings and so on. With many species of fish, the migrations are as regular in their periodicity as those of birds. Among the reptiles the turtle is the only known migrant. The definition of migration is a removal from one region or habitat to another.

Mr. POTTIER: On a sort of regular scheme.

Mr. NEILL: It discriminates between those that move every year like polar foxes and those like lemmings which only do it each certain number of years. That is all.

Mr. REID: With all due deference to the minister's opinion of a minute ago, I come back to that "maintaining." The thought went through my mind that in the line before that you are going to operate and maintain such complete hatchery. I would take it that the maintaining and operating of a complete hatchery would be one sufficiently large and adequate to take care of the fish which would be lost in the event of a dam being constructed, so that it really relates to numbers. You are going to compel them to build such a complete hatchery as will maintain not just so many fish coming up and down annually but maintain, as I would interpret it, a sufficiently large number of fish as would otherwise have spawned naturally if the dam had not been built. So that it really pertain to numbers and there is nothing in the very last two lines to indicate what the annual return would be.

Mr. NEILL: Put in the word "usual" before "annual," if you like.

Mr. REID: Yes, the word "usual" would help. But something should be put in there.

Mr. TAYLOR: I would suggest "maintain or improve."

Hon. Mr. MICHAUD: You would have to establish the quantities of fish or the numbers of fish that went there before and so on.

Mr. McAVITY: Would "normally return" be better?

Hon. Mr. MICHAUD: What would "normally" mean? We would have to establish what the conditions were before we went to establish that hatchery.

Mr. NEILL: Make it, "adequate."

Mr. TAYLOR: How about using the word "improving" after the word "maintaining"—"maintaining and improving"?

Hon. Mr. MICHAUD: Section 20 of the Act uses those terms. We would have to amend them all.

Mr. TAYLOR: I have not the Act with me.

The CHAIRMAN: Mr. Geoffrion is here now. Will you come up here Mr. Geoffrion? We have been rather waiting for you.

Mr. AIME GEOFFRION, K.C., called.

Mr. GEOFFRION: Thank you very much. I hope I did not hold you up. I think I gave you in the letter pretty well what I have to say in the matter.

The CHAIRMAN: We read the letter this morning.

Hon. Mr. MICHAUD: We accepted the suggestion as to the amendment.

Mr. GEOFFRION: The only purpose is this: If we can demonstrate that probably for a million years there have not been any fish passing through, I do not see why we should pay money to the Quebec government which desires to build a hatchery because somewhere else the fish are not propagating. That is the whole explanation in a nut shell. Landlocked salmon are called landlocked in lake St. John because they have not gone back to the sea for, I suppose, a few million years. Why should we, because we built a plant across that river, without harming the fish in any way whatever, be called upon to pay the Quebec government for a hatchery? I do not exactly see the reason for it. Otherwise, I think the section is very fair.

Hon. Mr. MICHAUD: That does not affect at all the nature of the amendment that we are suggesting?

Mr. GEOFFRION: Except it does in a way, because the minister then has to determine when it would be in the public interest that we should build the fishway if it could be built.

Hon. Mr. MICHAUD: Yes.

Mr. GEOFFRION: And then if it would be in the public interest that it should be built, it would be built. It would be to the public interest if the obstruction destroys the fish. In other words, as I understand the legislation as it exists now, the province can make the obstructor—if I can use that word—the man who builds a dam across a river, pay for the hatchery if either of two things happens, namely, if the obstruction has destroyed the spawning beds above; or if they are not yet destroyed, since a fishway cannot be built, they will be destroyed by the obstruction. But if there was never any fish there, I do not see why we should pay for the hatchery.

Hon. Mr. MICHAUD: Exactly.

Mr. GEOFFRION: The minister is the judge as to whether or not our obstruction has damaged the fish. If it has, we must pay, quite clearly. If it has not, I do not see why we should.

Mr. REID: If it was left to the discretion of the minister to decide whether damage has been done, would this amendment in any way affect you?

Mr. GEOFFRION: Somebody must decide the issue, and the minister is chosen by the statute. I have not any objections. It may be the court. Somebody must decide whether or not we have already damaged the fishing by our dam or will damage it. That somebody was the minister under the old statute. I have no objection to it being the minister. Somebody must be the judge. Sometimes we lose good cases, but we must have a judge. It is not really a matter for the court and it is a matter for either the minister or the court. Under the Fisheries Act it has never been made a matter for the court. The minister is the judge who is to decide on the question of fact. I do not see any other way out. I could not suggest that the courts should decide whether we destroy the fish or not. The natural judge for that sort of thing must be the minister. I do not see how it could be otherwise. That is the policy of the whole statute. You have to decide this question.

Hon. Mr. MICHAUD: Yes.

Mr. CÔTÉ: If the judge decided that you should pay \$5,000 a year, what recourse would you have afterwards?

Mr. GEOFFRION: None, if I got that judgment.

Mr. CÔTÉ: There is no appeal?

Mr. GEOFFRION: No, there is no appeal from the minister. The statute has always made the minister the final judge as to whether or not my obstruction has so damaged the fisheries that I must replace the fish I am destroying by a hatchery. But I must either accept that or say, let the courts decide it; and the policy of this Act has always been until now to leave the minister the judge. There has never been any provision for appeal to the Exchequer Court. In some cases there is an appeal from the minister to the Exchequer Court, but there has never been that in the Act. I am not asking that the policy of the Act generally be changed. As I understand it, the only change is that you want the owner of the dam to pay an annual sum; you want him to be liable to be sued and have to pay a penalty of so much per year. I do not care about that change. I think it is quite logical. But I want it very clearly stated that the first condition for my liability is that some judge after hearing me should say that I have damaged the fish; that is all. Then if I lose my case, I have lost it. That is all there is to it. I hope to win it, but if I lose, that is all there is to it. I think the reason for the landlocked salmon being called landlocked is that they have not been going down to the sea for many years.

Mr. TAYLOR: There does appear to be some slight evidence of the fact that sea salmon have come up into lake St. John; and there also appears to be evidence to the effect that a certain migration of fish from the lake to the river below the present site of the dams or between the present dams has taken place from year to year, and that it has been definitely interfered with.

Mr. GEOFFRION: That is a question to be argued before the minister. All I am asking is that the statute limits the jurisdiction. The minister may decide that the interference is so insignificant that I should not pay for the hatchery.

Mr. TAYLOR: That is right.

Mr. GEOFFRION: There is the big question.

Mr. NEILL: That is not in issue here.

Mr. GEOFFRION: The minister may say there is a little interference. Then you will have to take that into consideration when you assess my contribution to the hatchery.

Hon. Mr. MICHAUD: That is right. It goes to the merit of the thing.

Mr. GEOFFRION: That is the merit of the question. I am not asking you to change, but I must have a judge. The case against me must be that I have damaged the fishing. The question of what compensation I should pay for it is with the minister. It will be in the form of a contribution to the hatchery. It may be a whole hatchery or it may be less. If I have done very little damage, it may be a small contribution. That is the question which the judge has to decide. The statute has already chosen the minister and I will accept the minister, because I quite appreciate that. All I want is that his jurisdiction be limited by the necessity for him to say that he has evidence before him that we have damaged the fish.

Hon. Mr. MICHAUD: Yes.

The CHAIRMAN: These dams have been there for quite a number of years?

Mr. GEOFFRION: Yes. Isle Maligne dam has been there for fifteen years, I suppose, or sixteen years.

Mr. CÔTÉ: Since 1925; that was when the first dam at Isle Maligne was built.

Mr. GEOFFRION: 1925?

Mr. CÔTÉ: Yes.

[Mr. Aimé Geoffrion.]

Mr. GEOFFRION: That is what I thought, about fourteen years; and the other one has been there for five or six years.

The CHAIRMAN: And the Quebec government never raised any issue until recently. They do raise the issue now?

Mr. GEOFFRION: Now they are doing so. They want us to pay. I say there might be some slight evidence against the government, but I take the stand that when we built they never asked us to put up a fishway. Of course, I do not say they were bound to, but generally they do. There is evidence that before my company were allowed to build, our plans were approved in Ottawa and in Quebec, as they had to be. We built according to plans. We were never asked to build a fishway.

The CHAIRMAN: Or to build a hatchery?

Mr. GEOFFRION: I must be fair. The statute did not permit the building of hatcheries then. The statute in itself then simply said that we should be compelled to build a fishway, but it did not say if we could not do so we might be called upon to pay for a hatchery. They could not do that. Then there is the question whether this law is retroactive. If this law is not retroactive, then I could go before the courts and say the minister has no jurisdiction; but I am not asking you to decide if the law does not apply to me because I built earlier. I have not considered that question; that would be a matter for the courts. If the Act applies to dams already built, then it is before the minister. But as I say, in those days they never asked or never suggested that. That is a matter of individual cases. But I suggest it was incidental and very limited if there was any use of that for the propagation of fish. I am told that the raising of the level of lake St. John and the maintaining of it has improved fishing in lake St. John rather than damaged it. I am told that.

Mr. REID: If the discretion lay with the minister, the present Minister of Fisheries, and he decided that no damage had been done, would the province of Quebec go after you?

Mr. GEOFFRION: That ends it.

Mr. REID: That ends the case?

Mr. GEOFFRION: That ends the matter. My judge is the minister. As I told the minister at Quebec—I have never met you by yourself—I would not say I would not have succeeded there, because it seems to me my claim is very equitable; but I think I will be able to show that these dams by changing the level have done more good than harm to fish. That is a matter for the minister, not for me.

Mr. POTTIER: You said you obtained the approval of the provincial government for those dams back in 1925. I was wondering what your opinion was, legally, as to whether that was necessary.

Mr. GEOFFRION: Oh, yes.

Mr. POTTIER: Why?

Mr. GEOFFRION: Because these rivers belong to the provinces. We build into the river and we alter the level of the lake, so we need for all these works to have approval. If the river was navigable we must come here. If it was not, we would not. The only justification for federal interference is navigation and fishing. Otherwise, under the present statute, it does not require approval on account of fishing. The dominion parliament might pass a statute requiring approval on account of fishing. But the only statute now in force requires approval on account of navigation; so in an unnavigable river we would not need to come. But parliament might pass a statute saying we would have to come, even in unnavigable rivers or even on account of fishing. They have not done that. But we must go to the province everywhere because the province owns the bed, the water and the advantage of the water flowing through it.

Mr. NEILL: In your opinion, was this P.C. 360, I think it was, turning over the fisheries at Quebec to the province by the dominion, constitutional? I will give you lots of time to answer.

Hon. Mr. MICHAUD: That is free legal advice.

Mr. GEOFFRION: At all events, it cannot alter the statute. Under part of the statute, the Minister of Fisheries in Ottawa is my judge. No order in council can make somebody else the judge. I am sure of that.

Mr. NEILL: I told them that a week ago. I want it on the record.

Hon. Mr. MICHAUD: It has never been disputed. Your legal opinion has never been disputed on that point, Mr. Neill.

Mr. NEILL: That is why I asked the question. I thought perhaps you were bothered as to whether the province had power or not.

Mr. GEOFFRION: No. We must go on account of ownership. They are the owners of the land covered by water. I must go to them just as I must go to my neighbours to go over their land.

Mr. NEILL: The B.N.A. Act fisheries regulation was in effect; and that order in council has not changed that, in your opinion?

Mr. GEOFFRION: It cannot. You cannot amend the British North America Act by order in council. I give that opinion without thinking.

Hon. Mr. MICHAUD: Thank you very much.

The CHAIRMAN: You have no objection to the amendment as suggested by the minister being passed?

Mr. GEOFFRION: How does it read?

The CHAIRMAN: We just added your words.

Mr. GEOFFRION: That is all right.

Hon. Mr. MICHAUD: The words suggested by you.

Mr. GEOFFRION: I took those words because they are in the other section.

Hon. Mr. MICHAUD: Yes, in the enactment.

Mr. GEOFFRION: Corresponding to section 20 which has the same words. I want to thank you gentlemen again for hearing me.

The CHAIRMAN: Thank you very much. It has been splendid for you to be able to come, Mr. Geoffrion, and help us to clear up this matter.

Mr. GEOFFRION: I honestly believe the Act would have meant the same thing before, but it is better this way.

Hon. Mr. MICHAUD: Thank you very much.

The CHAIRMAN: Do we pass the amendment for further consideration of the house?

Hon. Mr. MICHAUD: There is another amendment that has not been considered yet.

Mr. NEILL: It was not moved. It was dropped, was it not?

The CHAIRMAN: There is a motion by Mr. Neill that the following be inserted as a new section: "That section 32 is hereby amended by inserting the following sub-section 2."

Mr. NEILL: Have we finished this Quebec thing yet? Have we agreed on these two sections?

Hon. Mr. MICHAUD: Yes.

Mr. NEILL: We had better settle that.

Mr. REID: It has not been settled yet. We agreed to a little change, but we have not agreed to the section.

The CHAIRMAN: No, not to the section as a whole.

[Mr. Aimé Geoffrion.]

Mr. REID: No.

Mr. NEILL: We had better settle it.

The CHAIRMAN: Where does your amendment come in, Mr. Neill? At the last?

Mr. NEILL: Yes. But those two must be passed first, at any rate. I think Mr. Hanson had a motion.

Mr. HANSON: Do you want to pass it by paragraphs?

The CHAIRMAN: In fact, they were passed in the house, were they not, before we came here at all? Does anyone wish to make a motion that the different sections as amended now be adopted by the committee?

Mr. HANSON: I so move.

The CHAIRMAN: It is moved by Mr. Hanson and seconded by Mr. Mayhew that the different sections as amended be passed.

Agreed.

Now, gentlemen, that brings us to Mr. Neill's amendment of another section by adding:—

After the calendar year 1939 no one shall use a salmon trap net in any of the Pacific waters of Canada off the southwesterly shores of Vancouver island.

That brings up the whole question of salmon traps on the Pacific coast.

Mr. MAYHEW: Who wants to add that on?

The CHAIRMAN: Mr. Neill's amendment was to add that section.

Mr. REID: May I ask before we begin discussion if this is properly numbered. If we adopt Mr. Neill's amendment would not this be sub-section 1? I notice the amendment says, "section 32 amended by the following sub-section 2 thereof."

Mr. ROBICHAUD: Has section 57 (a) been adopted?

The CHAIRMAN: Yes. They have all been adopted; everything is adopted right down to this one now.

Mr. ROBICHAUD: I was going to say that if I had the drafting of that section I would change it from the way it is to read something like this: "Where the minister determines that the spawning areas above a dam are destroyed and a fishway around the obstruction cannot be built, the owner shall build hatcheries."

Mr. REID: That is correctly numbered.

Mr. NEILL: If any member wants to reconsider the former matter I do not think he should be blocked in doing so. I move that we reconsider 57(a).

The CHAIRMAN: The difficulty is that the minister has gone away.

Mr. NEILL: I would not like anyone to have the idea that he is being prevented from expressing his opinion.

The CHAIRMAN: I say that since the minister has gone out perhaps we can leave that until the minister is here again if anybody wants to bring it up.

Mr. ROBICHAUD: It looks to me as being loosely drawn.

Mr. TAYLOR: Yes, I think so. I think the right must be established first, and if it does exist then if the fishway cannot be built you have to deal with it afterwards. In that case we would not need the amendment put in this morning.

Mr. NEILL: How would you phrase it?

Mr. ROBICHAUD: "Where the minister determines that the spawning areas above any slide, dam or other obstruction are destroyed by reason of such structures, and that a fishway or canal around any such slide or obstruction is not feasible, then the owner or occupier shall be called upon to build a hatchery."

The clause should start first by determining whether there are spawning grounds, and when that is determined by the minister and it is decided that a fishway cannot be built then the owner is called upon to build a hatchery.

Mr. REID: There is a lot in what you say.

Mr. TAYLOR: I agree that that is a better drafting of the clause.

Mr. NEILL: The objection is that it says that the fishing and spawning grounds are destroyed, whereas the case generally arises that they are liable to be destroyed; they take action before they are destroyed.

Mr. ROBICHAUD: I think the minister has to make a decision whether there is a dam there or not or whether there is a hatchery there or not. If there were no fish at all on the river he would not bother with the fact whether a fishway could be built around the dam. He would have to determine first whether there are spawning beds there and whether they are used. When he has determined that he must determine whether a fishway is feasible; but before he has determined those things he does not have to bother whether a fishway is feasible or not. There is the penalty in section 20. It does not say anything about destroying.

Mr. TAYLOR: Yes, it does.

Mr. WHITMORE: It is in the latter part.

Mr. ROBICHAUD: It is drafted in such a loose way.

The CHAIRMAN: That is a question of fact that Mr. Geoffrion said would have to be determined by the minister when he was dealing with the case.

Mr. ROBICHAUD: I say he must determine first whether there are spawning grounds. Before he determines that he does not have to bother his head about building a fishway or whether it is feasible or not. It is only after he has determined the first thing that he has to determine the second, whether it is feasible or not feasible, and then he has to determine the third point.

The CHAIRMAN: Gentlemen, I believe we are short of a quorum now. We shall have to have a motion if we want to go on.

Mr. TAYLOR: I think, Mr. Chairman, that we should have a representative meeting, because, basing it on a mere quorum is not a sufficiently fair way to proceed with this matter. Naturally, it is a very important question.

Mr. NEILL: Here is something that can be handled without a quorum. I have something that I wish to get in the record; it is a statement from a man—it is a summary of the signed statements of nine fishermen who actually fished near the traps at Sooke last summer. They all seemed quite satisfied with the fishing there and consider going back there next summer where they will have runs of fish if all the rumours are correct. Here is a statement giving the names of the nine men, the time they fished—the first week in August and the first week in July and so on—and the amount of fish they took, the price they got for the fish, comments on the conditions, and some of the comments are as follows:—

Main difficulty was the sharks encountered.

Gillnetters would benefit greatly by the removal of the fish traps.

It is a fine gillnet area.

And so on. I was going to put that into the record. The members will have an opportunity to see it.

Mr. REID: May I ask what type?

Mr. NEILL: 1938.

Mr. REID: No, what type?

Mr. NEILL: Gillnetting in the Sooke area in 1938. The man who sent it is a man named A. V. Hill, Secretary of the Pacific Coast Fishermen's Union,

and he also encloses the nine letters from these men. I do not think we need cumber up the record by putting the letters in; they are just a duplicate of the statement made here.

Mr. REID: That should be placed in the record.

Mr. TAYLOR: I am inclined to think the other letters should also be put in.

Mr. MAYHEW: The names of the people writing those letters should be put in—the names of the nine people who are on that statement should be put in.

Mr. NEILL: If you want to I will put it all in, but the statement I have summarized is really the record.

PARTICULARS RE—GILLNETTING SOOKE AREA
August 1938

Name	Time	Fish	Price	Conditions
			cents	
S. Malvik.....	1 week middle of August.	300 approx.	65	Main difficulty was the sharks encountered.
M. Johnson.....	1 week middle of August.	300 approx.	65	Encountered no difficulty not common to other open water fishing.
A. Berg.....	1 week during August.	500 approx.	65	Encountered no other difficulties than may be expected in any open water.
J. Jacobson.....	Early part of August.	400 approx.	65	Conditions there are no worse than encountered in any open waters.
A. Halvarson....	First part of August.	50 per night aver.	65	Too many sharks and dogfish.
A. Remmen.....	2 weeks in August.	450	65	Gillnetters would benefit greatly by removal of fish traps.
N. Johnson.....	About first part of August.	400 one night.	65	Gillnetters would benefit greatly by the removal of fish traps.
L. Aunli.....	Around middle of August.	300 approx.	65	It is a fine gillnet area.
H. Remmen.....	During middle of August.	400	65	Major drawback was the number of shark and dogfish, but these would disappear if more gillnetters fished there.

Mr. MAYHEW: You have the government record of what is caught there anyway.

Mr. NEILL: These are not the fish taken in the traps, but the fish taken by individual fishermen. You have not got the record of that.

Mr. MAYHEW: We have the statement, I think. Is it not in our records?

Mr. NEILL: Of the traps.

Mr. MAYHEW: Of the fish that were caught by all gear in that area.

The CHAIRMAN: I see we have a quorum again. To bring the matter to a head I will move that Mr. Neill's amendment be adopted by the committee.

Mr. NEILL: I may say that while it is couched in the language indicated, that was done for technical reasons, to make it in order in the house. The real issue is fish traps in British Columbia, and if we were making an announcement it would be better to couch it in the appropriate language applying to the whole of the Pacific coast. The effect is the same. We should make a motion on it unless it is going through unanimously, and we have to decide whether we are going to call witnesses or not.

The CHAIRMAN: Yes, that is a question that will have to be dealt with this morning. Now, do you want to re-write the amendment?

Mr. NEILL: Yes, I would be glad to do it.

Mr. HANSON: I will move an amendment that instead of saying the shores of Vancouver island, it should say the Pacific coast of British Columbia. With that change I move the adoption of the amendment.

Mr. TAYLOR: What is the precise sub-amendment?

Mr. NEILL: "After the calendar year 1939 no one shall use a salmon trap net in any of the Pacific waters of Canada."

Mr. TAYLOR: It merely means eliminating off the southwesterly shores of Vancouver island.

Mr. NEILL: It does not eliminate it; it makes it all-inclusive.

Mr. TAYLOR: I am referring to your amendment.

Mr. MAYHEW: Is this another time we are dealing with this? How many times are we going to put this thing in?

Mr. NEILL: This is Mr. Hanson who is doing this. I cannot control him; he is that type. There is no collusion between us at all.

Mr. MAYHEW: Did Mr. Hanson write this amendment?

Mr. HANSON: No, I cut out the last line.

Mr. MAYHEW: There is evidently no seconder to the motion.

The CHAIRMAN: Mr. Hanson's motion is seconded by Mr. Reid.

Mr. REID: Is this amendment agreeable to Mr. Neill?

Mr. NEILL: Oh, absolutely.

The CHAIRMAN: Well, it is understood that the original motion is withdrawn and that the motion as moved by Mr. Hanson is substituted in its place.

Mr. TAYLOR: The original amendment of Mr. Neill is withdrawn? I have not heard that.

The CHAIRMAN: Is not that the idea?

Mr. NEILL: It was the amendment to it. If we are going to be technical, Mr. Hanson's motion was an amendment to mine.

Mr. TAYLOR: It is not a question of being technical; it is a question of knowing where we are at.

Mr. HANSON: Do you want me to rise and move it again?

Mr. MAYHEW: We want to know how often we are going to go over it.

Mr. REID: Personally, although I seconded it I hardly think it is necessary to go about it that way. There are no traps operating anywhere else in British Columbia, unless it is at Sooke, and Mr. Neill's first amendment is to eliminate the traps at Sooke. I think rather than confuse the matter—

Mr. NEILL: Someone might propose to run traps in the north as they did in 1929. If we are going to do away with traps, we might as well do it on the whole coast.

Mr. TAYLOR: Why did you bring in your amendment?

Mr. NEILL: I changed the amendment in order to comply with the technicalities of the house; otherwise, I would not be able to move it as an amendment to the minister's bill, because I had a bill of that kind; so I changed my amendment to make it technically apply with the absurd rules of the house, and now we are in committee where truth, justice, peace and happiness must prevail.

Mr. MAYHEW: As far as I am concerned, I do not care which one we are going to debate in connection with this matter, but I do not want to do it three or four times. I am going to oppose—

The CHAIRMAN: Both of them?

Mr. MAYHEW: Both of them.

Mr. REID: I think it would clarify matters if Mr. Neill would agree to withdraw his amendment rather than keep his amendment before the committee; then we would have this subamendment which is suggested.

Mr. NEILL: I am quite agreeable to do that.

Mr. REID: The issue is the same so far as those of us who are supporting this are concerned.

Mr. NEILL: Absolutely. The only thing I thought of was that my subtle friend might say that having withdrawn my motion there the thing ended.

Mr. TAYLOR: I do not do that kind of thing.

Mr. NEILL: I will withdraw my amendment and let Mr. Hanson's take precedence.

Mr. MAYHEW: That is satisfactory as far as I am concerned.

Mr. REID: I second the amendment.

Mr. MAYHEW: Now, seeing that the amendment is moved and seconded I am going to oppose it, but I prefer not to oppose it until we decide on the question of whether we are going to have witnesses or not. I do not see any necessity for debating this question two or three times. If we are going to have witnesses I will reserve what I have to say until that time; if we are not going to have witnesses, why it is different.

The CHAIRMAN: To get this matter straight on the record, the motion which has been moved by Mr. Hanson and seconded by Mr. Reid is as follows:—

That after the calendar year 1939 no one shall use a salmon trap net in any of the Pacific waters of Canada.

Mr. NEILL: I will withdraw my motion.

The CHAIRMAN: Is the committee ready for the motion, or do you want to discuss the question of witnesses?

Mr. POTTIER: What about witnesses? Have we heard any or are we to hear any more?

The CHAIRMAN: Yes, I have already read the messages from the people we wired to.

Mr. HANSON: Personally, I do not think it is necessary to call any more witnesses; we had them before us at our last committee. Mr. Neill filed a petition in the house the other day, and I have petitions signed by hundreds and hundreds of fishermen of all classes.

Mr. McCULLOCH: Be careful of the number—hundreds and hundreds and thousands and thousands.

Mr. HANSON: Yes, we have that too.

Mr. NEILL: There were ten thousand last year and more this year.

Mr. ROBICHAUD: Are these petitions general or do they just represent a certain viewpoint?

Mr. NEILL: Oh, no, they are divided among fishermen, sport fishermen and business men.

Mr. MAYHEW: I can get every opposition you have got to put me out of business too.

Mr. TAYLOR: There are seven British Columbia members interested in this matter, and five of them are opposed to the traps and two are in favour of the status quo.

The CHAIRMAN: For the benefit of the maritime members who came in late, I might say that I read telegrams from the British Columbia fishermen and they are willing to send witnesses here if we pay their expenses.

Mr. ROBICHAUD: Have they been heard before?

The CHAIRMAN: Yes. Both sides were heard. The point that was raised at our last meeting was that if we heard the fishermen who are against the traps we would also have to hear the owners of the traps.

Mr. ROBICHAUD: Did not this question come up before in this committee the year before last?

The CHAIRMAN: Yes, the year before last.

Mr. ROBICHAUD: I was not on the committee the year before last but most of you gentlemen were. In any event, if we got these witnesses here they would say the same thing and repeat the same evidence.

The CHAIRMAN: Practically the same, I would say.

Mr. ROBICHAUD: I do not think we should do that.

Mr. NEILL: They have asked to be heard, and the minister, when he referred the matter to the committee—it was not my suggestion—said: I suggest that it be referred to the committee where it can be looked into thoroughly and every member have an opportunity to find out the facts with which to come to a decision. Then we asked the fishermen if they would be able to send someone, and there was some hitch about the telegram, it was delayed. Now, we have an answer saying that they want to send someone. I do not know whether we can refuse; to refuse them a hearing goes against the idea of giving a man a chance to be heard in his own defense, and that applies to the trap owners also. If the motion is going to carry the fishermen are not necessary.

Mr. ROBICHAUD: Will they come themselves?

Mr. NEILL: They want their expenses paid by the government. They are poor men and cannot afford to come.

Mr. POTTIER: It seems to me we should bring this matter up to date.

The CHAIRMAN: The committee's report has been published; they simply reported that they had made a study of the situation.

Mr. POTTIER: It was not yes or no?

Mr. NEILL: No, we did not come to a decision. We raised the licence of the traps from \$50 to \$500, and we put on certain restrictions about the hours, and suggested certain other things.

Mr. MAYHEW: The minister investigated your request first.

Mr. NEILL: Yes.

Mr. REID: The difficulty is that we are getting on in the session and the disposition of many members is to close the house by the twelfth.

Mr. POTTIER: We should bring the matter up to date; since two years ago conditions have changed.

Mr. NEILL: For instance, I have evidence that they were gillnetting in that area that we did not have two years ago; but by the time these men get here the house will be sitting at 11 o'clock in the morning.

Mr. REID: You can hardly bring witnesses unless you bring all the witnesses.

Mr. NEILL: We were proposing to bring two representative witnesses of the fishermen, and we would invite the trap owners to send one.

The CHAIRMAN: Is that the same gentleman who gave evidence before on the same question?

Mr. NEILL: Yes, Mr. Goodrich; by all means have him.

Mr. TAYLOR: Unless we can have the assistance of the maritime members in this committee I do not consider that the committee is representative of the fishing industry in order to make a decision here, because we definitely have five of the seven B.C. members intent on removing the traps and only two intent on retaining the traps.

Mr. NEILL: That is very significant. The members from British Columbia presumably know the conditions best, and if there are five against two I suggest—

Mr. TAYLOR: The argument does not stand with me.

Mr. HANSON: How many of those British Columbia members are engaged in fishing and know something about it? I know one.

Mr. TAYLOR: Yourself?

Mr. HANSON: Yes. I know every angle, canning and everything else.

Mr. TAYLOR: Yes.

Mr. HANSON: And not only from what information I have, but from information and petitions from others, I am convinced that trap fishing in British Columbia is detrimental to the fishing industry.

Mr. TAYLOR: I am not considering trap fishing in British Columbia; this is an attempt to destroy the Sooke traps, and they have been in existence since 1904.

Mr. NEILL: The motion is to do away with trap fishing in British Columbia.

Mr. TAYLOR: It centres around the business which is conducted in Sooke. Whatever tricks you may perform in your attack on the Sooke traps, the issue has to be decided around the Sooke traps and the Sooke traps only. I am quite prepared to support a definite resolution brought in for the prevention or elimination of traps in any other portion of British Columbia, but I do contend that the Sooke traps are in an internationally strategic position; they were placed there with that idea in mind; and they have performed their duties satisfactorily to the country since they were first introduced.

Mr. ROBICHAUD: What sort of traps do you call them?

Mr. TAYLOR: Sooke is the name of the area in which the traps are located.

Mr. ROBICHAUD: Could you not exempt that point?

Mr. NEILL: No, that is the whole point.

Mr. ROBICHAUD: Have the fish to pass that point?

Mr. NEILL: The conditions that existed when the licences were first granted have totally passed away, and that condition no longer justifies itself. That is the point.

Mr. MAYHEW: Mr. Chairman, in the original bill this is what Mr. Neill said in his explanation: "The use and kind of net is unjustifiably destructive to the Pacific coast fisheries and accentuates the unemployment situation amongst the fishermen of British Columbia." Now, if that is really the basis on which the opposition to the fish traps exist at Sooke, I maintain that the basis is wrong. If the basis is wrong, and we can prove it is wrong, then neither this one nor the other one can exist. The figures over a number of years prove quite conclusively that fish traps are not destructive, and further they prove that it costs more per case of salmon to catch them with the traps than it does with the gillnets, or with the seine nets. I do not intend to argue it out, but I want to give you enough to look into it.

Mr. ROBICHAUD: We will have to get some enlightenment. How about referring to the report of two years ago?

The CHAIRMAN: Yes, we can get you the report.

Mr. ROBICHAUD: If it is not too voluminous I would like to read it.

Mr. NEILL: There were fifteen numbers; we sat fifteen days.

Mr. ROBICHAUD: Have we got everything in those fifteen numbers or can I find it in five or six of them?

Mr. NEILL: It is all pregnant with statements, not always correct statements.

Mr. ROBICHAUD: I want to vote on this matter intelligently or not at all.

Mr. MAYHEW: I would like to point out the situation to you on this map.

Mr. ROBICHAUD: I am looking for enlightenment.

(Mr. Mayhew indicated geographical features of the present situation.)

Mr. NEILL: Now, it is my turn to enlighten you.

(Mr. Neill makes an explanation by reference to the map.)

Mr. TAYLOR: Mr. Chairman, I might emphasize the fact that nothing that has been said has been placed on the record. It was impossible to record it.

The CHAIRMAN: Both sides have had their innings. In order to keep the record clear, with the leave of the committee Mr. Neill begs to withdraw his amendment to the Act?

(Agreed.)

Now, the amendment we are discussing is the one moved by Mr. Hanson and seconded by Mr. Reid.

Mr. TAYLOR: Before this amendment is moved by Mr. Hanson and before it is accepted, may I say that Mr. Hanson's amendment is virtually the bill of Mr. Neill which is before the house.

Mr. NEILL: It is not; it is an amendment to Mr. Michaud's bill. Mr. Michaud's bill is amended, not mine.

Mr. TAYLOR: It is in the terms of the bill which Mr. Neill has before the house.

Mr. NEILL: You said you were not going to quibble if I withdrew my amendment. This does not refer to my bill at all; it refers to Mr. Michaud's bill.

Mr. TAYLOR: It is in the terms of the bill.

Mr. NEILL: I do not know what "terms" mean, but I know fact and truth. It is Mr. Michaud's bill we are referring to, and my bill has not been referred to.

Mr. MAYHEW: If this was approved, you would withdraw your bill, would you not?

Mr. NEILL: I will deal with that situation when it arises, but it is not withdrawn; it is not being amended by Mr. Hanson's amendment at the moment. He is amending Mr. Michaud's bill.

Mr. TAYLOR: What are the terms of the bill?

Mr. NEILL: What are the terms of the reference?

The CHAIRMAN: We were considering Mr. Michaud's bill and along with Mr. Michaud's bill, Mr. Neill's amendment; that is what was referred to the committee.

Mr. TAYLOR: Exactly. Are we privileged to deal with that amendment in the terms of a bill not referred to us?

The CHAIRMAN: It may be a legal question.

Mr. NEILL: If that is not quibbling—

The CHAIRMAN: Do you object to the different wording?

Mr. TAYLOR: I do not object, but I want the point made clear. We are not going to fight this issue here and then fight it again in the house on Mr. Neill's bill if he fails here.

Mr. NEILL: Oh, that is the idea. He is making terms.

Mr. TAYLOR: No terms at all.

Mr. NEILL: I was not taking any threats.

Mr. REID: May I ask for Mr. Hanson's information how the bill for second reading compares with the amendment in your hand?

Mr. NEILL: Mr. Hanson's conveys substantially the same principles.

The CHAIRMAN: Clause 12 reads: "Notwithstanding anything to the contrary in this Act or regulations thereunder, no person shall use, for the taking

of salmon, any salmon trap nets in any Canadian tidal waters off the coast of British Columbia."

Mr. ROBICHAUD: What is before the committee?

Mr. NEILL: An amendment of mine to Mr. Michaud's bill.

Mr. ROBICHAUD: What is our reference?

The CHAIRMAN: Mr. Michaud's bill.

Mr. ROBICHAUD: We have just discussed section 57 (a).

The CHAIRMAN: Yes; and also this amendment moved by Mr. Neill at the time and referred to this committee: "After the calendar year 1939 no one shall use a salmon trap net in any of the Pacific waters of Canada off the southwesterly shores of Vancouver island."

All we are doing now is striking out the words, "off the southwesterly shores of Vancouver island" and we are in other words embracing the whole Pacific coast.

Mr. ROBICHAUD: That was on an amendment of Mr. Hanson's?

The CHAIRMAN: Yes.

Mr. ROBICHAUD: But Mr. Neill's amendment is what is before us.

The CHAIRMAN: Yes, Mr. Neill's amendment is before us.

Mr. REID: It is practically Mr. Neill's amendment being amended by Mr. Hanson which we are discussing. You could not throw out Mr. Neill's amendment and substitute something else for it. The basis of our amendment is Mr. Neill's amendment referred to this committee and amended this morning by Mr. Hanson's amendment.

Mr. MAYHEW: I may be stupid, but here is the way I regard this: suppose we go ahead on this amendment to-day and it is defeated, as it should be—we will say it is defeated—then Mr. Neill can come back and bring in his bill in the house and have it argued again in the house. I am asking for information; I am not quibbling; I am quite prepared to debate the matter on any terms; but I do not see the necessity of debating it in committee and then having to turn around and debate it again in the house.

Mr. NEILL: It does not make any difference, I could debate it on the report of the committee anyway.

Mr. ROBICHAUD: We had something similar the other day in the Electoral Matters committee where Mr. Church had a bill before the house to permit of a referendum and it was referred to the committee on electoral matters and that committee rejected it. Well, he accepted that when it came to the second reading, and he withdrew it; but I do not suppose he would be precluded from discussing it if he liked.

Mr. NEILL: He did speak on it.

Mr. POTTIER: I thought the last thing we decided on was a withdrawal.

Mr. NEILL: That was because of these two gentlemen; they said it would be clearer—

Mr. TAYLOR: It was not at my request.

Mr. ROBICHAUD: It does not matter at whose request, it cannot be done.

Mr. REID: Mr. Neill moved an amendment when Mr. Michaud had his bill before the house, but his bill is still on the order paper.

Mr. POTTIER: As I understand it, the last thing that was suggested to the committee was that Mr. Neill have consent to withdraw his amendment.

The CHAIRMAN: And they all agreed to it, but now I see where there is an objection.

Mr. TAYLOR: No, we have not objected. I am not objecting. I am merely pointing out the fact that Mr. Hanson's motion is in the terms of the bill which Mr. Neill has before the house.

The CHAIRMAN: If I were asked, gentlemen, to give a ruling on this I would suggest that we stick to the first amendment—to your amendment, Mr. Neill.

Mr. NEILL: And Mr. Hanson's amendment with it.

The CHAIRMAN: I do not know whether we can; it is a question whether we can amend the reference that has been made to us.

Mr. NEILL: Yes, we amended Mr. Michaud's bill by putting in certain words.

The CHAIRMAN: Yes, that is correct.

Mr. NEILL: Oh, yes, you can amend any matter referred to you, because it would be absolutely no use if we could not.

Mr. POTTIER: We might as well try to get this matter straightened out. I do not think Mr. Neill should withdraw this; it has been referred from the house through your instrumentality, and I do not think this committee can consent that you withdraw that; you will have to go to the house.

Mr. NEILL: It was purely to make it more clear and plain to those gentlemen over there who promised they would not take advantage of the quibbling that I foresaw.

Mr. TAYLOR: No.

Mr. NEILL: All right, I will not withdraw my amendment.

Mr. HANSON: I second Mr. Neill's amendment as it is.

Mr. NEILL: The chairman has not yet ruled.

Mr. REID: If we are going to proceed this way, and so that the record may be clear, I think we should go through the proper channels. If we are going back to Mr. Neill's amendment something should be done to do away with the motion we had a few minutes ago.

The CHAIRMAN: What we need now is a motion to reconsider.

Mr. REID: Would it be all right for you to declare it out of order, Mr. Chairman?

The CHAIRMAN: My suggestion would be that the other was out of order, and that we should adhere to Mr. Neill's original motion.

Mr. MAYHEW: Should we delete everything up to this point?

The CHAIRMAN: No, we cannot do that.

Mr. POTTIER: I suggest that Mr. Neill could not withdraw his amendment, and you should so rule, and that Mr. Hanson's amendment is already withdrawn, so it leaves us as we were.

Mr. ROBICHAUD: Is it necessary? Mr. Hanson, I should think, could make a motion without changing this.

The CHAIRMAN: It is on the record that the committee agreed to this substitution of Mr. Neill's motion by one of Mr. Hanson's. Now, in order to open it up we should have a motion from someone asking that the question of Mr. Neill's original amendment to the Fisheries Act and Mr. Hanson's amendment be reconsidered by the committee.

Mr. POTTIER: I move that the question of the order of these two resolutions be reconsidered.

Mr. REID: I second that.

The CHAIRMAN: It has been moved and seconded that the order of the amendment moved by Mr. Neill and the sub-amendment by Mr. Hanson be reconsidered by the committee.

(Agreed.)

The CHAIRMAN: What is now before the committee is the reference made to us by the house of Mr. Neill's original amendment to the Fisheries Act.

Mr. NEILL: I submit that Mr. Hanson is in order in moving an amendment. We moved an amendment to Mr. Michaud's bill, and I cannot see why we should not go on. It makes it clearer.

The CHAIRMAN: How would it be to leave the matter as it stands for now; definitely Mr. Neill's amendment is before the committee.

Now, are we going to discuss the question and decide whether we are to call witnesses? We may have time to get men here if we decide to-day.

Mr. MAYHEW: Yes. We are open for a motion either to have witnesses come or to decide not to hear them.

Mr. ROBICHAUD: Are you going to have witnesses who will give the same evidence that was given two years ago?

Mr. NEILL: No, different men.

Mr. ROBICHAUD: Will they be giving the same evidence?

Mr. NEILL: Yes.

Mr. ROBICHAUD: In the Electoral Matters committee we have been going from year to year, but we have not called back the same witnesses to give evidence over again—the same evidence—we simply considered the report of two years ago as part of the report of this year; therefore, I think if you will point out to us the evidence which you have taken in the past we will read it. I do not think we should go to the extent of bringing men here to give us a re-hash of what was given on the committee two years ago.

Mr. TAYLOR: I think that clarifies the situation very well. The evidence given two years ago can be reviewed by the fishermen and they can supply immediately a brief in extension, and the same thing can be done by the trap owners, and those briefs can be sent to us properly identified and we can consider them at our meetings.

Mr. ROBICHAUD: I think we can get more information out of a brief than out of witnesses.

Mr. TAYLOR: It will save expense and it will give them every opportunity to say what they have to say.

Mr. ROBICHAUD: Yes, that is so.

Mr. TAYLOR: I so move, Mr. Chairman, "that inasmuch as the fishermen are in possession of the records of the committee of two years ago, they are privileged to introduce a brief before this committee in extension of what they then said before the committee, and that the same privilege is hereby extended to the trap owners." And we will give them a certain time to do it.

Mr. NEILL: One brief being drawn up by a semi-illiterate fisherman and the other by a clever lawyer in Vancouver!

Mr. ROBICHAUD: The fishermen can get somebody to do it.

Mr. POTTIER: That seems fair. That brings it up to date. Mr. Robichaud says he wants time to read the evidence, and so do I.

Mr. MAYHEW: If Mr. Neill wants to bring the fishermen down here I am prepared to support him as far as that is concerned.

Mr. NEILL: I am thinking that the fishermen will believe they have been discriminated against because they have not the money to come here.

Mr. MAYHEW: We do not want to do that.

Mr. NEILL: Does anyone know what the cost was of bringing them here two years ago? We ought to decide whether we are going to call witnesses or ask them to submit a brief.

The CHAIRMAN: I have here a motion moved by Mr. Taylor.

Mr. ROBICHAUD: Calling for briefs only. I think that is enough.

The CHAIRMAN: It is seconded by Mr. Pottier.

Mr. ROBICHAUD: It does not have to be seconded in committee.

The CHAIRMAN: We have heard the motion that we ask both sides on this question to submit briefs and that we give them a certain time to do so. All those in favour signify; against.

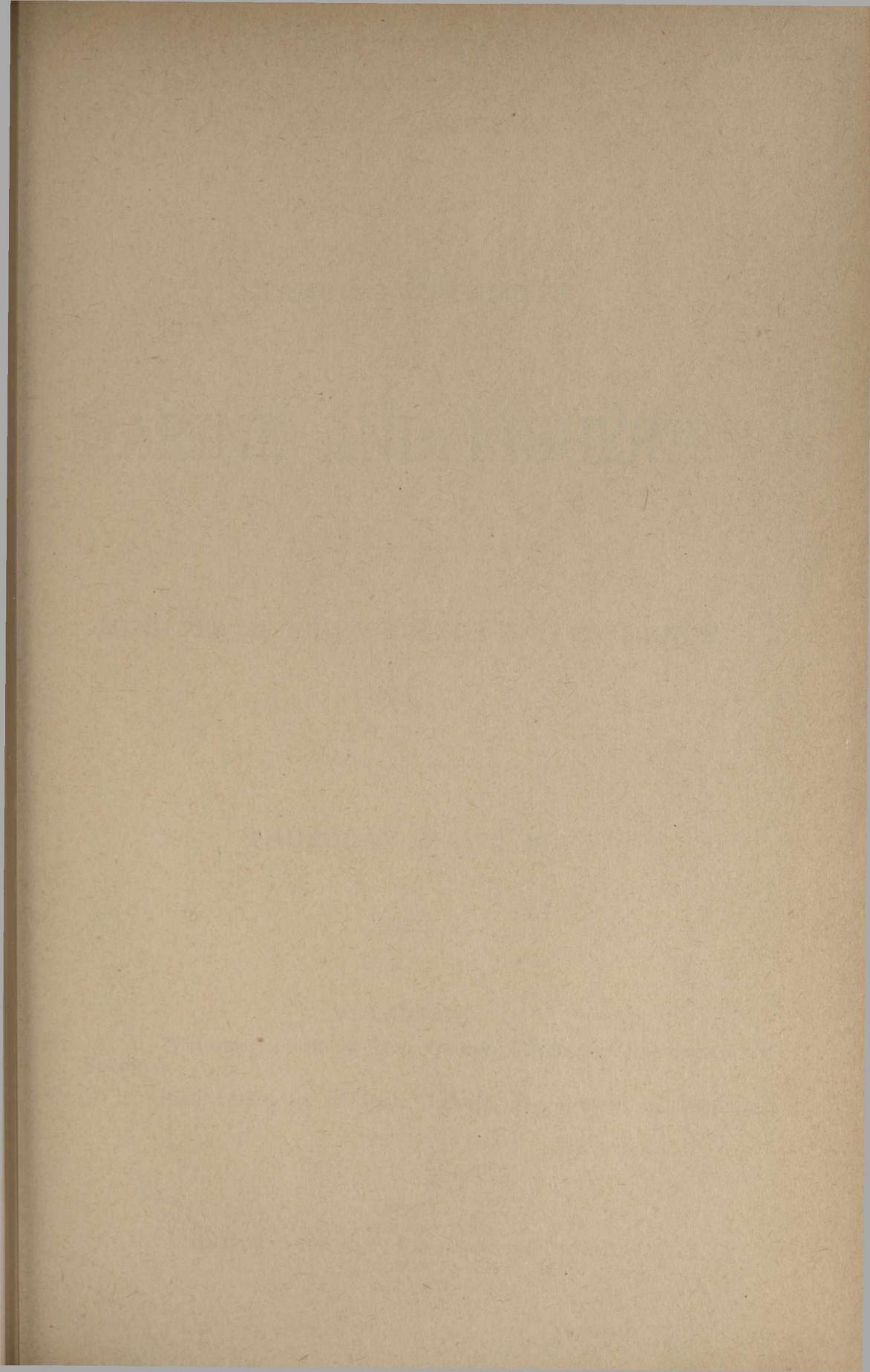
Mr. NEILL: No.

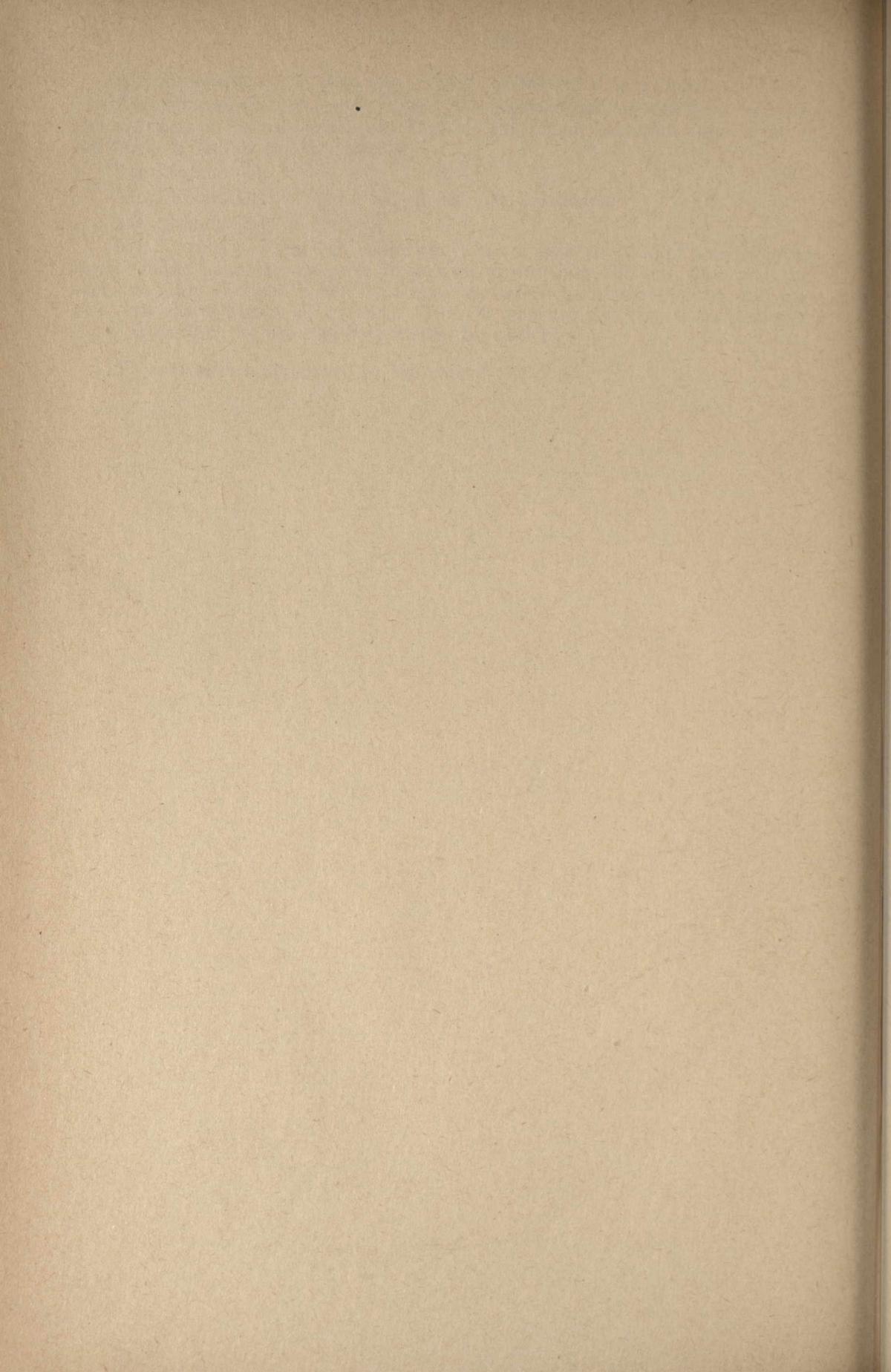
The CHAIRMAN: I would like to have it unanimous.

Mr. NEILL: Not necessarily.

Mr. TAYLOR: I am not submitting this motion to prevent the fishermen from coming here, but we gave them that opportunity the last time and they sent one man who had never been near the traps for nineteen years and they also sent the secretary of a union. Now, if you are going to have that same thing again then we are spending money for nothing.

The committee adjourned to the call of the chair.





SESSION 1939
HOUSE OF COMMONS

STANDING COMMITTEE

ON

MARINE AND FISHERIES

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 5

THURSDAY, MAY 4, 1939

WITNESSES:

Mr. A. J. Whitmore, Head of the Western Division, Department of Fisheries.

Mr. J. A. Rodd, Director of Fish Culture, Department of Fisheries.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1939

NAVY AND FISHERIES

BY THE HON. THE SECRETARY OF STATE FOR THE DOMINIONS

WITNESSED

At the House of Commons, this 14th day of June 1901.

1901

MINUTES OF PROCEEDINGS

THURSDAY, May 4, 1939.

The Standing Committee on Marine and Fisheries met this day at 11 a.m. Mr. A. E. MacLean (*Prince*) presided.

Members present: Messrs. MacLean (*Prince*), MacLean (*Cape Breton North Victoria*), Mayhew, McDonald (*Souris*), Michaud, Neill, Reid, Robichaud, Taylor (*Nanaimo*), Tustin and Veniot. (11).

In attendance:

Mr. A. J. Whitmore, Head of the Western Division, Department of Fisheries;

Mr. J. A. Rodd, Director of Fish Culture, Department of Fisheries.

The Chairman filed the following briefs with the clerk:—

1. Brief received from Mr. C. F. Goodrich, of Victoria, B.C., on behalf of:
 - (a) J. H. Todd & Sons Limited, and
 - (b) The Sooke Harbour Fishing and Packing Co., Ltd.
2. Brief received from Mr. John Stanton, N.P., of Vancouver, B.C., on behalf of:
 - (a) North Island Troller's Co-operative;
 - (b) Pacific Coast Fishermen's Union;
 - (c) Salmon Purse Seiners' Union, Local 141;
 - (d) United Fishermen's Union, Local 44.

Mr. Neill also filed the following letters with the clerk:

1. S. Malvik, New Westminster, B.C., dated February 5, 1939;
2. M. Johnson, New Westminster, B.C., dated February 5, 1939;
3. A. Berg, New Westminster, B.C., dated February 5, 1939;
4. John Jacobson, New Westminster, B.C., dated February 5, 1939;
5. Arthur Halvarson, Whonnock, B.C., dated January 20, 1939;
6. A. Remmen, New Westminster, B.C., dated February 1, 1939;
7. N. Johnson, New Westminster, B.C., dated February 1, 1939;
8. L. Aunli, New Westminster, B.C.;
9. H. Remmen, New Westminster, B.C., dated February 1, 1939.

On motion of Mr. Mayhew:—

Ordered,—That the said briefs and letters be printed in to-day's minutes of evidence. (See appendices 1, 2 and 3 of to-day's minutes of evidence.)

Mr. Whitmore was called and examined.

The witness retired.

Mr. Rodd was recalled, further examined and retired.

On motion of Mr. Mayhew, the Committee adjourned to the call of the Chair.

ANTONIO PLOUFFE,
Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS, ROOM 429, May 4, 1939.

The Standing Committee on Marine and Fisheries met at 11 o'clock. The chairman, Mr. A. E. MacLean, presided.

The CHAIRMAN: Gentlemen, we have a quorum. Since our last meeting we have received briefs from the different parties interested in the question that is before the committee, namely the fish traps at Sooke, B.C. We have received a brief and a letter from Mr. John Stanton, notary public, Vancouver, B.C., on behalf of the fishermen, and we have received a brief from Mr. Charles F. Goodrich, president of the Sooke Trap Fisheries on behalf of Messrs. J. H. Todd & Sons, Ltd., defending the trap situation. Now, we have with us to-day Mr. Whitmore of the department who is fully acquainted with the situation in the western part of the dominion, and we will ask him to appear as a witness so that any questions which are in dispute may be referred to him for reply.

Mr. REID: Would it not be better to have the briefs submitted and have argument on them and then we can submit any questions we wish to Mr. Whitmore?

The CHAIRMAN: That is the intention. Either Mr. Mayhew or Mr. Taylor will take charge of the brief from Mr. Goodrich.

Mr. MAYHEW: Mr. Taylor will do that. The fish traps are in Mr. Taylor's district.

The CHAIRMAN: I think if that is the wish of the committee we will hear that brief first.

Mr. NEILL: Shall we have these briefs read?

The CHAIRMAN: They are lengthy and the material is practically along the same lines as the evidence given and embodied in the report two years ago.

Mr. TAYLOR: The only question in my mind is how the information can be made available to the members who are not familiar with the facts.

Mr. MAYHEW: Mr. Chairman, I think that as a matter of fairness the opponents of the traps who are trying to prevent the traps from being there should present their case first. After all, the traps are on the defence and those who are attacking generally make the first presentation.

Mr. TAYLOR: That is my point, too, Mr. Chairman.

The CHAIRMAN: It is immaterial to me. What do Mr. Neill and Mr. Reid say?

Mr. NEILL: This brief which has been put in my hands and which has been prepared by Mr. Goodrich consists of eleven closely typewritten pages, and it would be unfair to expect me to reply to it right off. I have glanced at it and I have seen some obvious misstatements, but I would like some time to go into it.

Mr. REID: I would suggest that if we have the brief sent in by Mr. Stanton on behalf of the fishermen and the brief sent in by Mr. Goodrich—if we have the two briefs before us—argument could be proceeded with by the members of the committee; but as Mr. Neill has said we have not had time to peruse either brief. I have not seen them.

Mr. NEILL: Your name is mentioned here too.

Mr. MAYHEW: Mr. Chairman, may I suggest something else, something that Mr. Neill brought up at the last meeting to the effect that these men were men who did not have very much money and would be unable to get proper

assistance in preparing their brief. Now, probably that is evidenced in the brief; I have not seen it; but if it is going to suit our purpose better I would move that we ask the government for, say, \$100 to enable those men to present a proper brief. I do not think anybody wants to take advantage of the situation at all. Let them present another brief if Mr. Neill thinks this does not suit the case. We have lots of evidence.

Hon. Mr. MICHAUD: I understand the fishermen have forwarded their brief through Mr. John Stanton, barrister and notary public, East Hastings street, Vancouver, B.C. Unless you dispute the qualifications of Mr. Stanton why should we assume that they have not prepared a proper brief or did not have the means to employ proper legal talent.

Mr. MAYHEW: I was basing my assumption on the fact that they did prepare a brief themselves and that Mr. Neill thought it was not right. If the brief is prepared by a solicitor, there is nothing to what I have said.

Mr. TAYLOR: Mr. Stanton acts for the various unions. He acted in the case of the Blubber bay strike and is, apparently, a man who attends to the legal affairs of these labouring men, working men and others.

Mr. MAYHEW: That is quite satisfactory.

Mr. TAYLOR: There is one matter to which I should like to draw the attention of the committee and that is that at our last meeting we had a precis of some letters sent to Mr. Neill. I cannot accept the value of that precis unless I see the original documents, and I think for all the purposes of our research and search we should have those filed to support the precis.

Mr. NEILL: What do you call that? A precis?

Mr. TAYLOR: A precis of the various letters.

Mr. NEILL: You said something about a precis; put it in English.

Mr. TAYLOR: If you will look up a dictionary you will find the word in the English language.

Mr. NEILL: You mean a summary, don't you? Who prepared the summary? Who prepared the precis?

Mr. TAYLOR: I do not know who prepared it; you submitted it.

Mr. REID: The word precis is the word used by the pension authorities in making up a man's history, and in plain language it is a summary—

Mr. TAYLOR: No, I submit it is not a summary.

Mr. NEILL: I have the man's letter here; would you like to have it read?

Mr. TAYLOR: I have made my statement.

Mr. NEILL: If the committee would like to have Mr. Hill's letter read I have the letter here and I would be glad and happy to read it.

Mr. MAYHEW: Mr. Chairman, would it not be fair to all the members if these two briefs were put into the printed record.

Mr. ROBICHAUD: Precis is a French word.

Hon. Mr. MICHAUD: It must be a good word then.

Mr. TAYLOR: Yes, that is the word; certainly it is good.

Mr. MAYHEW: We could have the meeting adjourned and give all the members a chance to read both briefs.

Mr. NEILL: Here is what this man wrote me:—

Enclosed you will find a summary taken from the signed statements of nine fishermen who actually fished near the traps at Sooke last summer. They all seem quite satisfied with the fishing there and consider going back there next summer. They will have lots of company if all the rumours are correct.

Then he enclosed the summary which was put upon the file. Now, if the letter accompanying the file makes Mr. Taylor happy, there it is. He also says in the letter later that he has nine letters from these individual men.

Mr. TAYLOR: Those are the letters I would like to have on the file.

Mr. NEILL: It is only cluttering up the record.

Hon. Mr. MICHAUD: Let us have them.

Mr. NEILL: I will turn them in to the clerk to be printed; or does Mr. Taylor wish to have them read now?

Mr. TAYLOR: I am satisfied if they go on the record.

Mr. MAYHEW: I move that the two briefs be incorporated in the record.

The CHAIRMAN: You have heard the motion that these two briefs be filed with the clerk and printed in our next report; is the committee agreed?

(Carried.)

The letters submitted by Mr. Neill at the last meeting and which have been asked for by Mr. Taylor will also be included in the record.

(Brief submitted to the Fisheries committee, House of Commons, on behalf of J. H. Todd & Sons, Ltd., and Sooke Harbour Fishing & Packing Co., Ltd., dated May 1, 1939, appears as Appendix No. 1.)

(Brief submitted by John Stanton, Barrister and Solicitor, Notary Public, 16 East Hastings street, Vancouver, British Columbia, "In the Matter of Fish Traps at Sooke, B.C.," dated April 29, 1939, appears as Appendix No. 2.)

(Nine letters from B.C. fishermen put in by Mr. Neill, appear as Appendix No. 3.)

Mr. MAYHEW: I move that the meeting adjourn so that the members may make a proper study of the reports and be ready to discuss them at our next meeting.

Mr. NEILL: I should like to ask Mr. Whitmore a few questions, and it would save time later on if I could do it now.

The CHAIRMAN: You have the opportunity now.

A. J. WHITMORE, Head of Western Division, Department of Fisheries, called.

Mr. NEILL: These are not controversial things; they are a matter of governmental procedure.

Mr. REID: Did we get the exact meaning of precis?

Mr. NEILL: How is the word pronounced? The word "summary" was used by the man I was quoting.

Mr. TAYLOR: I am not using your words.

Mr. REID: This committee is getting in an elevated position when we have to have a dictionary here.

Hon. Mr. MICHAUD: Perhaps it will help the committee to learn good English.

Mr. REID: We have not been given the meaning of the word yet. You have the dictionary there.

Hon. Mr. MICHAUD: The dictionary is there for you to see if you wish.

Mr. NEILL: It means summary, does it not?

Hon. Mr. MICHAUD: Oh, yes.

Mr. NEILL: After glancing through this brief—it is a matter of fact and not a matter of opinion—I would like to ask one or two questions.

The CHAIRMAN: Go ahead, Mr. Neill.

By Mr. Neill:

Q. Mr. Whitmore, how many licences are there issued yearly in that area to those two companies regularly?—A. The last three years there have been five licences issued.

Q. Five? That is the total number issued?—A. Five salmon trap net licences.

Q. How many were operated in 1937?—A. There may have been four in 1937 and five last year.

Q. I thought the number was four in 1937, but somebody said five. And 1938?—A. Five traps operated last year.

Q. And this year?—A. There have been five licences issued. I do not know how many will be operated.

Q. And were there not more than five issued at one time? It seems to me that it was recorded in 1937 that they had seven licences. I am sure that was put in evidence.

Mr. TAYLOR: No, Mr. Neill used the word "seven."

Mr. NEILL: I got it from somebody.

Mr. TAYLOR: But the actual facts are in the report.

Mr. NEILL: In what report?

Mr. TAYLOR: In the Department of Fisheries report for 1937-38 where it shows the number of licences issued for the various years running from 1927 to 1937.

Mr. REID: What page is that?

Mr. TAYLOR: Page 79.

Mr. NEILL: What were they in 1937?

Mr. TAYLOR: In 1937 there were five.

Mr. NEILL: Mr. Whitmore says there were four.

The WITNESS: Five licences were issued. I will check on the number that were actually operated.

Mr. NEILL: Were there at no time more than five licences issued in that list you have got?

Mr. TAYLOR: Oh, yes; five was the smallest number.

Mr. NEILL: What was the greatest number issued?

Hon. Mr. MICHAUD: Nineteen.

Mr. NEILL: In the last ten years?

Hon. Mr. MICHAUD: Eight in 1933, 1934, and 1935.

By Mr. Neill:

Q. Mr. Whitmore, were those eight licences all issued in the Sooke area?—A. All for the Sooke area.

Q. Eight licences in what year?—A. In 1933, 1934 and 1935.

Q. And the number was afterwards reduced to five, and there are five now; and how many have been operated?—A. In 1933 and 1934—I have not the information with me.

Q. Have you got the information since then? How many were operated in 1937, 1938 and 1939?—A. In 1937 five were operated.

Q. In 1938 the same and in 1939. Could you tell me, Mr. Whitmore, what they do with licences for which they pay \$500 apiece? Do they not use them? What do they do with them? Why do they take licences which they do not operate—eight at one time and they only used five. What do they pay that money for? Was it to keep somebody else out of the area?

[Mr. A. J. Whitmore.]

Mr. TAYLOR: It has not been established that they have done that.

Mr. NEILL: Yes.

Mr. TAYLOR: Where?

Mr. NEILL: By Mr. Whitmore and yourself.

Mr. TAYLOR: I did not establish it. I am not in a position to know. I know that the report says that in 1925 there were nineteen licences. They scaled down to seven since that time—eight three times and seven in 1936 and five in 1937. What they do with the licences or who possesses those licences is not in the report.

Mr. NEILL: I am asking Mr. Whitmore, and he is qualified to answer whether people take out licences costing up to \$500 in places where they do not operate.

Mr. TAYLOR: The fact that they do that must be established.

Mr. NEILL: If Mr. Whitmore could be allowed to answer we would get somewhere.

Mr. MAYHEW: They were not paying \$500 in 1937. They were paying \$50.

The WITNESS: Since 1937 the cost has been \$500, and that fee has prevailed, and the information I gave was that they have operated all licences since that time. Prior to that, it is true, they took licences which they did not operate, but the fee was much less than it is now. It may be that when they applied for the licences they had intentions of operating them and later on did not proceed.

Mr. ROBICHAUD: That was explained in 1937 by Mr. Goodrich. He admits that they did not use them all in some years, but that they might have.

Mr. NEILL: They took them all out to prevent anyone else from getting in.

Mr. MAYHEW: I object to that because, after all, they have to get their shore rights from the provincial government before they can operate, and the fact that they took the licences from here does not mean that they were simply holding up, because they have to get their shore licences from the provincial government.

Mr. NEILL: They did the same thing with the province; they took the licence out, the object being to keep that area for themselves.

Mr. MAYHEW: I require that to be proved.

Mr. NEILL: What is the reason if that is not it?

By Mr. Neill:

Q. Mr. Whitmore, what does the Act say with regard to the distances between traps—I think it is 800 yards—I have not got the section in my hand, but I think you will agree with me that that is what the Act says?—A. Section 13 of the Fisheries Act reads:—

All stationary nets or other stationary appliances for the capture of salmon, shall be placed at distances of not less than 250 yards apart, without intermediate fishing nets or appliances of any kind being set or used.

Q. That is not the section I am referring to, that is a generic one. I am talking of salmon trap nets, and you will find that the distance is 800 yards. Mr. Found gave that evidence, very reluctantly.—A. That is section 18 of the regulations—the British Columbia Fishery regulations—sub-section 5 (a):—

(a) A salmon trapnet shall be located on a definite site, certified by the licence, and shall be at least 400 fathoms distance from the nearest adjacent trapnet. The mesh of such trapnets shall not be less than 6 inches, extension measure, in the leader or lead, nor more than 2 inches, extension measure, in the heart, crib or pot.

Q. I have only one more question to ask. If someone who is supposedly familiar with this thing puts it on evidence that the distance is only 250 yards he is endeavouring to mislead the committee, is he not?—A. The section of the regulations I just read dealt with the location of one trapnet to another trapnet. The section of the Act I read previously—

Q. I suppose that anyone who has been operating traps for a number of years must be familiar with the Act and the regulations?—A. I would think so.

Q. That is all.

Mr. ROBICHAUD: He did not answer the previous question—

The WITNESS: The section of the Act which was previously—

Mr. ROBICHAUD: —that anyone who put a brief in and said the distance was 250 yards was not telling the truth. He was going to explain that, was he not?

Mr. NEILL: He cannot explain that.

Hon. Mr. MICHAUD: Give him time to explain it.

The WITNESS: Section 13 of the Act which I previously read states:—

All stationary nets, or other stationary appliances for the capture of salmon, shall be placed at distances of not less than 250 yards apart, without intermediate fishing nets or appliances of any kind being set or used.

By Mr. Neill:

Q. That is the generic section; but the clause which covers salmon trapnets and which the witness just read specifically states 400 fathoms.

Mr. ROBICHAUD: That is trapnets. There may be other nets, but those other nets cannot come closer than 250 yards, and these trapnets have to be 400 fathoms apart.

Mr. MAYHEW: Mr. Neill, you are opposed to any additional licences for trapnets in the Sooke area being issued; is that the idea?

Mr. NEILL: I am not giving evidence, but I am opposed to any licences being issued.

Mr. MAYHEW: You think that more licences would not be in the best interests of anybody?

Mr. NEILL: I think any licences are not in the best interest.

Mr. MAYHEW: I would like to point out that the number of traps in 1925 was nineteen traps and you caught 1,720 cases. You come down the list here to 1933, 1934, 1935 and 1936 and you caught 1,265,000. Last year they had only five traps and they caught 1,500,000 cases. Now, that would be in favour of more traps because, apparently, it only increases the labour cost and gives more labour and that is what we are after—a better investment—so if they want to include more traps in there it is not going to take any more fish, but is going to give a lot more employment, and it is employment that I am fighting for.

By Mr. Neill:

Q. Mr. Whitmore, with regard to those nineteen traps in 1925, were they in the Sooke area?—A. Not all.

Q. Not all; they were scattered about, some up north and they were finally abandoned as being on public pressure or for other reasons?

By Mr. Mayhew:

Q. Were not those traps in 1932, 1933, 1934 and 1935 and 1936—were they not in the Sooke area?—A. Yes.

Q. The same thing applies there.

[Mr. A. J. Whitmore.]

By Mr. Neill:

Q. There were traps all over the province at one time, were there not? And there was an attempt to introduce them up north in 1929, was there not?
A. Traps were never generally permitted throughout the province. The first traps that were allowed were in this Sooke area and two or three in the Boundary bay area adjacent to Point Roberts at the southern boundary line. During the war years traps were permitted at several points along the coast in the interests of speeding up production at points where it was concluded they would do least harm to other types of fishing. They were not generally successful and they were gradually dropped, and later several trap licences were issued at the northern boundary of the province where it was suggested conditions very largely similar to the Sooke area in the south existed—fish that were moving through the international waters, possibly going to American waters to spawn or to Canadian waters to spawn. The licences were issued for several years and they were discontinued for a few years after that and they were later reissued again, being abandoned and discontinued in the year 1925.

Q. And in 1929 an attempt was made to revive them by sending a commissioner up north who reported, and the matter was debated in the House of Commons and the feeling was so strongly against traps that the minister made a statement on the floor of the house, I think, or shortly afterwards there would be no more traps allowed. Is that substantially correct according to your recollection, Mr. Whitmore?—A. Yes, no further licences were issued after 1925.

Q. There was a commission went up there that year and it reported favourably, by the way, but the feeling in the House of Commons was so intense that the matter was dropped there and then.

By Mr. Reid:

Q. Did you say 1923 or 1929?—A. In 1925 the last licences were issued up there, but the commission—the royal commissioner was appointed in 1929 to go into that.

By Mr. Neill:

Q. He was Mr. Ellis?—A. Yes, now a judge—J. M. Ellis.

By Mr. Mayhew:

Q. Mr. Whitmore, how many trapnets have they operating on the American side in the north, in the Alaska area?—A. I have not got the last figures for you, but I have them up to 1935. In 1935 there was a total of 164 driven traps or pile traps and 283 floating traps.

By Mr. Neill:

Q. In Alaska?—A. Yes, or a total of 447. The total number is not quite so large since then.

By Mr. Reid:

Q. None of those are in Bristol bay?—A. No, none of them are in Bristol bay.

By Mr. Neill:

Q. They have been substantially reduced from time to time—the numbers?—A. Yes, the total in 1935 I said was 447; in 1928, for instance, it was 730.

Q. In 1925 there were 546?—A. That is right.

Q. In 1927 there were 779?—A. Yes.

Q. They have been reduced substantially from time to time?—A. 1935—

By Mr. Mayhew:

Q. There are 700 operating there anyway just north of the Canadian boundary?—A. The percentage of take of salmon in 1935 of the total catch by traps was 52 per cent.

Q. Fifty-two per cent of the total catch was from traps in the Alaskan waters?—A. Yes.

Mr. NEILL: It was 55 per cent in 1932.

By the Chairman:

Q. Why were they reduced? Was it by legislation of the American government or were they withdrawn by the fishery interests themselves?—A. I believe the fisheries administration took steps to reduce the number at certain points in the interests of conservation, very likely.

Mr. ROBICHAUD: Now, with regard to Canadian traps, there were nineteen in 1925 and there were six in 1936. Were they restricted by the department or did the people give them up?

The WITNESS: In 1925 the figure you are looking at embraces a number of trap licences issued for the northern boundary of the province, and they were discontinued by the department after that year.

By Mr. Robichaud:

Q. Was it because of restrictions made by the department that you refused to issue the licences?—A. Because of restrictions of the department there were no further licences issued for that point.

Q. Do you know how many there were in the Sooke district—the highest number there ever was in the Sooke district?—I suppose after 1925 they were all restricted to that district?—A. That is correct.

Mr. TAYLOR: I notice in the brief that it says under the heading "historical" in the second paragraph "Pound nets now familiarly known as trapnets were first established in the Sooke district in 1904 by J. H. Todd. His success encouraged others and in the years immediately following several canning companies built traps in the same area. At one time there were some twenty to twenty-five trap licences issued for that district."

Mr. ROBICHAUD: In the year 1925 when there were nineteen in all, do you know how many there were in the Sooke district?

Mr. TAYLOR: It is not indicated here. They should not be called trapnets. The word trap is too sinister in the minds of these people who are willing to sign petitions all the time.

Mr. NEILL: A rose by any other name would smell as sweet.

Mr. TAYLOR: The smell is all right.

Mr. NEILL: I do not know; I suggest that the situation is fishy.

By Mr. Neill:

Q. I would like to call the attention of this committee to an item—I do not know whether it is very important. Here is this brief which we are going to pursue at great length and which puts forward plausible statements, very ably presented, and I would call attention to the fact that these traps were first put out in 1905; they were o.k.'d in 1904, but I think they came in 1905; is that right?—A. Yes. The order in council was May 2, 1904, which authorized them.

Q. And for thirty-three years these traps have been operating illegally. It was only when the matter was brought up here before the committee in 1937 that it suddenly dawned on them that they had better come down and not trust to their influence and pull and so on and comply with the law, and

[Mr. A. J. Whitmore.]

they then put through the usual procedure—I have it here—of advertising for their licences under the Navigable Waters Protection Act. Here it is taken out of the *Gazette*. The law says that these people or any other people shall not construct, use or operate any building or structure in the run of the water without getting consent under the Navigable Waters Protection Act from the Department of Public Works; and all those years they operated without that consent and their actions were totally illegal. The department could have come along at any time and removed or blown up those traps, because they were being operated illegally. This gives me an idea—I only give it for what it is worth—that those people who come here pleading poverty and long vested rights—those are the kind of vested rights they had; this is the first time they ever applied. I know it is the first time because I got it from the department. During all those years they operated without getting the necessary permit which any lawyer must have known was necessary, anybody would. We all know that you cannot put up a wharf 10 by 12 without getting a certificate under this Act that it does not interfere—

Mr. ROBICHAUD: I do not think that was generally known before the last couple of years. I know that in my own town they have booms and all sorts of obstructions in the bay and they were never asked to do anything about them before two years ago.

Mr. REID: It was illegal just the same.

Mr. ROBICHAUD: It may have been, but it was never asked for by the officials.

Mr. MAYHEW: I should like to remind Mr. Neill of a statement of the Hon. Mr. Bowser when he was being heckled at a political meeting about making promises, and he was asked: Why didn't you do it when you were there? He said, "forget my past; my future is blameless."

Mr. NEILL: I appreciate the point that it is the best the trap owners can offer, but the proper thing to do is to forget the past and be a good boy in the future. There is an illustration for what it is worth. It costs money to print these things. They have to be printed in the *Gazette* and in the newspapers too. I think you have to apply to the Department of Public Works to get the certificate, and they did not do that during all those years, and they were operating illegally. I have not got an Act here, but any lawyer will tell you that the department has the authority to come along and remove your obstruction by any method they care to adopt if you have not got a certificate; and as a case in point, some ten years ago—

Hon. Mr. MICHAUD: What is the reason for that?

Mr. NEILL: For the safety of navigation—not to interfere with navigation.

Hon. Mr. MICHAUD: Apparently there was not much interference with navigation during those thirty years since nobody noticed it or took any action about it.

Mr. ROBICHAUD: It is not a harbour. I think the department has first to declare that to be a public harbour.

Mr. NEILL: No. It is under the Navigable Waters Protection Act. It is not a harbour at all. The Act says The Navigable Waters Protection Act.

Mr. ROBICHAUD: They have to declare first that it is a harbour for the use of the public.

Mr. NEILL: Pardon me, it is The Navigable Waters Protection Act. Let us get the Act, if necessary.

Mr. REID: Mr. Neill is right. I recall a case along the same line on a navigable stream where a company built five bridges which diverted the fishermen from the use of that stream, and the matter came to court and the case

was thrown out because the company had no right to do that. They had done the same thing as the trap owners have done—in this case they had built the bridges over a navigable stream without permission.

Mr. TAYLOR: The waters of the Juan de Fuca straits are 15 miles wide at this point, and I do not think that interference comes into the matter.

Mr. NEILL: Some ten years ago there was a well-known fishing company in British Columbia which ran up against this after they had built a large wharf and had not got permission to do so. I went to the department and the answer I got was, "they will have to tear it down and get permission to begin again." So they are quite touchy. These people must first get the permit while the structure is being built.

Mr. MAYHEW: Did they tear the wharf down?

Mr. NEILL: No. Wise counsels prevailed. I gave them sound advice, and I advised them that, perhaps, the wharf was not completed.

The CHAIRMAN: I know that even to build a building alongside a public wharf you have got to get permission from the Department of Public Works.

Mr. REID: The trouble is, as in the case of these traps, that once a company or a person goes ahead with a thing it is difficult to have it removed afterwards.

Mr. NEILL: The Act dates back to 1908 at least.

Mr. TAYLOR: I would like to ask Mr. Rodd a question concerning the effect upon the salmon of the biological urge. I was laughed at two years ago when I introduced certain facts before this committee, but inasmuch as we are going to discuss this in the near future it might be well to have Mr. Rodd give us an idea of the change which the fish undergo as they approach the final stages of their urge—the final changes.

Mr. RODD (Director of Fish Culture, Department of Fisheries) called:

The WITNESS: I will confine myself to the sockeye, but the same changes occur in the other species to a more or less extent. The male sockeye becomes deformed, as it were. They develop a hooked nose and take on a much deeper colour; the female becomes more distended. The scales of both when they first come into fresh water are easily disturbed or removed. The fish are fat. As development towards the spawning season progresses the scales become more firmly attached. We use the term being imbedded.

By Mr. Taylor:

Q. And that imbedding is all over the fish?—A. The imbedding is all over the fish.

By Mr. Reid:

Q. What relation has that to the biological urge?—A. That is a biological change.

Q. It is a biological change but not a biological urge; one is the cause and the other is the effect?—A. Of course, I understood it was the physical appearance we are interested in.

By Mr. Taylor:

Q. I want to know of the change which the fish undergoes as it approaches its biological urge, and the appearance is part of the indication that it is undergoing that. The period of adolescence in a youth, for instance.

[Mr. J. A. Rodd.]

By Mr. Reid:

Q. I know that a biological urge may start out in the straits of Juan de Fuca when the fish are headed in. That may be the biological urge, but it is a long way from the start of that urge until they reach the upper reaches of the Fraser river.

By Mr. Taylor:

Q. At what point, Mr. Rodd, do they change in appearance?—A. The sockeye do not change much in appearance until they are fairly well up the river, that is those that enter early; those that enter in the fall change in colouration before they go very far.

Q. Exactly; but is it not a fact that they change at the mouth of the Fraser river?—A. I have not seen them at the mouth of the Fraser river, but up at Cultus lake salmon are sometimes highly coloured when they reach the fences.

By Mr. Reid:

Q. And is it not a fact that sockeye salmon, particularly, have been taken away beyond Shuswap in first class condition as well as others that were taken in not as good condition?—A. I do not know. I would not dispute that for a moment.

Q. That is evidence I can produce.—A. I would not dispute that for a moment.

By the Chairman:

Q. Are they fit for human consumption in that condition?—A. Generally speaking, no. When they get well up the river, as I have seen them, covered with fungus and sores they are rather horrid looking things. I understand the Indians do eat them.

By Mr. Reid:

Q. In case there is any misrepresentation of the statement, I take issue with Mr. Rodd's statement. Sockeye salmon in the Fraser river are in the finest condition for canning, although there may be other varieties of fish that are not, but when he speaks particularly of sockeye he is getting into deep water and I take issue. He will have to be definite on that point. I can bring you any number of sockeye salmon above Hells Gate which are in good condition, and until they get up the Fraser river 400 miles there is very little deterioration in the sockeye. I want that clear.—A. I can only tell you what I have seen myself, and I have never seen a salmon that I considered fit to eat at Shuswap lake and Adams river, and beyond, and above that point I have not seen a salmon that was not highly coloured.

Q. What time of the year are you speaking of?—A. The autumn.

Q. What month?—A. Well, will you let me off if I correct myself. I think it was late October.

Q. Well, the run is in July.—A. My observations in the Fraser river have always been in the late season.

Q. That might clear you, because the month of the year has a lot to do, and not the place.—A. Yes, I am speaking of my own observations. You must remember that.

Q. I do not want any implications.

Mr. MAYHEW: Your point is that the fresh water has nothing to do with the change.

Mr. REID: No. It is the length of time it may be delayed in going up.

The WITNESS: Would you not say, sir, that it is the nearness to spawning conditions—that causes the biological change.

Mr. REID: I would say yes; but the location would not have a great deal to do with it in so far as sockeye salmon are concerned. They may be well up the river beyond Hells Gate in the month of August, shall I say, in first-class condition on their way to spawn.

Mr. TAYLOR: Mr. Reid is probably aware that the statements of the department are somewhat contrary to that.

Mr. REID: Oh, no, they are not.

Mr. TAYLOR: Mr. Reid should look up Dr. Found's report before the select standing committee of the House of Commons in 1935.

Mr. REID: Speaking on pink salmon.

Mr. TAYLOR: The late run of sockeyes.

Mr. REID: Mr. Rodd said sockeye salmon. They are two different things.

By Mr. Taylor:

Q. Do you include the late run?—A. I was referring to the biological change, and I confined myself to my own observations. I repeat that I have never seen sockeye in the Fraser river at the times I have been there that I considered fit to eat.

By Mr. Reid:

Q. Whereabouts in the Fraser river?—A. Adams river, Stuart lake, Cultus lake.

Q. The reason I ask is this: I want no misunderstanding to arise. When you speak of the Fraser river in referring to the spawning of sockeye salmon and other salmon I think in fairness you should speak about the upper reaches of the Fraser river in case some argument arose from your statement concerning the Fraser river generally. It is the Fraser river at New Westminster and it is the Fraser river at Chilliwack, and still it is the Fraser river many miles up.—A. And it is the Fraser river also at Cultus lake.

Q. But we consider from Cultus lake up as the upper reaches of the Fraser river.—A. I can repeat what I said before that in October and later at Cultus lake I have seen thousands of salmon and they were of a deep red colour. It was the spawning time, and they were late fish.

Q. I accept that.

By Mr. Neill:

Q. I shall direct my questions to Mr. Whitmore. Mr. Whitmore, you know the area of Sooke. About how many miles is the area within which these licences operate? I do not want to put words into your mouth, but I think it is about eleven miles?—A. I had in mind seven or eight miles.

Q. How far apart would you suggest the traps were?—A. Well, there are two or three which are close together—I would say within a mile of each other and another one is two or three miles away from the group.

Q. Then, you would not say it was a fair statement to say that they average four miles apart?—A. No, it would not be four miles. Average four miles apart?

Q. Average four miles apart.—A. That would be tantamount to saying you would multiply five traps by four miles—that would be a twenty mile stretch of the coast line.

Mr. TAYLOR: Sixteen miles.

Mr. WHITMORE: I do not think there is that distance between the two extremes.

[Mr. J. A. Rodd.]

By Mr. Reid:

Q. How far out from shore would they be?—A. Mr. Goodrich gave evidence on that. I think the longest lead was 2,000 feet.

Mr. TAYLOR: Mr. Neill suggested there might be 6,000 feet. That is quite incorrect?

Mr. NEILL: When did he suggest that?

Mr. TAYLOR: In the house.

Mr. NEILL: When?

Mr. TAYLOR: In describing the traps.

Mr. NEILL: I do not think so. It is quite right they might be 6,000.

By Mr. Neill:

Q. Mr. Whitmore, there is no limit to the lead they can use?—A. There is no limit prescribed by the regulations.

Mr. MAYHEW: I knew you would convey the wrong impression.

Mr. NEILL: The ones at Sooke—the most of them would be 2,000, but they can go out as far as they like.

Mr. MAYHEW: Quite; but you knew they did not go out that far.

Mr. ROBICHAUD: The depth of the water is the limit.

Mr. TAYLOR: Yes; and the bed into which the poles are driven.

Mr. WHITMORE: Deep water and penetration.

Mr. TAYLOR: "They come along the shore lines and they come up to a lead which may be 600 feet or 6,000 feet long"; that is Mr. Neill speaking on the 2nd of March.

Mr. NEILL: What is that?

Mr. TAYLOR: "They come along the shore lines and they come up to a lead which may be 600 feet or 6,000 feet long."

Mr. NEILL: Yes I kept well within the limits.

Mr. MAYHEW: You were modest in saying 6,000 feet; you might have added another nought.

Mr. ROBICHAUD: Under the regulations it could be 6,000 miles.

The CHAIRMAN: I notice, gentlemen, that we have not a quorum now.

Mr. TAYLOR: I should like to impress upon our maritime friends that this is a very serious issue for the people of British Columbia, and we would like their assistance in settling the matter.

The CHAIRMAN: Yes, we would like to have as full a meeting as possible at the next sitting which will possibly be Monday if we can get the record printed in time and have it before the committee by Monday.

Mr. TUSTIN: I suggest that the meeting be not called for Monday because Monday is a very bad day. It is all right for the members who are here from very long distances and are here all the time.

Mr. NEILL: The trouble is that a number of members are on the Public Accounts committee and that committee always meets on Tuesday and we can never get members to attend our meeting although they are keenly interested in this subject.

The CHAIRMAN: The trouble is if we call our meeting for Tuesday or Thursday there are so many committees sitting that we have not a chance to get the members here.

Mr. NEILL: The trap owners' brief stated that the traps were an average of four miles apart, and I asked Mr. Whitmore for an answer.

The CHAIRMAN: The committee will stand adjourned to the call of the chair.

The committee adjourned at 12.15 to meet at the call of the chair.

APPENDIX 1

SOOKE HARBOUR FISHING AND PACKING CO., LTD.

504-5 Union Building,

VICTORIA, B.C., May 1, 1939.

A. E. MACLEAN, Esq., M.P.,
Chairman, Fisheries Committee,
Ottawa, Ont.

DEAR SIR,—Complying with your telegram of the 28th ultimo, we transmit herewith, on behalf of Messrs. J. H. Todd & Sons, Ltd., and ourselves, our brief in the matter of the proposed amendment to the Fisheries Act, relative to the trap nets at Sooke, B.C.

We trust that the same will receive your careful and favourable consideration.

Very truly yours,

SOOKE HARBOUR FISHING & PACKING CO., LTD.

CHAS. F. GOODRICH,
President.

BRIEF SUBMITTED TO THE FISHERIES COMMITTEE, HOUSE OF COMMONS, ON BEHALF OF J. H. TODD & SONS, LTD., AND SOOKE HARBOUR FISHING & PACKING CO., LTD.

May 1, 1939.

MEMORANDUM RELATIVE TO TRAP NETS NEAR SOOKE, VANCOUVER ISLAND

PART ONE

1. *Course of Salmon Run*

The main run of salmon heading for the spawning grounds of the Fraser River system enters Puget Sound through the Straits of Juan de Fuca. Heading in from the Pacific in a south-easterly direction, these fish continue on down into American waters and following a fairly well defined course proceed north and east, almost entirely on the American side of the International boundary until they pass Point Roberts and debouch into the mouth of the Fraser. Those which escape being caught arrive eventually at the Fraser River and ascend to the spawning grounds.

2. *Historical*

Pound nets now familiarly known as trap nets were first established in the Sooke district in 1904 by J. H. Todd. His success encouraged others and in the years immediately following several canning companies built traps in the same area. At one time there were some twenty to twenty-five trap licences issued for this district.

Due to losses sustained through the hazards common to the fishing business, including variations in the run and the changing habits of the fish, and the fact that fish could be caught in the Fraser River cheaper than they could be obtained by trap fishing, the majority of the licensees found their traps uneconomical and one after another withdrew. Finally the only ones left in the field were

J. H. Todd & Sons, Ltd., and Sooke Harbour Fishing & Packing Co., Ltd. In 1922 these two Companies found that in order to operate with any hope of success it was necessary to eliminate overlapping and to divide the work, with the result that the Sooke Harbour Fishing & Packing Co., Ltd., with its home plant at Sooke, B.C., superintends and operates the fishing and handles the fish sold on the market as fresh fish, and delivers its entire catch of sockeyes and other varieties suitable for canning to the Empire Cannery at Esquimalt, operated by J. H. Todd & Sons, Ltd.

It is important to note that the traps which ceased to operate in this area were not legislated out, but were taken out voluntarily by the operators because they did not pay.

In the northern waters of British Columbia, where different conditions prevailed, agitation on the part of other fishermen did succeed in effecting the removal of the traps. That, however, was not the case in the Sooke area.

3. A "Gear Fight"

In the past ten years or so, the number of men engaged in fishing in British Columbia has doubled. Purse seine licences have remained about the same, but the number of licences issued to salmon trollers has increased from 1,821 in 1925 to 3,453 in 1938 and licences to gillnetters from 4,225 to 7,125 in the same period. The size of trolling boats has been increased and with more lines, more hooks and automatic reels their efficiency has been greatly multiplied. The result has been to intensify competition between groups using different types of gear. Trollers, gillnetters and seiners, at odds with each other, have been led through unwise counsel to combine officially in opposition to the traps, largely for publicity purposes, though individually these fishermen privately admit, as the facts show, that the traps as they exist cannot in fact affect them to any appreciable degree whatever. In essence, the anti-trap agitation so far as the fishermen are concerned, is an off-shoot of their own "gear fight."

4. Monopoly?

This agitation has, it must be admitted, assumed a political aspect. It is claimed that the licences granted in the Sooke area constitute a monopoly or special privilege extended to one group to the exclusion of others. Actually, as far as we know, any person or company who wishes may secure a trap licence for the Sooke area but for reasons already given no person or company has for many years considered it profitable to do so. The risk is great. To operate a trap requires a large annual capital outlay and as in all forms of fishing the catch is a gamble.

It has also been urged that to permit traps at Sooke but not in other waters in British Columbia constitutes an unwarranted discrimination. The answer is that conditions at Sooke are unique in two particulars: (1) That no other form of commercial fishing is practicable there; and (2) That here is the only opportunity to intercept fish bound for Canadian spawning grounds before they enter American waters and encounter American gear.

These points are dealt with more fully below.

5. Cost—Licence Fees and Rentals

At Sooke the two companies operate under their joint arrangement from four to six traps each year. The Dominion Government licence fee for each trap, formerly \$50.00, was raised in 1937 to \$500.00. These companies hold foreshore leases from the Provincial Government for nine trap locations altogether, the object being in part to provide for the possible necessity of altering trap locations, and in part to avoid the delays and expense of re-obtaining foreshore rights should it become necessary to do so. For each location the Provincial Government receives \$100.00 to \$200.00 foreshore rental and in addition there is a \$100.00 Provincial licence tax for each location operated.

6. Construction of Trap Net

For those unfamiliar with them, a fish trap consists of a "lead" of wire-netting stretched on piles from the shore, at the outer end of which are the enclosures known as the "hearts," "pot" and "Spiller." Fish coming in with the flood tide follow along the lead and enter the enclosures, from which they are "brailed" into boats or scows.

Obviously with the wide expanse of water, the Straits at this point being approximately fifteen miles wide, only a portion of the fringe of the run can possibly be intercepted. In this connection the statement frequently made that the main run hugs the headlands and follows close to shore on rounding Vancouver Island is not correct.

7. Operating Costs

The annual net cost of constructing and operating a trap net at Sooke varies from approximately \$14,000.00 to \$20,000.00. This represents only labour and replacement costs. These costs are based on depreciated costs of materials salvaged from the previous year, and not on the value of new material where salvage materials are used.

The traps are constructed and dismantled in their entirety each year. Wire netting lasts but one season; piles, lines (ropes) and cotton web (the last of which requires to be changed frequently during the season) for the most part last two or three seasons and are salvaged at the end of each season, thus reducing the net cost of operation. Cost of new material alone totals approximately \$25,000.00 per annum, purchases for the most part being made through Victoria and Vancouver merchants.

Costs noted do not include any charge for depreciation of fixed equipment. Fixed equipment includes buildings, wharves, Diesel-powered boats, pile driver, pile puller, scows and dories.

8. Men Employed

The Sooke companies employ a total of about forty men, averaging some nine months each per year. While usually only three men—two watchmen and a cook—are employed on each trap during the actual fishing season, the others are employed in brailing, manning the boats, and in other necessary operations.

These men, most of them married and owning their own homes, form the nucleus of the thriving community of Sooke, which has a population of about three hundred persons. The fish traps constitute its only industry.

Every season a considerable sum is disbursed in wages for persons employed at the Empire Cannery at Esquimalt near Victoria in can-making and the canning branches of this operation.

9. Would Abolition of Traps Increase Employment?

A primary contention of the trollers, seiners and gill-netters, as urged in Parliament, and before the Committee, is that the abolition of the traps would give employment to a greater number of fishermen. Instead of forty men they claim that two hundred or even three hundred and fifty floating gear fishermen could be given work.

This conclusion is not sound and is not supported by any evidence whatsoever. In the first place the strong tides which sweep through the Juan de Fuca Straits, and the stormy weather which prevails there make other forms of fishing impracticable. The clear water in the Straits lessens the chances of gillnetters, who do best in the muddier waters of the Fraser area; (1.n) and the

(1.n.) cf. A. W. Neill, M.P., in *Hansard*, March 28, 1939, p. 2547: "The gillnet catches any variety of fish but it cannot operate in clear water. The water must be muddy or discoloured because, if it is clear, the fish can see the net and readily dive under it and so escape."

high degree of phosphorescence in the Sooke waters likewise is disadvantageous to gillnetters, for the simple reason that at nights the nets appear literally "walls of fire" and fish will not go near them.

While these arguments are advanced by us, it must be emphasized that their truth is confirmed by government fisheries experts.

It is agreed by all, fishermen and technical experts alike, that trollers could operate if they wished and found it practicable in the Sooke waters. But sockeye, pinks and chums, the principal catch of the Sooke traps, do not take the hook. The fish when found here are travelling by day and not feeding or in schools and therefore cannot be taken by purse seines readily. All types of gear have been tried at different times with exceedingly disappointing results. The plain fact of the matter is that with no law to prevent them floating gear fishermen do not operate off Sooke in any numbers.

True, it is alleged that government regulations prohibit fishing too near the traps, and that the traps themselves interfere with other kinds of fishing. These objections do not hold water. To prevent damage to gear, either stationary or floating, as a result of swift tides, the Dominion Fisheries Act provides that other fishing shall not be carried on within two hundred and fifty (250) yards of fixed equipment, but as Dr. W. A. Found, Deputy Minister of Fisheries, explained when giving evidence before the Standing Committee, which investigated the question in 1937, this section of the Act was intended to apply only on the Atlantic Coast and had never been considered applicable to the Pacific Coast. It does not appear, in fact, in the official regulations governing fishing in British Columbia.

In any case, anyone who has been at Sooke realizes that, even if the section were to be made applicable, it could not interfere in any material way with other forms of fishing as there are, on the average, four miles between the traps, leaving plenty of room for all who wish to fish.

It has been claimed also that whether or not floating gear is practicable off Sooke, if the traps were abolished the fish now caught there would be caught by gillnetters operating in the Fraser River. Again this argument does not carry much weight. The Sooke traps take on an average only two per cent of the entire Canadian and American catch of the Fraser River pack of sockeye (1.2 per cent in 1938), and correspondingly small percentages of other types of fish. Should the traps be taken out, a certain part of the two per cent of sockeye—possibly half—would be taken by American fishermen, and a certain part would escape. The remainder if taken and divided up among the 2,300 Canadian fishermen in the Fraser River area would increase their individual catches by negligible amounts.

Employment Compared

With reference to the employment of labour, the attention of the Standing Committee may be drawn to the evidence of Mr. C. F. Goodrich, President of the Sooke Harbour Fishing & Packing Co. Ltd., given before the Committee on February 15, 1937, report of which appears in the Minutes of Proceedings and Evidence, No. 2, on pages 50 and 51.

By this evidence it was shown that in the year 1935 264 man-days of employment were required to produce sufficient fish for 1,000 cases of canned salmon, as against 76 man-days to produce the same quantity of salmon by purse seines in Alaska. Actually 1935 being a pink salmon run year, the number of man-days labour employed was even lower than would have been the case in an "off" year.

For that reason the following computation, compiled on the same basis should be of interest:—

Payroll for 1938		Catch for 1938			
Month	Man days	Species	Number or weight	Required per case	Cases if canned
January..	62	Springs	305,845 lbs.	80 lbs.	3,823
February..	692	Steelheads	6,184 lbs.	80 lbs.	77
March..	1,187	Sockeyes..	40,925 fish	12·1	3,653
April..	1,172	Pinks..	1,472 "	16·5	90
May..	1,269	Chums	953 "	8·64	110
June..	1,320	Cohoes	24,703 "	9·1	2,715
July..	1,438				
August..	1,348				
September..	1,256				
October..	1,222	Man days per 1,000 cs.,	1,125.		10,468
November..	726				
December..	87				
Total..	11,779				

The above table shows that from the standpoint of employment of labour, the trap-net mode of fishing compares most favourably with any other commercial mode of fishing.

PART TWO

10. Conservation.

Conservation is a word which enters largely into every discussion of fish traps, as of fishing generally. It does so rightly, for the preservation of a natural resource such as fisheries is a matter in which every citizen has a deep and real interest. Nevertheless, in the controversy between those who defend fish traps and those who condemn them, there is a good deal of confusion regarding what actually constitutes conservation.

Government officials and technical experts—those charged with the duty of seeing that the fish are conserved—point out that they do not champion any one type of gear as opposed to other types. They do point out, however, that a fish killed in any way is dead, and for propagation purposes useless. In that sense all types of gear are destructive.

Some, though not all, opponents of traps claim that they are the most destructive type of gear; that they catch all kinds of fish, large and small, including many immature fish. They claim further that salmon caught in traps mutilate each other and are mutilated by dogfish. They affirm also that the dumping of scrap-fish (those classed as non-edible) in the neighbourhood of the Sooke traps attracts numerous dogfish and sharks and thereby discourages fishing with other types of gear. It is also claimed that trap nets fish continuously night and day. These charges have no foundation in fact. Admittedly the Sooke traps catch a good many varieties of fish in addition to the sockeye. They catch certain amounts of spring salmon, pinks and cohoes, and smaller amounts of chums, steelheads, herring, cod, dogfish, ratfish and other varieties, but trap fishing is not unique in this. Purse seines, for example, scoop up many kinds of fish. Indeed many fishermen agree with those who hold that purse seining is one of the most destructive forms of fishing in that seiners follow the schools of fish, and have any number of chances at them, whereas stationary nets have only one chance. (1.n)

As for traps catching immature fish, it may be pointed out that almost no immature salmon are with the main spawning runs, as the fish do not return

(1. n.) Cf. Thomas Reid, M.P., Hansard, March 28, 1939, p. 2545.

"But I point out that the seine boats in the estuary of the Fraser River can be more destructive than traps, because, while it is true that while the fish meet the traps, follow the lead into the heart of the trap and are thereby caught, the seiners watch, just like hawks, and when the fish gather together in schools preparatory to heading up the Fraser River, the seine boats swoop into the midst of them, encircle their nets around them, pull tight the string at the bottom and bring the fish up. A catch of 10,000 salmon in one haul is not unusual."

"The fish gather in schools or in masses preparatory to spawning; if they are split up or interfered with, as happens when a seine boat goes in amongst them, the fish are thrown considerably off their course, and the action of the seines to quite an extent interferes with their migration."

to the rivers until they are mature. A negligible number of what are called "grilse" are caught by traps, and other forms of gear as well, but while grilse are sexually mature, they are not mature from the standpoint of growth and do not propagate a high type of salmon. In the entire season of 1938 the traps caught only seventy (70) undersized salmon. Trollers, incidentally, catch large numbers of immature blueback (young cohoes) in the feeding grounds of the Gulf of Georgia. Indeed for the first six months of the season practically all blueback caught by them are immature.

The charges of mutilation are equally fictitious. Possibly forty per cent of salmon caught on power troll boats jerk away and are never landed, their jaws or gills torn off by the pull of the automatic reels. In all the years the traps have been operating at Sooke, almost the only mutilated fish seen in them are ones either hooked in this fashion by trolls or bitten by seals or sea lions.

As for dumped scrap fish attracting dogfish and sharks, what little is thrown away is dumped en route from one trap to another in deep water and is immediately scattered and carried off by the swift tides.

During the past two years, on instructions from the Chief Supervisor of Fisheries, at least one representative of the Department has been on board the trap tender every time a trap has been lifted and has made careful note of the number of scrap fish of all kinds which have been dumped. These have all been set forth in the reports of the Sooke catches submitted to the Standing Committee on Fisheries and printed on pp. 25 and 26 of the Minutes of Proceedings and Evidence, No. 1, dated April 3, 1939. The Government representative has no doubt corroborated, to the satisfaction of the Department, the above observations concerning the mutilation of fish.

So far from traps fishing night and day, the fact is that no traps in the Sooke area or elsewhere ever fish at night. The Sooke traps are so constructed that they fish only on the flood tide. Consequently the maximum period of effective fishing never exceeds more than six hours out of the twenty-four.

11. *Traps Most Easily Controlled*

All forms of fishing are controlled by government regulations in the interests of conservation. Traps must remain closed for 48 hours each week to ensure an adequate escapement of fish to the spawning grounds. The recommendations of the Standing Committee relative to an opening in the lead have been more than complied with, the opening being much larger than that suggested.

There is general agreement that in the interests of conservation traps are the most easily controlled type of gear. They are fixed and can be inspected at any time, whereas an army of guardians would be needed to follow the thousands of individual fishing boats.

12. *The Sports Angle*

It may be noted that certain sports fishing organizations have passed resolutions favouring abolition of the traps. These resolutions plead the general grievance—depletion, but the Sooke traps, catching a very minor proportion of the sport salmon—springs and cohoes—can no more be held responsible for the depletion than can any other type of gear. In other words, to suit the sportsmen, all types of commercial fishing would have to go.

13. *Quality*

Trap-caught fish, which are handled relatively little and are canned immediately, are unquestionably the highest quality obtainable. At Sooke they are caught in prime condition, fresh from the cold waters of the ocean. Salmon deteriorate steadily in quality as they encounter the fresh water of the Fraser and approach the spawning grounds.

Quality, it should be pointed out, is a matter of the utmost importance to-day, when Canadian salmon must be sold on the world market in competition with the product put up by canneries in the United States, Siberia and Japan.

The Empire Cannery at Esquimalt, which depends entirely on the Sooke catch for its supply, has, on account of the quality of its product, maintained a much deserved popularity owing to the freshness and high colour of the fish. This cannery would have to close down if the traps were abolished.

It has been shown that fishing with other types of gear in the Sooke area is impracticable. Nor could the cannery depend on fish brought by boat from a remote distance, as such fish would not come up to the present superior standard of the Empire Cannery product.

14. *Summary*

To sum up, abolition of the traps would not give employment to one single fisherman more in the Sooke area, nor would it increase by any appreciable amount the individual catches of Canadian fishermen operating in the Fraser River area. It would destroy the livelihood of a thriving community at Sooke, and do out of a job those employed during the canning season at Esquimalt.

15. *Scientific Value*

From the scientific standpoint to abolish the traps would mean a distinct loss. Numerous salmon are tagged for scientific purposes each year at Sooke and for the past twenty-three years much of the valuable data on the runs of sockeye to the Fraser has been collected there. The Sooke companies have co-operated in every way with Dominion Government biological experts, nor have they ever made any charge for the fish used in this way.

It is important to note that salmon caught near the mouth of the Fraser river cannot be used for scientific purposes as their scales have become so absorbed that they are useless for accurate age-determination.

The International Pacific Salmon Fisheries Commission is at present engaged in studying methods of rehabilitating the sockeye runs of the Fraser. This research requires large numbers of fish for tagging. At present the best of these are obtained at Sooke. If the traps were taken out the Commission would in all probability find it necessary to operate a trap itself at Sooke, or catch fish by other methods there; in any case it would mean added and unnecessary expense.

PART THREE—THE INTERNATIONAL ASPECT

1. *Washington's Attitude*

Repeated attempts have been made to stampede Parliament into abolishing the Sooke fish traps, on the grounds that unless Canada did so immediately, the legislature of the State of Washington would in retaliation restore an alleged 219 traps voted out of Washington waters by an initiative in 1934.

Further efforts to becloud the issue have been made by alleging that there was an agreement, either express or implied, that if Washington took out its traps British Columbia would do likewise. Neither contention has any foundation in fact. Since the argument was first advanced in the Canadian House of Commons, two legislatures have adjourned at Olympia, Washington, without taking the threatened action and with practically no mention of the Canadian traps, either on the floor of the legislature or in the fisheries committees.

To refresh the memory of this committee, to whom this matter was explained before, Initiative 77—known as the Fish Trap Bill—was a measure sponsored by the wealthy and powerfully-organized sport fishermen's organizations in the State of Washington. Their bill, in its original form, was aimed not only at the trap nets but at all forms of commercial fishing. Owing to strong opposition the bill was withdrawn. The sport fishermen then enlisted

the support of the trollers and seiners for a new measure known as Initiative 77, aimed at trap nets only. Purse seiners in particular had long sought a monopoly of the catch of cannery fish. An intensive campaign of propaganda was then instituted and in November, 1934, the Initiative was passed.

It has been frequently asserted that there were 219 traps in Puget Sound waters. Actually, figures furnished by B. M. Brennan, Director of Fisheries for the State of Washington, show that in 1934 only 96 traps were operating.

Prior to the abolition of the traps American fishermen took some seventy (70) per cent of the total catch of Fraser River salmon, and Canadians about thirty (30) per cent. During the past four years the American proportion has dropped to about forty (40) per cent. The number of canneries operating in Puget Sound has fallen from 24 in 1934 to 14 in 1938. As a result the revenues of the State of Washington Fisheries Department have dropped heavily.

Faced with this situation, Governor Clarence D. Martin in a recent session of the legislature, introduced a bill restoring in part trap-net fishing, the object being to secure a larger proportion of Fraser-bound fish. This bill which had the support of Mr. Brennan never reached the floor of the house but died in committee.

To what extent did the Canadian traps enter the picture? Mr. Brennan, Mr. John N. Sylvester, Speaker of the Legislature, and Mr. Harry D. Austin, Vice-Chairman of the House Fisheries Committee, frankly declare that Washington's legislators paid practically no attention whatever to the fact that British Columbia still keeps a few fish traps. "Those Sooke traps have no weight with us whatever. They don't take enough fish to worry us." Mr. Brennan commented recently.

In other words, it is an unquestionable fact that the presence of the traps at Sooke has neither influenced Washington's policy in the past nor is it likely to in the future.

Conclusion

Taking into consideration the fact that the traps at Sooke enable a valuable industry to survive which would otherwise be lost to British Columbia, and that Washington's policy admittedly is not governed in the slightest by their existence, the injustice of wantonly destroying this industry is apparent to all.

APPENDIX 2

JOHN STANTON
 BARRISTER AND SOLICITOR
 NOTARY PUBLIC
 16 East Hastings Street
 VANCOUVER, British Columbia

April 29, 1939.

CHAIRMAN STANDING COMMITTEE OF FISHERMEN,
 Ottawa, Canada.

Re: Fish Traps at Sooke, B.C.

Dear Sir:

I am instructed by the various associations, whose names appear at the head of the enclosed brief, to submit the same to you for your consideration.

My clients desire to hear from you specifically as to whether or not you propose to support their views in the above captioned matter.

Yours very truly,

JOHN STANTON.

IN THE MATTER OF FISH TRAPS AT SOOKE, B.C.

BRIEF

Submitted to:—

The Hon., The Minister of Fisheries.
 The Chairman, Standing Committee on Fisheries.
 A. W. Neill, Esq., M.P.

By:—

1. North Island Trollers' Cooperative.
2. Pacific Coast Fishermen's Union.
3. Salmon Purse Seiners' Union, Local 141.
4. United Fishermen's Union, Local 44.

(Having a total membership together of 2,100 fishermen.)

For some considerable time the officers of the Fishermen's organizations above named have sought abolition of the fish traps at Sooke, B.C., which have been licensed from year to year by the Department of Fisheries. This opposition to the traps has been voiced at the unanimous insistence of the membership. It will continue until the Department finally refuses to renew the licences, because the membership of these organizations is fully satisfied that it is adversely affected by operation of the traps both immediately (through diversion of an unreasonably large number of fish to the traps) and from the long range viewpoint (because of repercussions in the State of Washington and because conservation of fish must be seriously undertaken).

These organizations deplore the fact that licences were again granted in 1939 permitting operation of the traps.

I. They desire to refute what is apparently the basis of the Minister's decision, to permit renewal of the said licences.

On March 2, 1939, at page 1632 of Hansard, the Minister states, that, in 1936 he made a complete check up of the situation and "inquired from people in Victoria and Vancouver who he thought were capable of giving advice on the matter . . . visited that village which depends entirely upon the fish traps at Sooke . . . interviewed the fishermen . . . received a delegation from the returned

men . . . another from their wives and daughters . . . interviewed the clergymen . . . and came back convinced that if the industry were interfered with the village of Sooke would have to go on relief."

It will be noted that the Minister conferred with (a) unspecified persons in Vancouver and Victoria, (b) a variety of residents of the Sooke area. Had he instead conferred with those people who are most capable of advising him, namely the organized fishermen of British Columbia, whether trollers, gillnetters or seiners, he would have come to a precisely opposite conclusion from the one he drew.

It is much regretted that the Minister made no apparent effort even so much as to contact the last-mentioned groups, far less to ask their advice or co-operation.

II. It has further been alleged in defence of the traps that fishermen with nets cannot operate in the Sooke area because of treacherous currents and other bad natural conditions. To show that this view is inaccurate a summarized statement of the reports received from 9 responsible fishermen who operated in the area in 1938, follows:—

Name	Time	Fish	Conditions
S. Malvik—1 week	middle of August.	300 approx.	Main difficulty was sharks encountered.
M. Johnson—1 week	middle of August.	300 approx.	Encountered no difficulty not common to other open water fishing.
A. Berg—1 week	August.	500 approx.	Encountered no other difficulties than may be expected in any open water.
J. Jacobson—Early	August.	400 approx.	Conditions there are no worse than encountered in any open waters.
A. Halvarson—Beg.	of August.	50 per night	Conditions no worse than any open water conditions.
A. Remmen—2 weeks.		450	Gillnetters would benefit greatly by removal of fish traps, sharks there.
N. Johnson—Beg.	of August.	400 one night	Gillnetters would benefit greatly by removal of fish traps.
L. Aunli—Middle	August.	300	It is a fine gillnet area.
H. Remmen—Middle	August.	400	Major drawback was the number of sharp and dogfish, but these would disappear if more gillnetters fished there.

III. Ample evidence is available for any interested party that the trap owners have in the past not complied with the law and particularly that they have tended to ignore close periods. This situation is the more serious because of the apparent failure of the Department of Fisheries to enforce the regulations which is tantamount in granting still further concessions to those which own the traps.

At the same time the attitude of the Department towards individual fishermen who are guilty of infractions of the regulations is so notorious as to require little comment beyond stating that the most severe measures are frequently taken and fishermen in some cases deprived, by the Department, of their equipment which is tantamount to depriving them of their means of livelihood.

It is submitted that the regulations should at least be enforced with equal severity on those who are guilty of infractions.

The following statement from a fisherman who is highly respected by his associates and which substantiates the view above expressed:—

DEAR HILL,—Thanks for your letter of 11th instant. The information I require is for Mr. Neill, M.P., he considers it would be of assistance in view of the fact that Mr. Goodriell when giving evidence at Ottawa last February stated that traps were the only means of catching salmon off Sooke! I think it would be as well for me to give you some of the information I have obtained regarding the Sooke traps. You may be able to use it to advantage.

I came to Vancouver Island 1921 and settled at Rocky Point, took up salmon fishing with a row boat and used to make about \$600 a year, about 30 more men were doing the same.

After about 5 years the fish began to get scarcer and I was asked by the fishermen in my district if something could be done to compel the Sooke traps to close for the 48 hours a week as called for by the Dominion Government.

In order to ascertain whether the Sooke traps were really fishing illegally I went on one of their tenders in July leaving Sooke at 3 a.m.

It should be remembered that during the summer the tide ebbs at night and traps can only fish on a flood tide. Therefore the traps which should have been closed at 6 p.m. Friday till Sunday 6 p.m. should not have been able to catch fish till late Monday morning. We lifted three traps, loaded a scow and the tender with spring salmon!

I at once saw the Fishing Inspector in Victoria, not the present one, and reported the matter. He refused to inspect any of the traps and asked whether I wanted him to lose his job! I then wrote to Major Motherwell, Vancouver who replied that steps would be taken to insure the traps complied with the regulations. I waited about 6 weeks and as the fishing didn't improve wrote again asking what steps had been taken, but received no reply. I then saw Mr. Babcock, Dominion representative, and reported the matter to him. He informed me that he had already had several complaints that the Sooke traps were not complying with the regulations but had been unable to have anything done. I asked him why and he replied, "The financial interests are too strong."

I let the matter drop as it appeared hopeless. About 5 years ago I was again approached by the fishermen and asked whether I could agree to be made Hon. Guardian. I consented and was notified by Ottawa of my appointment. On inspecting the traps I found that the Dominion Fisheries Guardian was one of Mr. Todd's men! He worked for the Government seven months and most of the rest of the year for Mr. Todd. I reported this to the Deputy Minister of Fisheries, Ottawa, who replied that this man was most honest and conscientious and had to obtain extra work to support his wife and family and refused to have him dismissed.

A Mr. Westwood who worked for Messrs. Todd & Son for 9 years informed me that they used to lift the traps every day including Sunday.

The only way to insure the traps are not fishing is to make them leave the spillar out of the water, I suggested this to Ottawa but they considered an opening in the lead would allow the salmon to pass.

I found that the trap companies had left only a 12 foot opening in the lead whereas the opening to the trap is 30 feet, and I was informed by an employee that if the opening was smaller the salmon couldn't enter the trap.

You probably know that last year we forwarded a petition to have the traps removed, signed by nearly 10,000 but Mr. Mitchard was determined to give the traps their licence. In my opinion we shall be unable to have the traps removed as long as party funds benefit.

I have had several conversations with Senator Green, who supported us last February, but he now does not appear to know what to do in the matter, neither does Mr. Neill. The only hope seems to be that Mr. Mitchard may go to the Senate. I have 15 copies of Hansard on the enquiry into the Sooke traps, perhaps you have read them, if not I should be very pleased to lend them to you. I trust the information I have given may be of some assistance.

Yours truly,

G. T. WHITLER.

P.S.—All the fishermen have now had to find work or go on relief in my district. It's the same story along the whole coast. The only

fishermen who now appear to be able to make a living fishing are those who have large gas boats and able to go north.

IV. Finally it is submitted that the Department of Fisheries does not use proper or satisfactory methods in attempting to obtain evidence relating to the feasibility of gillnetter's fishing in the vicinity of Sooke. In this regard a letter sent to the Supervisor of Fisheries of New Westminster, January 5, 1939, is pertinent:—"It is understood that during a portion of last season you with others from the Lower Mainland operated gill-nets in the Juan de Fuca Strait in the vicinity of the Sooke traps. It is understood fishing in the Sooke area was fairly good at times, but notwithstanding the substantial catches of sockeye which rewarded your efforts, you did not remain there long at one time.

I would appreciate being advised by return mail on the back of this letter, the reason you did not continue fishing in the Sooke vicinity for longer periods. Your reply will be of considerable interest.

I wish you a prosperous fishing season in 1939.

Yours truly,

R. W. MacLEOD,
Supervisor of Fisheries.

The Associations above named believe that only by securing the fullest evidence from all points of view can the Minister reach a satisfactory conclusion in the matter of fishing traps.

In order to enable all interested parties to present their views fairly, openly, and in a straightforward manner, it is now proposed that public enquiries be instituted by the Department, with hearings in Vancouver, Victoria, New Westminster and such other fishing communities as are agreed upon by the Department in consultation with Fishermen's Associations.

Adequate advance notice should of course be given of these hearings and the minutes should be recorded and made available to the public.

Only by adopting this procedure can the Department of Fisheries obtain a true and unbiased picture of the situation and thus be enabled to recommend the necessary legislation to the next session of Parliament.

It is finally proposed that the public enquiry urged above should be held throughout the fishing season of 1939 and should extend until such time as all parties desiring to be heard have presented their views.

All of which is respectfully submitted by:

A. I. HILL, *Secretary Pacific Coast Fishermen's Union.*

W. T. BURGESS, *Secretary United Fishermen's Union, Local 44.*

NORTH ISLAND TROLLERS' CO-OPERATIVE, SALMON
PURSE SEINERS' UNION, per JOHN STANTON, *Solicitor.*

APPENDIX 3

NEW WESTMINSTER, February 5, 1939.

I was fishing off of Sooke during the middle of August of last year for a week. I caught about three hundred (300) sockeye which were sold to the Todd Fish Company for sixty-five (65) cents each. My main difficulty was that there were too many sharks around.

S. MALVIK.

I was gillnetting off of Sooke for a week during the middle of August. I caught about three hundred (300) sockeye which I sold to the Sooke Harbour Canning Company for sixty-five (65) cents apiece. I encounter no difficulty not common to other open water fishing.

M. JOHNSON,
New Westminister.

February 5, 1939,

NEW WESTMINSTER.

Was gillnetting off of Sooke for a week during August, 1938, and caught approximately 5.00 sockeye which I sold to Sooke Harbour Canning Co., at the price of 65 cents each. And encountered no other difficulty's than may be expected in any open water's.

A. BERG,
R.R. No. 1, New Westminister, B.C.

February 5, 1939,

NEW WESTMINSTER, B.C.

In the first part of August I was gillnetting in the area from Jordon River to Race Rocks and caught about 400 Sockeye. Some of these fish were sold to Nelson Bros. Fisheries Ltd., for 58 cents each and some to Sooke Harbour Canning Co. for 65 cents each. The fishing conditions there are no worse than encountered in any open waters.

JOHN JACOBSON,
New Westminister.

WHONNOCK, B.C.,

January 20, 1939

To whom it may concern:

This is to certify that I, the undersigned fished between Sooke traps and Jordon River for six nights in the first part of August, 1938, and averaged fifty (50) sockeye per night.

Witness: A. GILSTEAD.

(Signed)
ARTHUR HALVORSON.

February 1, 1939,

NEW WESTMINSTER.

I fished around Sooke for two weeks in August this year and caught four hundred and fifty sockeye (450). I sold these to the Todd Fish Company for sixty-five cents (65 cents). The only thing wrong was that there were too many sharks and dogfish.

A. REMMEM.

February 1, 1939,

NEW WESTMINSTER.

Started fishing about August first 1938 between Sooke and San Juan harbour. Found it excellent place for gill-netting and fish were in number one condition. Caught as high as 400 sockeyes—some coho and springs in one night's fishing. Fish were sold to Nelson Bros., for sixty-five cents (65c). Gill-netters would benefit greatly by the removal of fish-traps.

N. JOHNSON,

R.R. No. 1, New Westminster, B.C.

Started fishing around middle of August 1938 fishing area between Sooke and San Juan, and after my opinion is a fine gill-net area. Abandoned the area because run had passed by into Gulf of Georgia. I caught around three hundred sockeye which I sold to Todd & Sons and Nelson Bros., for sixty-five cents each.

LARS AUNLI,

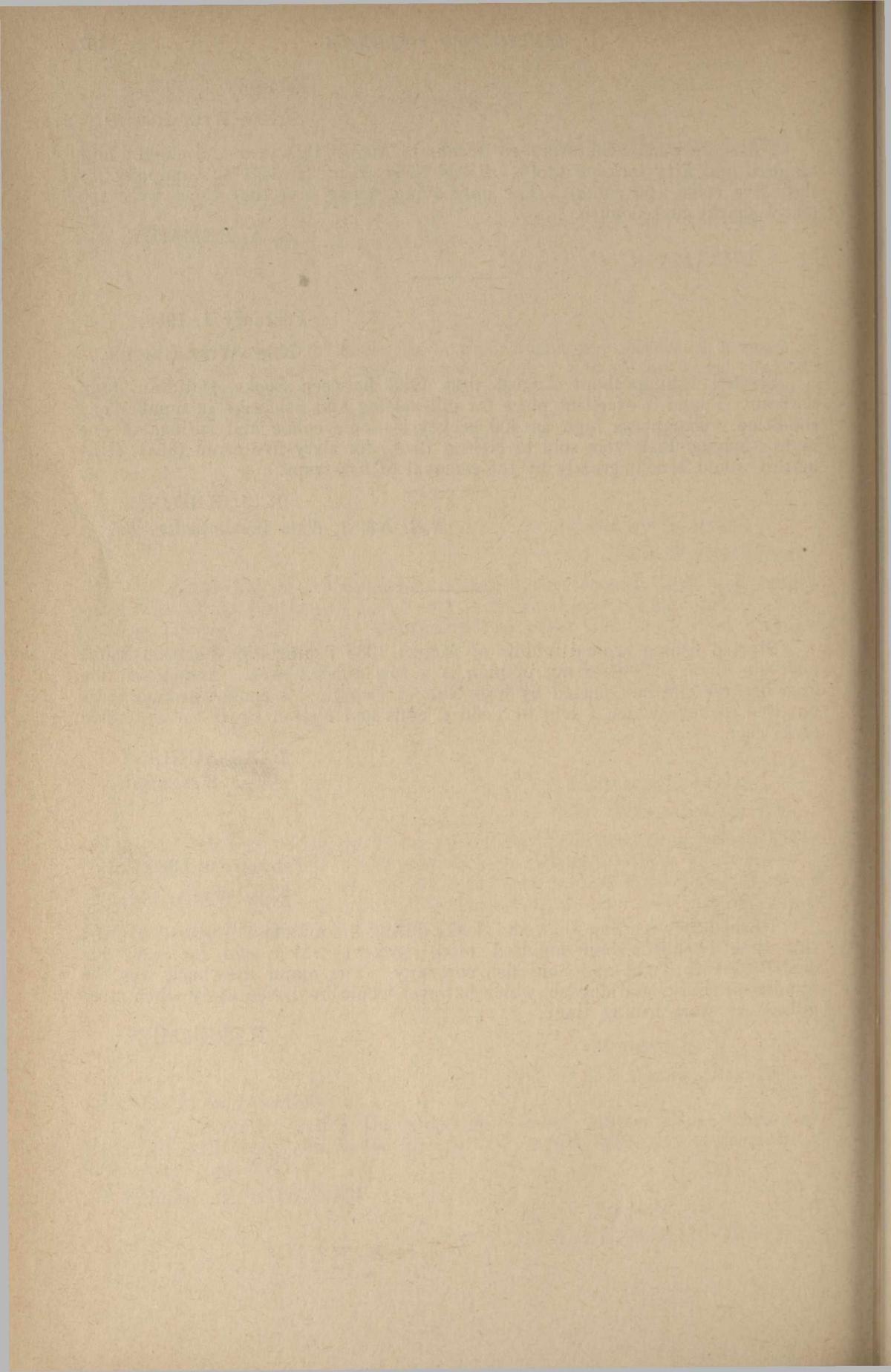
New Westminster.

February 1, 1939,

NEW WESTMINSTER.

I fished between San Juan and Sooke during the middle of August. During this time I caught four hundred (400) sockeye which sold for sixty-five cents (65c) to Todd and Sons fish company. The major drawback was the number of sharks and dogfish, which however would be driven away when more gillnetters start fishing there.

H. REMMEN.



SESSION 1939
HOUSE OF COMMONS

STANDING COMMITTEE

ON

MARINE AND FISHERIES

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 6

MONDAY, MAY 8, 1939

WITNESS:

Mr. A. J. Whitmore, Head of the Western Division, Department of Fisheries.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1939

MARINE AND FISHERIES

STUDIES ON FISHES AND FISHING

W. J. VAN NORDEN

REVISED

U. S. GOVERNMENT PRINTING OFFICE: 1914

THE NATIONAL BUREAU OF FISHERIES

MINUTES OF PROCEEDINGS

MONDAY, May 8, 1939.

The Standing Committee on Marine and Fisheries met this day at 11 o'clock. The Chairman, Mr. A. E. MacLean (*Prince*), presided.

Members present: Messrs. Côté, Green Hanson, Kinley, MacLean (*Prince*), MacLean (*Cape Breton North-Victoria*), MacNeil Mayhew, Michaud, Neill, Reid, Taylor (*Nanaimo*), Veniot and White. (14).

In attendance:

Mr. A. J. Whitmore, Head of the Western Division, Department of Fisheries.

Mr. J. A. Rodd, Director of Fish Culture, Department of Fisheries.

The Committee resumed its consideration of Mr. Neill's amendment to Bill No. 15 and proceeded with the study of the briefs submitted by the trap owners and the Fishermen of British Columbia, which are printed in the minutes of evidence of Thursday, May 4, 1939.

Mr. Neill, commenting on the above submissions, voiced his objections to continuing the use of trap nets in British Columbia.

Discussion followed.

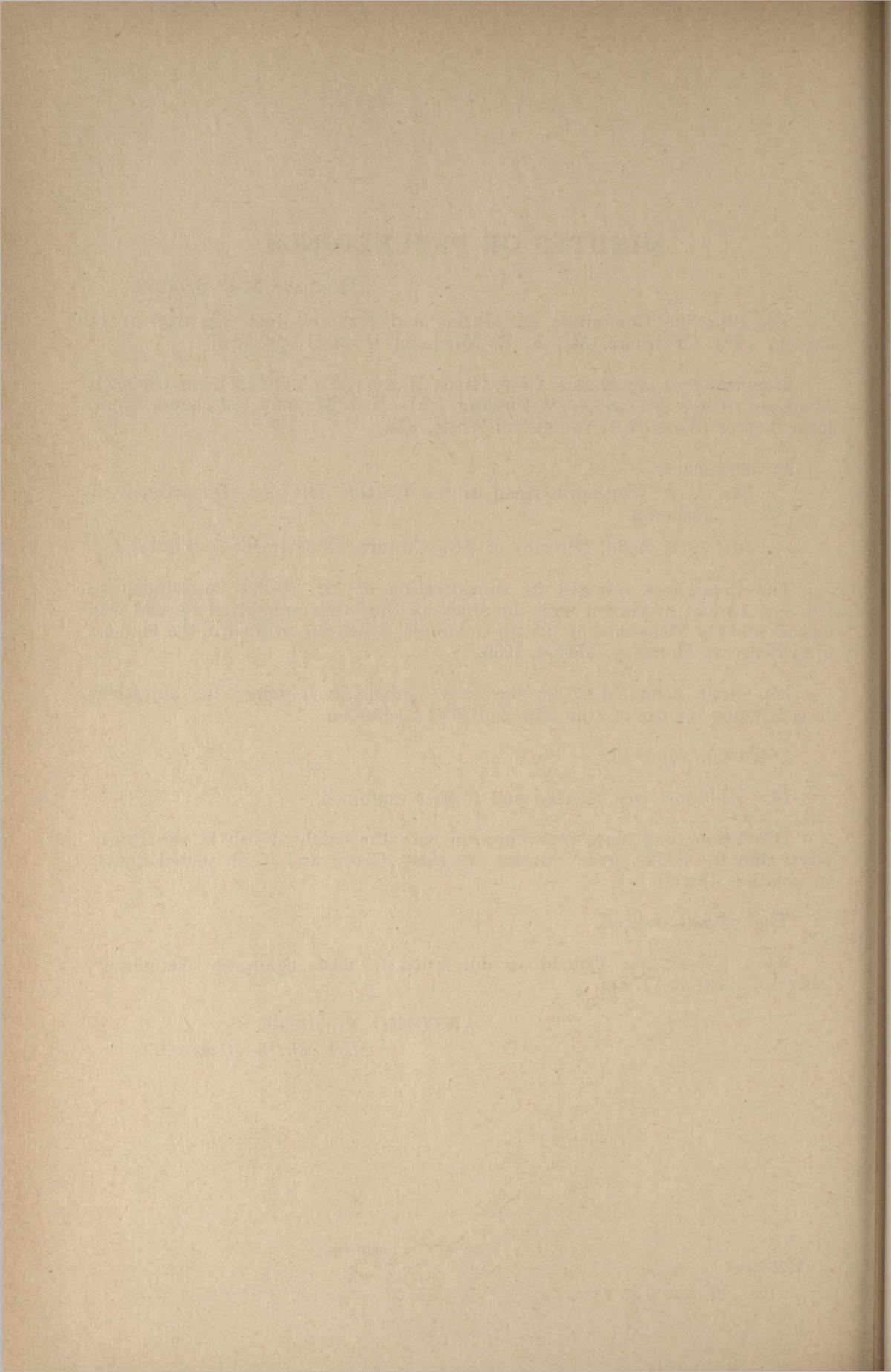
Mr. Whitmore was recalled and further examined.

Discussion took place in connection with the catch of fish in the Fraser River and the Sooke area. Messrs. Mayhew, Green and Neill quoted figures in relation thereto.

The witness retired.

At 1 o'clock, the Committee adjourned to meet again on Wednesday, May 10, 1939, at 11 a.m.

ANTONIO PLOUFFE,
Clerk of the Committee.



MINUTES OF EVIDENCE

HOUSE OF COMMONS, ROOM 429,

MONDAY, May 8, 1939.

The Standing Committee on Marine and Fisheries met at 11 o'clock. The Chairman, Mr. A. E. MacLean, presided.

The CHAIRMAN: Gentlemen, we now have a quorum. The minister will be here in a few minutes, Mr. Whitmore states. Perhaps we had better decide on our line of procedure, as to who is to go ahead to-day. Did you take the ground, Mr. Mayhew, that Mr. Neill should present his case first?

Mr. MAYHEW: He is the attacker.

Mr. NEILL: Why?

Mr. MAYHEW: We are quite happy that the thing should be left the way it is. Is that right, Mr. Taylor?

Mr. TAYLOR: Quite right, obviously.

Mr. KINLEY: Have we a quorum?

The CHAIRMAN: Yes, we have a quorum. It is up to you gentlemen to decide. Mr. Taylor and Mr. Mayhew are representing, as I understand it, the salmon traps at Sooke, B.C., and the other British Columbia members are representing the fishermen.

Mr. NEILL: I do not think Mr. Hanson would care to be taken as representing the traps. Did you say Mr. Hanson?

The CHAIRMAN: No, I just said Mr. Taylor and Mr. Mayhew.

Mr. NEILL: All right.

Mr. HANSON: I suppose everybody has read these briefs that they have sent to us. As far as I am concerned, I know the whole history from beginning to end so I do not need any information one way or another. I think it is nothing but fair that those who are representing the traps and those who are representing the fishermen—both sides—should present their case for the benefit of those who have not followed the committee fully.

The CHAIRMAN: Would you care to go ahead, Mr. Neill?

Mr. REID: Speaking for myself, before Mr. Neill speaks, I wish to say that I have read over the briefs submitted in favour of the traps by the trap interests; and I am, first of all, going to take objection to their using my remarks in the House of Commons as in any way being in favour of traps.

Mr. NEILL: What page is that?

Mr. REID: Page 158, at the foot of the page. They quote me as saying there:—

But I point out that the seine boats in the estuary of the Fraser river can be more destructive than traps, because, while it is true that while the fish meet the traps, follow the lead in to the heart of the trap and are thereby caught, the seiners watch, just like hawks, and when the fish gather together in schools preparatory to heading up the Fraser river, the seine boats swoop into the midst of them, encircle their nets around them, pull tight the string at the bottom and bring the fish up. A catch of 10,000 salmon in one haul is not unusual.

If that is meant in any way to bring out as a point in their behalf that I am supporting traps, I want to repudiate that right away. I say that both traps and the seines are destructive; and I was using the argument there that

the seines were more destructive than the traps. But that has no bearing at all, and I do not think any inference should be drawn that I am there saying that traps should be maintained and that they are not destructive. I wish to maintain my former argument, as put forward on former occasions, that the traps are destructive; and I want to correct any impression that may be drawn from that quotation.

Mr. TAYLOR: Of course, you will admit saying all those things?

Mr. REID: Oh, yes; I am not disputing that for one moment, and I stand by that statement. But I do not want any inference drawn by those in favour of traps from my saying that that I am in favour of traps. I do not want that inference to be drawn.

Mr. MAYHEW: I do not think that was intended.

Mr. REID: It would not have been put in there if it had not been.

Mr. MAYHEW: I do not think it was put in there for that purpose. If you will read the whole thing there, I think you will see it was a matter of comparison between the traps. I think it shows the consistency of Mr. Neill's argument when he wanted the traps out; he wanted the seine nets out.

Mr. REID: You mean Mr. Reid's argument.

Mr. MAYHEW: I mean Mr. Reid's argument. He wanted the seine nets put away from the estuaries of the Fraser river because they were destructive. He merely says that.

Mr. REID: The second point is on page 159, 13, at the foot of the page. In their argument they say:—

Trap-caught fish, which are handled relatively little and are canned immediately, are unquestionably the highest quality obtainable. At Sooke they are caught in prime condition, fresh from the cold waters of the ocean. Salmon deteriorate steadily in quality as they encounter the fresh water of the Fraser and approach the spawning grounds.

I am disputing that statement because, first of all, the Sooke traps are quite a distance away from the salt water. The fish have to travel a considerable distance after passing the Sooke traps before they encounter the fresh water of the Fraser river. They have to go into the Gulf of Georgia. Secondly, it does not mean that fish are of the best quality because they were caught in salt water. The information that I have—and the officials can dispute it if I am wrong—is that the fish keep feeding until such time as they do reach the fresh water; and as long as there is food in their stomachs, I claim there is a chance for those fish to deteriorate and not be as good fish or at least not any better than the sock-eye salmon caught in the Fraser river. I dispute the statement made by them that the salmon caught by the traps is of better quality. I think I could produce figures to show that the trap interests do not get better prices for their fish; and, after all, that should be some criterion as to the quality. They do not get better prices than those obtained for the sock-eye salmon caught in the Fraser river. So I dispute that statement of their on page 159.

Mr. TAYLOR: I think that statement is a very important one in the light of all the evidence we have received. I should like the minister and his deputies here to state whether that is appreciated as a fact by the department. I think if it were, it would come well within their knowledge.

Mr. REID: I would be pleased to leave it to them; but that is my opinion, and I am willing to bring forward data to show it.

Mr. TAYLOR: Is it not a fact that only prime fish are put up by the Empire Cannery Company?

Mr. REID: But not better. I was saying they are not better. They are contending in this argument that their fish are of a better quality, and I am disputing that.

Mr. WHITMORE: We really have no control over the exact quality of the fish when they are put in the cans. The statement that was read under item No. 13, that "trap-caught fish are unquestionably the highest quality obtainable" I think possibly should be explained a little. It is generally regarded that the trap-caught fish when canned are of a high quality; but it can be equally stated that there are very high quality fish put up from fish caught by other types of gear. Trap-caught fish, of course, can be handled in such a way, if the packers so wish to exercise the care, that the canned product should be a very, very high quality; that is, they can regulate the quantity they take out of the pot every day and they can see that the fish get into the cans in the shortest possible time. In other words, they can regulate their production to meet the size of their equipment and the capacity of their plant. But I do not think there is any monopoly by the trap operators in having the best quality fish in the province.

Mr. HANSON: It does not command any better price on the market, does it?

Mr. WHITMORE: I have no information on that. I think it would be very doubtful if one could get information. It is, of course, a sale between the producer and the buyer and it is information that I do not think would be generally available.

Mr. REID: I am making the statement that, in my opinion, if the canners of British Columbia were asked if there was accepted an inferior or lesser price than that obtained for the fish being canned from the Sooke traps, I think their answer would be that their price was equal to that of the Sooke traps; and the buyers, after all, set the price. They know quality.

Mr. TAYLOR: I would suggest that we had better not go into the realm of thinking; because if we are going to attack this business, we had better be quite sure of what we are saying.

Mr. REID: Yes. And I trust the speaker who said that will keep that in mind during his argument.

Mr. TAYLOR: I shall try to. I had my experience two years ago and I certainly know what I did then and it has not been refuted.

Mr. REID: I have made a statement now that Mr. Taylor disputed.

Mr. TAYLOR: No, I did not.

Mr. REID: With regard to fish buying and with regard to quality.

Mr. TAYLOR: I did not dispute it. I want you to be quite sure that anything you say can be capable of proof.

Mr. REID: I am also sure of that.

Mr. TAYLOR: For the purpose of settlement of this question in the minds of the maritime members.

Mr. REID: I will take care of that. The statements I made on previous occasions I think I can produce sufficient evidence to prove.

Mr. KINLEY: Did I understand the official who just spoke to say that the firm which operated the traps were better able to control the production of their fish so as to have them fresher in the cans or something of that sort?

Mr. WHITMORE: Yes.

Mr. KINLEY: That is another advantage that corporation claims they have over the fishermen, is it?

Mr. WHITMORE: Yes.

Hon. Mr. MICHAUD: Yes.

Mr. WHITMORE: Yes, that is an advantage.

Mr. KINLEY: I see.

Mr. HANSON: The same as the troller.

The CHAIRMAN: Just to keep the record straight, may I say for the benefit of the reporter that I neglected to say that both Mr. Whitmore and Mr. Rodd from the department are here before the committee to-day to answer any questions they can in connection with this question.

Mr. KINLEY: What do you say about that, Mr. Neill? What do you say about this company being able to market better fish?

Mr. NEILL: He made a general statement that this cannery put up the finest kind of fish, which is pure bunk. This fish is not of any better quality than many others. No official should be asked to make such a statement. The fish put up in the Fraser river were of the finest quality many years before these traps at Sooke.

Mr. REID: That is not thinking; that is according to the records that can be obtained. That is not a matter of my opinion; that is a matter of record.

Mr. MAYHEW: If it is a matter of record, I would require that the record be produced to show if it is the case.

Mr. TAYLOR: Hear, hear.

Mr. MAYHEW: I do not know. I could not say anything about it. I have always been under the impression that the brand of salmon that was put up by J. H. Todd always found a ready market, that they never had any left-overs where others did have. I do not say that it is better; but I was always under the impression that it was a very high type of canned salmon.

Mr. REID: There are some points we can clear up here, and there are others which will have to take time.

Mr. GREEN: As I understand Mr. Kinley, his suggestion was that it is unfair that the company should have the advantage of being able to put up this fish under better conditions than the ordinary fishermen?

Mr. MAYHEW: Now, now; that is a very thin argument.

Mr. KINLEY: Not exactly that, except that this is put forward as the reason why they should have traps. I assume that the other fishermen are efficiently putting up fish, and that this is just an argument to bolster up the case.

Mr. TAYLOR: I do not want it as an argument to bolster up any case; just try to show what the conditions are.

Mr. KINLEY: I am against that in the east.

Mr. HANSON: As far as sock-eye are concerned, in the last ten or fifteen years nobody had any sock-eye left over, because sock-eye were practically sold before they were ever canned.

Mr. TAYLOR: What was that?

Mr. HANSON: They were sold before they were ever canned. I had a little experience in that, and as far as sock-eye were concerned, we had no trouble to find a market for them; in fact, they were sold before they were canned. So it is really no argument at all to say that Todd always sold or the traps always sold their sock-eye catch; because we never had any trouble with that at any time.

Mr. REID: If some members are disputing that, I think it can easily be settled by a wire going out to the firms and asking what was the best price they received for the last four or five years.

Mr. MAYHEW: I think if we are going to sit in here as a committee and try to build up an argument for one method against the other—in other words, if we are going to try to destroy one section of this industry for the sake of the other section of the industry, then we had better abandon the committee.

[Mr. A. J. Whitmore.]

Mr. Taylor: Exactly.

Mr. MAYHEW: But if the trap nets will not stand on their own feet, I am not going to take them up. They have been there for a long time, and I am quite satisfied—and I think I know the trap netting area, and the men who are working it probably better than anyone in this house—and am quite prepared to take it up on their own grounds, not to destroy the gill net men's operations or say a word that would in any way discourage them or discourage their production or the seine nets either. We have got enough destruction going on in the country to-day against operations that are trying to make an honest living without trying to destroy these fellows or to destroy any of the other sections of the fishing industry.

Mr. HANSON: The best evidence that was given here was given two years ago by Senator Green.

Mr. NEILL: Yes.

Mr. HANSON: He lived up there before the traps were ever put in and saw the destruction as far as the fishing industry is concerned and as far as the fishermen are concerned. If any one who was not here at the time, would read Senator Green's evidence, I think he would be satisfied that this came from one whose evidence is indisputable.

Mr. NEILL: One who said he lived there for twenty years right on the ground.

The CHAIRMAN: I know that you all wish to approach this subject in the fairest and best way possible. There seems to be a little question as to which is on the defensive, whether it is the traps or whether it is the fishermen, and which brief should be presented first. I think we came here this morning with the purpose of going ahead and hearing the brief from both sides.

Mr. REID: I do not think Mr. Neill is objecting to going ahead.

Mr. NEILL: No; let Mr. Reid finish what he has to say and do not interrupt him. Let him put his statement on the record, and the same with me.

Mr. REID: I will stop for the moment.

Mr. NEILL: If Mr. Reid wishes to go on—

Mr. REID: After you are through.

Mr. NEILL: All right; if that is agreeable to the other members of the committee.

The CHAIRMAN: If I had a ruling to give, I would be of the opinion that the traps really are on the defensive, because they are in the minority, as far as the numbers fishing and fishing equipment is concerned, and that the general fishermen are the opponents of the traps. But it is immaterial to me. If you men would decide between yourselves which brief will be heard first, then we will proceed with that brief; then each member of the committee can make his comments on the brief as we proceed. I think that would be the better way.

Mr. NEILL: All right.

Mr. REID: I think we are prepared to-day to put up our case—Mr Neill first.

Mr. NEILL: All right.

The CHAIRMAN: If it is your wish, we shall ask Mr. Neill to proceed.

Mr. REID: That is agreeable to me, if it is agreeable to Mr. Taylor.

Mr. TAYLOR: Yes. It is obviously his place.

Mr. NEILL: Mr. Chairman, I in no sense hold a brief for these fishermen in the sense that I have been instructed by them, because I have not been. They put in their own brief. But I should like to put before the committee my views on the matter. I am sorry that I shall not be able to do it in a

proper manner, although I spent nearly all yesterday on it, because I have got it in a more or less incoherent state as I did not have time to prepare it properly.

I should like to make this suggestion before I begin. It will facilitate the progress of the committee, and that is what we all want. I suggest that I be allowed to make my statement, be it good or bad, and finish it; let anyone who wants to ask any questions not interrupt at the time but wait until I am finished. You will quite see that if, when I was talking about something, Mr. Taylor introduced something else more or less as a side line, then we go off on that side line, and before we get back to the thread of my argument we have lost it and it is not so easy to follow by those who are trying to get the facts. I might give a very good illustration of that, which is before me, and which cost me a good half hour's work yesterday. Mr. Taylor made a statement. He produced a blue book and discovered some error where I said there were 219 traps on the American side one year. He introduced a blue book according to which there were only 203. And when I said I did not think I would likely have used that odd number without knowing what I was talking about, that I must have got it from somewhere, he suggested that I was more or less romancing. I had to dig around and go down to the library; and I finally discovered that the language he was referring to was used by me two years ago in the House of Commons. I have got that here, and what I had said there was that the average over the years 1933 and 1934 of American traps was 219, and the facts are these. I finally got back to the very book that was in Mr. Taylor's hand; he was challenging the accuracy of my statement, and he could not have helped knowing, if he had looked back, at what I said in the house. It says in that blue book that he threw at me that the traps in 1934 were 203 and he said that I had said they were 219. But what I said in the house was that the average over the years 1933 and 1934 was 219. That same blue book says that the traps in 1934 were 203 and in 1933 were 235; and if you add those two together and divide by two, you will find the answer is 219. We would have taken up half an hour here on an utter side line—an utterly needless waste of time. I suggest that we drop that sort of thing and try to make a case for or against keeping traps at Sooke. Apart from that, I shall try to adhere strictly to the matter before us.

I want to divide my remarks into three parts, and I shall try to be as brief as I can. First, I shall deal with some of the statements that have been put on Hansard by the minister as to letters he had received during the recess. Then I shall deal with some of the brief put up by Mr. Goodrich recently; and then I shall make some remarks of my own.

I want to make some corrections in some of the statements made in these letters or in the correspondence presented by the minister; because any of the gentlemen who have not been here this session or before this session, or some of those who were here last year might, when reading this, suppose that the line I was taking was wholly improper. Here is an illustration. The Victoria Chamber of Commerce sent a letter to the minister dated June 28, 1938 in which they make the statement that at a meeting of the associated boards of trade of Vancouver held at Port Alberni in June, 1937—at the convention of the boards of trade of Vancouver Island a resolution had been introduced there against fish traps. I shall give you their comment upon it; then I shall tell you what took place. They say:—

At the 1937 convention, there was no proper resolution before the convention when it opened, but in the last hour of the convention, Mr. A. W. Neill M.P., proposed a resolution from the floor without any notice whatever. That resolution, of course, was in accord with his arguments in the House of Commons, and in view of the manner in which it was brought before the convention the delegates were taken

[Mr. A. J. Whitmore.]

by surprise and were, of course, not prepared to argue the question as to whether the trap net system of fishing is good or bad although our Victoria Board has for some time been on record as favouring the continuance of the traps the Victoria delegates had insufficient information to debate the subject. The result was that the resolution of Mr. Neill was carried without any contrary arguments, because of this lack of information on the parts of the delegates.

Mr. REID: Where do you find that?

Mr. NEILL: At page 29 of No. 1 of this year's report of the committee. This is exactly what took place. I can not only produce evidence on it; I can take my oath on it. It was not introduced on the floor of the convention at the last minute. It was on the agenda, for I had read it there. Moreover, anything on the agenda has to pass through the credentials committee; and the very fact that it was approved unanimously by the credentials committee gave it the o.k. for the floor of the convention even if it had not been on the type-written agenda; but it was there. It was reached in the ordinary course. My recollection is that it was not the last item, but it might have been; that makes no difference. There were two delegates there from the Victoria Chamber of Commerce; there might have been three, but I think there were two. One of them said, when the resolution was reached:—

I would like some further information on that point because I am not fully informed.

That was on some particular item that he asked, and the chairman said, "Mr. Neill is in the room; he no doubt would be glad to tell you." I went to the front of the table and spoke for perhaps ten minutes, not more; and before I could get back to my seat again, the gentleman who had interrupted or asked that question from the Victoria Chamber of Commerce said, "Carried." That was the way it was railroaded through by Mr. Neill on that occasion. Then the board of trade got busy at home, because it was largely dominated by Mr. Todd, to tell the truth; and they took it up with the executive and they wanted it upset. Finally they agreed to have it brought up again next year, which was in 1938, at a convention held at Courtenay. What took place there?

Mr. REID: What page is that?

Mr. NEILL: Page 30. Here is their explanation of what took place there. They give a long description of how the meeting was held there, this second meeting, and that there were not enough there to make up the two-thirds vote as there should have been to upset the previous resolution. This is what they say. I am quoting:—

The number of communities who are interested in trollers is such that a two-thirds vote was not secured, though the vote was about evenly divided.

What would that suggest to you gentlemen? Would it not suggest that it was eight to nine or eight to ten, or something like that? The vote was seven to twenty-three. Yet this is what they say:—

The vote was about evenly divided.

When they say that, someone is plainly and simply lying, because the record was sent in here that that had been sustained, and the Hon. George Pearson, Minister of Fisheries, submitted it. To say that the vote was about evenly divided was an absolute misstatement of fact.

It is not a question of opinion, but of fact. This gives the whole gist of the statement—the letter, not his brief, sent to the minister of January 30, 1939; to Mr. Taylor, and by him transmitted to the minister. He alleges two things.

He refers to my statement in the house about there being 219 traps and states, that our catch had dropped from 80 per cent to 30 per cent, and then he proceeds to offset that to show how erroneous it is (on page 34) he put in the statement of the Puget Sound and Fraser river sockeye packs; and that is on page 34, under date of January 30. On page 37, only four days later, on February 4, he found it necessary to correct his positive statement and to say that it was all wrong and suggested to Mr. Taylor, "We suggest that you use those figures in this letter which cannot be challenged by anyone." He had already discovered on February 4 that his first statement was all wrong. Then we will get on down later to where he brings it out, where I said that there were 219 traps. I will show you later on, I will give you the exact quotation, where Mr. Found said what it was, that when the American traps were in our catch ran from twenty-two to thirty per cent, and the U.S. catch was 70 to 73 per cent, and when the U.S. traps were taken out our catch went up to 86 per cent. I quote that from his evidence of two years ago; but Mr. Goodrich gets around it by using the words, sockeye, sockeye catch. Even at that Mr. Found said it was the sockeye catch which was seventy to seventy-two per cent in U.S. traps. Now, Mr. Found, as you all know, those of you who were listening to him, was very prejudiced in favour of traps. I don't think that is an unfair statement to make.

Hon. Mr. MICHAUD: I think it is unfair.

Mr. NEILL: I maintain that anyone who reads his evidence must be bound to conclude that he was in favour of the traps.

Hon. Mr. MICHAUD: No.

Mr. NEILL: What he said about them must in that respect be true, and he said the catch went up as high as eighty-six per cent—I only said eighty per cent, Mr. Found said eighty-six per cent.

Mr. REID: Have you his quotations there?

Mr. NEILL: I will quote it later. Then we had a letter—I am just calling attention to it—from the Victoria Trades and Labour Council supporting the position of traps, sent to the minister I suppose, by—it doesn't say who—yes, it was sent to the Hon. Mr. Michaud, Minister of Fisheries, I am merely mentioning it. There is the resolution of the Victoria District Trades and Labour Council. Then I come to another one. There were a number of other ones, the Vancouver city council, the New Westminster city council, the board of trade of New Westminster, and the Prince Rupert board of trade and city council were also in favour of it. Then on page 29—oh yes, here is another of these quibbling sort of things Mr. Goodrich indulges in. It says, this is his letter of May 9, 1938, "Mr. Neill's arguments are always much more ingenious than ingenuous"; and he goes on to say, "We feel that it may be as well to place on file with your department a denial of certain misstatements just as a matter of record"—"Mr. Neill states we caught three-quarters of a million fish." "The following is our total salmon catch"—and he brings out that his total salmon catch for 1937 was 311,858 fish. And he goes on, "of the above, more than one-half are pinks which only run in alternate years"; and so on. And he adds, "a very different number than 750,000 as quoted by Mr. Neill. Mr. Neill pleads guilty to exaggeration and no one will dispute that plea." That will affect you gentlemen from the maritimes, it will lead you to think that I am given to grossly exaggerating when I make statements.

The only difference is that I was talking about fish and Mr. Goodrich is talking about salmon. He says that I am using a very different number from his when I place it at 750,000 and some odd—I can give you the complete details to that figure.

This is the sort of tricky way he goes through my statements to discredit me in a general way.

[Mr. A. J. Whitmore.]

Now, you will find at page 150, I think it is, of this year's minutes—this is the condition I am talking about, that Mr. Goodrich puts up. Mr. Goodrich is in the position to employ a clever lawyer, one of the best in Victoria. I am neither the one nor the other. I look at his brief, I glance through it on page 3 to section 4. His system is to make a statement of something that is not a fact and then two paragraphs later on he says, "having already proved this," and then he builds up his case. Now, my opinion may be wrong, by inference it may be all wrong, but when it extends to something of fact which is not and should not be disputable; if I were to assert that this is Sunday, when as a matter of fact it isn't so, you would say that the man who said that was either lying or a fool to make statements that were not true. Later on he says, "having proved"—here is a case in point; "Individually these fishermen privately admit as the facts show, that the traps as they exist cannot in fact affect them to any depreciable degree whatever." Now, that sounds fine. According to him the fishermen behind their hands admit that this is all wet, and yet it is the fishermen who are making out a case against traps.

Now, we find the Deputy Minister of Fisheries stating under oath that our catch has gone up from 28 per cent to 86 per cent; and Mr. Goodrich says that these traps do not in fact affect it. Later on he builds up on that assertion, which he had got wrong to start with. Now we come to No. 5 at the bottom of the page. He says, these two companies, that is a truth—he speaks for himself and for Mr. Todd's company—hold foreshore leases from the provincial government for nine trap locations altogether—of course, the Dominion government must give them the right to run the traps, but they cannot operate on the foreshore itself—that is the place between high water and low water and out beyond there—because the bottom of the ocean belongs to the province and they have to get a lease from the province for which they pay a sum every year, and they cannot operate without it because naturally the trap runs from the land right out into the water. They lease a few acres. This man says they have nine trap locations. In other words, as I said the other day, they discovered by experience where in this distance which I can prove from Mr. Goodrich's own evidence as being ten miles, they have discovered all the available sites which are invariably at the head lands around which the fish go. They coralled the whole area by getting nine trap locations from the province, and sometimes as high as eight licences from the Dominion government. Since they have been paying \$500 a year for them, for these last two years, they have not bought so many. I think they have cut it down as to the number they actually use. Before that they used to take seven or eight licences from the Dominion and nine leases from the province, simply to hog the area and keep anybody else from getting a lease. Mr. Goodrich said in his evidence when he was sworn here, anybody could go and fish there that liked to. They could, theoretically but there was no place they could fish, because these people grabbed all the available sites. There used to be twenty-seven, or some number like that, but they all had to quit because they were not in the right places. These are the strategic points, and they took them; wherever there is a headland around which they are going, and the fish comes around a corner just as you driving your car round a corner, if you are going to the right when you are on the right side of the road naturally you would not go away out; and that is what they have got there.

Now then, we find, page 157, he says, "it is impossible and very difficult to seine that area for the simple reason that at night nets appear literally as 'walls of fire' and fish will not go near them." That is true at Sooke at times, and equally true at other places at times. They may run up against the phosphorescence on certain conditions of tide or wind. I don't know what causes it, but however that may be there is in that zone a certain amount of phosphorescence, and it runs quite a ways up Barkley Sound; I have seen it myself, and it continues up further north. He is trying to make out it is only at Sooke and always there.

Then we come to his next point: "While these arguments are advanced by us, it must be emphasized that their truth is confirmed by government official experts;" (and let me add, denied by practical fishermen). Then, "their argument here is not sound, that trollers could operate if they wished and found it practicable in the Sooke waters." Of course they could not fish there, because they have to keep away from the area between the traps, and these people have nine leases; but they claim they cannot catch them because of natural difficulties.

Then, in the same paragraph, a little lower down he says: "All types of gear have been tried at different times with exceedingly disappointing results." Now, here is one of his defective statements: "The plain fact of the matter is that with no law to prevent them floating gear fishermen do not operate off Sooke in any numbers." No law to prevent them! and Mr. Whitmore read us section 13 the other day, which says they can't do any fishing or use any gear within 250 yards; and later on he read section 18, sub-section 5, of the regulations which states that there shall not be another trap within 400 fathoms—3,200 feet of another trap—and that there must not be anything in between the two.

Mr. KINLEY: How far did you say?

Mr. NEILL: 400 fathoms, eight hundred yards.

Mr. KINLEY: Eight hundred yards would be twenty-four hundred feet.

Mr. NEILL: Yes, it is nearly half a mile; but section 13 goes further than that, section 13 says, that there is to be nothing between the two traps. So that if the traps were more than 800 yards apart the area still would not be available for fishing. It may be that the section is worded ambiguously. They distinctly say, if you put one trap here and another trap there they must not be at a distance of less than 800 yards. There shall be no gear in between, and it does not say between the 800 yards or a mile; it says, there shall be no gear in between; and that means that here at Sooke there can be nothing in between the traps, the way this section applies. Again Mr. Goodrich says:—"In giving his evidence with respect to the distance between traps, 250 yards, Mr. Found, the Deputy Minister of Fisheries, explained that that section of the Act was intended to apply only on the Atlantic coast and had never been considered applicable to the Pacific coast; and further, that it does not appear, in fact, in the official regulations governing fishing in British Columbia." And I have just read the rule as to 800 yards. Then he goes on to say; "in any case, anyone who has been at Sooke realizes that, even if the section were to be made applicable, it could not interfere in any material way with the other forms of fishing as there are, on the average, four miles between the traps, leaving plenty of room for all who wish to fish." I will produce the statement of Mr. Goodrich a little later and give you the exact page of Hansard, in which he swore that the distance covered is 10 miles, and he has five traps; and figure up five traps with your five fingers and give them a four-mile average between, and you cannot possibly get it all into 10 miles; or, if you can, you are a great deal smarter than I am. That is what he gives out here, that they are on an average of four miles apart. As a matter of fact, there are three here, all within three miles; and to get your five, you have two that are over at the other end of the five miles. It is a mathematical absurdity to say that you can divide 10 miles and have four traps with an average of 4 miles in between; yet he makes that statement thinking he can get away with it. It is 10 miles. I will produce his sworn statement to that effect.

"The Sooke traps take on an average only 2 per cent of the entire Canadian and American catch of the Fraser river pack"; and that sounds dreadful; and it says, only 2 per cent, what are you making all this fuss about? Yes, 2 per cent; but you will notice two little words put in there, 2 per cent is the sockeye catch, sockeye only; but he does not make his living only out of sockeye,

[Mr. A. J. Whitmore.]

he makes a lot of money in other ways. Here is the statement prepared by the Minister of Fisheries of the fish caught by trap nets in the year 1938 and the sockeye are 41,372 fish; and if you add the springs, bluebacks, steelheads, cohoes, pinks and chums they add up to 41,000 and a little more, just a little more than the sockeye catch; and that is leaving out the large quantity of herring that they also caught because herring are sold by the pound and not put down here, so we cannot trace them. But they caught more other kinds of fish—the very valuable springs, fish which are worth 15 cents a pound, and they sell them fresh in the fresh market, the best market in the world. But he says his sockeye catch came to 2 per cent of the catch caught somewhere else—I won't go into that now, but I have here the previous year's catch which is even worse than that, it shows a bigger amount of fish, other than sockeye, and they make their big money out of the springs which are the valuable fish sent to the market to Seattle, mild-cured, and sent on from there to the Jews in New York with whom they are considered a great luxury. He forgets all that. He takes 2 per cent. It is just 2 per cent, he tells you. It is not 2 per cent, it is 2 per cent of one particular variety, not of the total catch.

Then, I come down to page 158. He is talking about people claiming that traps are the most destructive type of gear; and he goes on to say that really they are not, they are the most innocuous, harmless type of thing that can be used. Let me give you a comparison. A trap is to fishing exactly what a pump-gun would be—and I presume you are not allowed to use a pump-gun—to shooting ducks. When you go duck-shooting you are not allowed to use a pump-gun; and you are forbidden to use salmon roe for trout as it would wipe out the entire trout, just in the same way, when you go out to fish why should you be allowed to use a trap by the use of which one man can clean up the whole industry? There is a lot of agitation now going on against the use of sole for cod. Why? For the same reason, it would clear out the good banks. It is a similar proposition. Then they say, "there is the claim that they are a most destructive form"—and so the persistent effort to prevent the use of any form of killing device that is inimical and would mean the extermination of the fish pursued. For instance, you could go out and shoot deer with a machine gun, but you are not allowed to do it.

Now, we come to page 159. He says, "the Sooke traps are so constructed that they fish only on the one flood tide, consequently the maximum period of effective fishing never"—note that word, "never"—"never exceeds six hours out of the twenty-four."

Well, I believe, there are some places down in Nova Scotia where they have four tides a day under a condition which is phenomenal, just the same as on some rivers the falls are reversible. In British Columbia there are a few places where there might only be one tide for a few days, but those places are not shown in the tide tables. There is always a movement up and down, and I presume that by flood is meant up, and that ebb means down. In 99 per cent of the areas there are always two flood tides a day. He says it can only be used on one flood tide. He says they do not fish at night. I never knew of a trap or of any other device that could fish at night that would not do it if there was nothing to prevent them from doing it. All they have to do is to leave the opening up and then they would come in. And some people are mean enough to suggest that they do not always shut down for the 48 hours at the end of the week. Even if they had only fished in daylight in the months which they fish, May to October, it is daylight from 3 o'clock in the morning until 9.30 o'clock at night, and they might easily make two hauls on the flood tides out of the twenty-four hours. He says, "the period of effective fishing never exceeds more than 6 hours out of the 24." That is absolutely false.

And now I come to page 160 where he calls attention to the wonderful quality of the Empire Cannery products, and says: "This cannery would have to

close down if traps were abolished." That is an argument as old as can be. I heard that same thing in this committee room 15 years ago. So have you. Every time it is said that if you don't do so and so we will close down our factory—why, that is an old story; and you all know they never do it. It is the old gag, if we don't do exactly what they want us to do—you have heard it again and again with factories—they would close down. But, did they close down? No, they did not. Here we have them saying they would close down if the traps were abolished.

And he goes on to say: "it has been shown that fishing with other types of gear in the Sooke area is impracticable. Nor could the cannery depend on fish brought by boat from a remote distance, as such fish would not come up to the present superior standard of the Empire Cannery product." No? Yet that same Mr. Goodrich who draws this thing up—at least he signed it—stated in his evidence here under oath two years ago that on one occasion he did bring fish back from the Fraser river, back from a distance of 80 miles to this cannery, fish which had gone right by there when they came from the ocean, went by his traps, went right around Puget Sound, went into the Fraser and up the Fraser to where they were caught; and he said he bought some of them to can them in his cannery because there seemed to be a surplus on the Fraser at that time. And then he said that he also got them from an almost similar distance in the other direction, from about Nitinat, which is 78 miles from his cannery in the other direction. He got a supply there; and he also got them for his cannery from the Fraser river which is 80 miles the other way. Couldn't he buy in that market? Of course he could. And he has done it before. The man swore here two years ago that he did. Yet here he is saying that if the traps were abolished his cannery would have to close down. And then he goes on to say how much money the Dominion Government has got from him and the Todd people—that they have made money from them. Then he goes on to say that the government have got fish for tagging purposes; "The Sooke companies have co-operated in every way with the Dominion government biological experts, nor have they ever made any charge for the fish used in this way." Perhaps not, per fish. I haven't any record as to whether or not there was any correspondence between the minister or the deputy with the men out there; but Mr. Motherwell was the man who was told to let these people run their traps, said there ought to be consideration given to them to operate their traps at the week-end sometimes to compensate for the fish taken for tagging purposes. In other words, they did not charge for the service, but they were allowed to catch fish in the weekly close season to compensate for the two or three or four or six hundred fish that had been taken for tagging purposes, and that would be a very profitable arrangement for them. Although they did not charge, per fish, they got it in another way.

Then he goes on to a reference to the 219 traps alleged to be operated in Puget Sound—and I have proved my figure by the bluebook, that that was the average in 1933 and 1934, the two years—but he goes on to say that the figures furnished to him concerning the trap fishermen in Washington show that in 1934 only 96 traps were operated. I don't know about that. No one else knows about it. That is simply the assertion of an American fishery official, and I prefer to take our own fishery statistics which show, according to the bluebook, there were 219 licences issued. We don't know how many operated. We have no means of finding that out. That is a bald statement. It cannot be proved. It was put in there for a purpose. Supposing there were 96, that is their statement. They have to allow for 219 traps because they paid for that many licences, and people do not as a rule pay for a licence without intending to use it. Whether or not those were all fishing in the Puget Sound area I have no means of finding out, and I could not say; but I do know that according to our bluebook there were 219 traps issued on an average there during those two

[Mr. A. J. Whitmore.]

years. And that, I may say, is something which can be substantiated by unquestionable proof, and for that reason there is nothing more to be said about it. Of course, that is the business of the traps, and their influence on Washington's policy in the past, and from that we may gauge what it is likely to be in the future. Yet they take that figure and it is used in their argument. But the fact is that we did not take out our traps. The action got in the U.S. was based on the initiative; this taking out of the traps in Washington was based on the initiative of the people, having the people sign, and then going to the legislature. They had not been able to get action in the direction they wanted by other means so they took it up by initiative, or referendum, and the thing went through flyingly. Now the U.S. trap-owners are getting busy at the end of each two years, and the argument they are using is that their catch has fallen off and that it is down to 14 per cent now, and they have been trying to get the traps back again. They didn't get away with that in 1936, but they very nearly did it in 1938, they got it through the upper house—they used the machinery in the State of Washington of getting it through the higher house through the influence of the governor and influential people, but the lower house turned it down. Their argument was to the effect that we had these traps; it has been argued that that would not have any influence at all upon their views there. I will later quote, when I come to it in my brief, that that is a fact which was taken into consideration.

He ends up by saying: "Taking into consideration that the traps at Sooke enable a valuable industry to survive which would otherwise be lost to British Columbia, and that Washington's policy admittedly is not governed in the slightest by their existence, the injustice of wantonly destroying this industry is apparent to all." Well, it is a question of destroying these two men, or at least diverting their enterprise into a different form of activity. It is certainly destroying the whole fishing industry, because, remember, these traps there mean traps all over. Don't forget that. I want more than anything else to impress that upon you; traps there from now on mean traps all over British Columbia. For 15 or 18 years I have known these traps were there and I have never been much opposed to them. Their argument at that time was more or less sound, that the traps in the American waters were taking a huge toll, up to 80 per cent. On that ground I did not make any kick about them being there. The only justification for these Sooke traps was that which arose through the fact that they had them on the American side, but when the traps on the American side are taken out we have no justification at all for continuing ours. The argument will be put forward which has already been put forward by some of the cannery owners out there, that we should not object to the traps because they are a cheap form of fishing, and so on. Mr. Hanson here said two years ago—I could turn up the page if you like.

As I said in the house I think it is about time that there should be uniformity in this respect; either let everyone have it or take this privilege away from the few who have had it so long. I am interested in canneries myself as you all know, and quite naturally I would like to have a trap. If I could have a trap right at my cannery I could catch all the fish I needed with which to operate my plant through the employment of 12 or 15 men, as things are it takes between 300 and 400 men to get the same amount of fish to my plant; and yet we have to compete with these privileged people who have traps.

Now, remember this, unless you do away with these traps at Sooke there is no logical argument against their not being allowed all over, and if we were to have them all over in British Columbia you would do away with the fishermen and there would only be a few labourers required around the traps; another reason against traps is that the fishermen form the backbone of our defences

out there in this case. We have just started to build up a naval reserve, one of the best things we ever did, of some 200 of these fishermen, and in January or February they were brought in for training for some 30 days so that they would know how to act if they were called upon to co-operate for the defence of our western coast. One of the reasons which made them valuable was their knowledge of the coast, of all the bays and inlets and harbours which they know by virtue of their vocation, so that if a foreign power on the Pacific inimical to us had large boats in there they would know where to look for them. The nationals of any such potential aggressor have a very complete knowledge of the whole coastline; and in just the same way our fishermen know the coast and they would be very useful to Canada in defence work, but if we allow these traps to continue these men are going to have to go out of business and seek employment somewhere else. If you are going to allow the traps to remain there the other canneries will be after you right away and they will demand traps all over and that will be the finish of it.

And now, I come to my own notes on the subjects which I have more or less touched on. The traps were first established in 1904, these particular traps were put in in 1918. You will recall that a royal commission went out in 1904 and they inspected the situation and they said they would allow the Sooke traps from Beachy Head to Sherringham Point, which was regarded "as the competitive area with the traps on the United States side." Mr. Found states, at page 501 of the 1937 evidence, "These traps were first allowed under investigation by the royal commission because it was regarded as a competitive area with the traps of the United States side"; and that is the gravamen of the whole situation; and there was pressure of public opinion to do away with them elsewhere in the Province but the Sooke ones were allowed for the reason just given: In 1929 it was represented before another royal commission that traps should be allowed all over, and one of the witnesses Mr. Hager said; "certainly if you have traps up there you would have to have them all over." You see what the idea was. They brought in the report and there was so much fuss made in the House about the report that the government dropped it and we heard no more of it; and the reason they were allowed at Sooke was because of the abuses of the United States having their traps in Puget Sound. Time went on. Then our fishermen and fishermen from the United States were all fishing out in the same water, outside the territorial waters, our fishermen met the fishermen of the States; they said if we don't get the traps out it will ruin the fishing for us all, and if you will get your traps taken out we will have ours taken out. That is what they told each other; if you do away with your traps we will do the same. Finally they did it, but we didn't do it. The United States started it, they went after it through this system of initiative and got it through their legislature in Washington. They got that through their legislature in Washington. They got that through in 1934 and the traps went out as from 1935. Then, as I said, they tried to upset that in 1936 and 1938, and last year they got it through the State Senate, but they failed to get it through the lower house.

The CHAIRMAN: Were they entirely wiped out, the American traps?

Mr. NEILL: There were 219, at least, that was the average for the last two years (1933 and 1934) but they took them all out, there is no question about that. That is in Puget Sound. That is what I am talking about—the salmon that come around into our area. They may have other traps in the Washington area in the Columbia river, but that has nothing to do with this. It is just Puget Sound that we are talking about.

Hon. Mr. MICHAUD: Might it not be fair to state that they were replaced by purse seines?

Mr. NEILL: No, they were not.

Hon. Mr. MICHAUD: Yes.

[Mr. A. J. Whitmore.]

Mr. NEILL: They were purse seining long before that.

Hon. Mr. MICHAUD: I did not use the word "substituted." I said "replaced." Purse seining was going on before and is still going on on a larger scale.

Mr. NEILL: Maybe. But purse seining had been going on.

Hon. Mr. MICHAUD: And according to the member from New Westminster it is a more destructive method of fishing than trap fishing.

Mr. REID: Yes.

Mr. NEILL: He can deal with that when he comes to it.

Mr. REID: In the Gulf of Georgia.

Mr. NEILL: One of the best arguments, of course, that the Americans used was this. The trap owners said, "Look at the loss of fish on our side. The Canadians are getting all the fish." But here is the point. It would pay us to pension off those forty-one employees at Sooke. That is all there are. They have signed a petition. There are forty-one employees at the traps. Pension them off and drop this thing for this reason, if for nothing else. I have talked about defence. Here is another strong argument. We have arranged a treaty with the Americans having in view trying to cooperate in improving the run in the Fraser river. Mr. Reid is one of the members representing the Canadians on it and it is surely important—desperately important that we should maintain friendly relations with the Americans. It is largely framed on friendly relations. This was done in a treaty, but you know how you can make a treaty operate or not operate, as you like. Mr. Reid and Mr. Whitmore who are our delegates will find it ever so much more difficult if you go to these American commissioners in a spirit of antagonism and have them say, "You have not played the game with us in this matter and why should we play with you?" It is well worthwhile for that reason alone.

It has been alleged that there is nothing to it, that there is no such understanding and that it would have no effect if we did not do it. I should like to quote an authority that we must all recognize, and that is the minister himself. Here is what the minister said on April 28, speaking in the house. He was writing to Mr. Goodrich or was explaining why he, at that time, had decided to take out the traps, because at that time he had so decided:—

Last Fall the department had practically come to the conclusion that we should meet the request—

I beg your pardon. I do not think this was Mr. Michaud writing. I think it was in Hansard. He was making a speech in the house, and this appeared in Hansard:—

Last Fall the department had practically come to the conclusion that we should meet the request of the United States and stop trap fishing in certain waters off Vancouver island, near Victoria, I believe. It was a gentlemen's agreement, arranged at the instance of the fishermen on both sides of the border. I believe the State of Washington as a result of a plebiscite had already passed a regulation prohibiting trap fishing, and they were demanding that we prohibit it on our side.

Mr. TAYLOR: Where is that to be found?

Mr. NEILL: It is found in Hansard of April 28, 1936. Then again on page 112 of the committee report of 1937, Mr. Michaud is again on record; Mr. Michaud is writing to Todd. This is the occasion I thought he was writing to Todd. This is the purpose of his letter, explaining why he had at that time decided to stop traps. He says:—

There is a very strong argument that the continuance of traps on our side will operate as an incentive for rescinding the prohibition of traps in Washington state.

Then he goes on to say that he thought they should shut them off, but they would allow them for one year longer.

Now we will deal with some of the arguments used by the trap people—as regards taking out, United States traps making very little difference—I dealt with that before but I refer again to where Mr. Goodrich inferred that I lied when talking about 80 per cent. That I have proved by Mr. Found's evidence. I will quote Mr. Found, at page 9 of the report of the committee of 1937 because it is better to quote a thing than just to say it, because you might think I was exaggerating. Here is what Mr. Found stated at page 9:

. . . in which traps were out on the United States side. . .
 "Out" means fishing.

. . . we were getting from 28 to 30 per cent of the catch of sock-eyes that was made. So that from 68 to 70 per cent of the run was taken on the United States side.

That ought to be 70 to 72 per cent, of course. Further on he says:—

When the traps went out the picture changed. There is no question about that. The picture changed in these two years from 28 to 30 per cent to 53·6 per cent in 1935. In 1936 we got slightly over 80 per cent.

I have another place where he says it was 86 per cent. On page 9, lower down, he says in 1934 we got 23·31 per cent of the total; that was the last year before the traps were taken out. In 1935 we got 53·43 per cent; in 1936 we got 86 per cent. He even worked it out to a decimal point, so he must have been talking, not from memory, but from figures. That is what he said.

Now, Mr. Chairman, which shall we believe? Shall we believe Mr. Goodrich who comes here with an axe to grind—a very gilded axe at that? Or shall we believe Mr. Found, an official of the department with forty-years service behind him, who is not going to upset that reputation he has built up by making such a false statement under oath? Which shall we believe? Shall we believe Mr. Goodrich who fixes his figures in a careful letter to the minister of January 30th and four days later he has to change that on his own initiative; or shall we take Mr. Found who, although he was pretty much in favour of the traps, as deputy minister made that statement?

With regard to the men losing their jobs, forty-one men signed a petition that they were employed and would lose their jobs. Yes, they probably would lose their jobs but two hundred more men would get jobs in their places, because it does take more men to catch fish by purse seining or gill netting or trolling than it does by traps. Mr. Goodrich in a statement—I can look it up if you dispute it—says that at each trap there are two workmen and a cook. That has been operating practice. Of course, there are a few men used in brailing out fish and conveying them to the cannery; you would have to have that no matter what type of fishing you were doing. Then he goes on to say that these waters cannot be fished. I would refer to page 157. Here is Mr. Goodrich again on oath. He produced a wire from his firm which he substantiates. This is part of the wire:—

Martinolich Brothers, Norman Gunderson, Charlie Clark, the best of Canadian purse seiners have made several attempts purse seine this area and do state account tides and fact fish do not school in quantities seining would not pay.

I remember when that statement was made it made quite an impression on the committee, as it was then. Now we will quote from page 225. The men themselves got wind of this and they rather objected to having their names taken in

[Mr. A. J. Whitmore.]

vain. This is what they come back with. I may say that I know two of these men and they are very reliable, reputable men. On page 225, Mr. Martinolich wires this in to me on March 8, 1937:—

I never made a statement as indicated in wire dated February 20 and read by Goodrich before fisheries committee Stop with no traps in Sooke area I am convinced that seiners and gill netters could fish this area. V. Martinolich.

Then on page 251, the other men came along. They had got wind of it and did not like this thing. Here is another wire from Norman Gunderson—I do not know him—addressed to me, which reads as follows:—

We did not make a statement as indicated by Mr. Goodrich testifying before fisheries committee February 22 Stop The Sooke area provides excellent fishing grounds for seiners and we believe area could be made profitable for seining.

Then there is Clark's, on page 251. Clark I do know personally; I have known him nearly all his life. When Clark says a thing you can rely upon it. I do not seem to be able to put my hand on it, but it is here, at any rate. He sent me a wire to the same effect, only it was rather stronger.

Hon. Mr. MICHAUD: That is a joint telegram.

Mr. NEILL: Yes, I have it. Both men signed the same wire. It is signed "Charley Clark, Norman Gunderson." They both signed the same wire. As I say, I can vouch for those men.

Then on page 199 there is a wire to me dated February 24 from A. Pedersen, which reads as follows:—

The undersigned with twenty years seining experience in B.C. waters, can testify that the trap locations at Sooke have less tidal streams than Johnson Strait where seining is successfully conducted STOP Regarding phosphor in water this does not affect salmon seining as it is all daylight fishing.

Then there was a man named Chamberlain. I do not want to detain the committee. You can take my word for it, it is on record. I think I will give it to you, after all. It will not take very long. It is on page 200.

Mr. MAYHEW: What is the date of Mr. Goodrich's statement in the house that you are disproving before the committee?

Mr. NEILL: The date?

Mr. MAYHEW: What date was he talking before the committee?

Mr. NEILL: The exact date?

Mr. MAYHEW: Yes.

Mr. NEILL: He was giving evidence two years ago.

Mr. REID: March, 1936.

Mr. NEILL: I quoted it. It is all in that period. Here is this man Chamberlain. He was at one time the president of the B.C. Trollers Association. He says:—

The American traps were largely abolished by a co-operation of tourists agencies owing to the depletion of sporting fish. This stands for us as the traps at Sooke catch large number of spring salmon and cohoes that could and would be caught by sporting means in Canadian Gulf Is.

There are present thirty or forty trolling boats that work around Beechey bay and Race Rocks. If the Sooke traps are abolished, Sooke

itself would be the base for another fifty boats as the fish that are now caught in traps would be caught to a great extent between Sooke and Active pass.

Then Mr. Coverdale says the same thing. Then we have Senator Green at page 219. I might quote you that because Mr. Mayhew said there was no one in this house—and I suppose the senate is included in this house—knows anything more about it than he does.

Mr. MAYHEW: I did not say that.

Mr. NEILL: You knew as much as anyone else.

Mr. MAYHEW: I said I knew that district as well as anybody.

Mr. NEILL: Yes. Here is what Senator Green says:—

Twenty-odd years ago I purchased a summer house, or rather purchased a place and built a summer house at Becher Bay, and have my summers there and part of the winters, as a matter of fact, since that time. When I went there there were fishermen, trollers, particularly, with the sportsmen on whose behalf I am not speaking at all, there in great numbers. Their operations, as I understand it, extended from Quatsino around perhaps to Brentwood...

That must be Cowichan. It means Cowichan.

Mr. GREEN: There were some corrections made the next day.

Mr. NEILL: Yes. Continuing:—

..and from there up, of course, towards Cowichan. They were there, as I say, in large numbers. In Becher Bay proper they occupied a dozen holdings. There was on an average probably from fifteen to twenty fishing boats, trollers the year round. Of course, in the off-season they would probably pile into Victoria or something of that kind and come back, but that was their home; that is where they made their living. A lot of them fished out of Sooke harbour, Peddar Bay, and they were all making fair money. From that time to this, they have simply gradually become depleted. This last winter there was one boat that stayed in Peddar Bay as its home port, as it were, and there is another one in and out. This has been caused, they tell me, by the traps which they claim hurt their fishing in two ways; the first one is they say they break up the schools and catch the greater proportion of the spring salmon that run in the vicinity. The second is, as far as the cohoes are concerned, that the cohoes instead of coming in along the line close to Becher Bay as they have in the past, that the traps are in such a way that they break up the school there and the greater proportion of the school goes across to the other side, twelve miles across Becher bay, to the American shore. I do not know that there is anything more I can say. That is the situation as I see it; and as I have found it day in and day out for the last twenty years, which has gradually cut them down from a large number of boats in that particular area to one or two. Their contention is that it is caused by their impossibility of their catching spring salmon and cohoes in sufficient quantities to pay them.

Senator Green certainly has no axe to grind, and we all know his reputation. Then this year—and I am nearly finished I am glad to say—we alluded to a letter I turned in the other day from Mr. Hill. I turned in nine letters from men who had gill netted in that area this last year. They gave catches, dates and facts. It is all in number 5. I need not go into that.

[Mr. A. J. Whitmore.]

Then as regards profits: Mr. Goodrich swore—and he insisted on swearing—although I tried to modify it, he insisted on swearing that he paid income tax in eighteen years amounting to \$111,293; not on an income of \$111,293, but he paid income tax of that amount. It comes to about \$7,500, or something like that per year. That is only for himself alone, as the other partner was much better off because he had the cannery profits as well. This man had the trap part of it.

Mr. MAYHEW: There is a great deal more in the cannery.

Mr. NEILL: He was asked, "How much capital did you put into this thing?" He said, "\$24,000." Somebody said, "Be careful; Neill is trying to get you into a trap of his own. Do you swear you paid all this income tax?"

Hon. Mr. MICHAUD: Mr. Neill does not operate traps. Anyway, he has not a licence to do so.

Mr. NEILL: He was asked, "You swear you paid all this income tax?" He said, "Yes; I think it is rather more than that." He was asked, "You swear that your whole investment in this company was \$24,800?" and he said, "Yes."

The agitation against traps has increased. These things generally die out after a while. The people get wrought up and excited for a time, but then it dies out. But in this case that is not so; the opposition has increased. Considering that it is a comparatively small matter, it is remarkable the public sentiment in British Columbia. People other than fishermen are taking it up. I presented a petition the other day signed by business men, another one by sportsmen, and another one by fishermen.

Mr. MAYHEW: You are making a good job of it.

Mr. NEILL: I will take my oath I was not the instigator of the petitions I presented the other day. They were totally unknown to me when they were sent in to me; but even if that had been so, even if I had been at the bottom of it, I would say I was only doing my duty. Last year I put in a petition with practically ten thousand names on and this year I think there are about 2,500 and I was advised that there were more to come. Last year's stand was endorsed again by the associated boards of trade of Vancouver island—really a parliament on this thing, men coming from all over the island and they represent the people more than we do, perhaps. Twice running they have endorsed it. There was a most desperate attempt made this year at Courtenay. I think Todd was there; Goodrich was there; their lawyer was there, their banker was there and they brought every possible artifice to bear to try to swing the thing. A letter was sent to the minister, by a gentleman I shall not name, saying, "You do not need to worry about your traps this year because it is going to be rescinded." But it was not rescinded. After three hour's debate on that one item alone—and you know boards of trade are always in a hurry—they voted and the question carried against them seven to twenty-seven; yet they blandly say it was fairly even.

Mr. MAYHEW: Would you mind my making a statement there? You say seven to twenty-seven. There were twenty-nine accredited delegates at the meeting.

Mr. NEILL: But I am talking about the votes.

Mr. HANSON: Seven to twenty-two, he said.

Mr. NEILL: Possibly some went away; but, at any rate, the votes that were recorded were seven to twenty-seven.

Mr. MAYHEW: There are only twenty-nine accredited delegates.

Mr. NEILL: I do not know. That is what was reported.

Mr. MAYHEW: Your information is inaccurate.

Mr. NEILL: I will produce the information. That was about 16 per cent; but they said it was fairly evenly divided. You had before you the petition

of the Kyuquot Trollers, which was passed in 1939 and in 1938; the Victoria Trades and Labour Council; the Vancouver and District of New Westminster Trade and Labour Council; the city councils of Vancouver and New Westminster—I have not got the ones from Vancouver; I have been told there was one in New Westminster—Gobson Landing C.C.F. Club; Prince Rupert Trades and Labour Council.

Mr. THOMPSON: Prince Rupert Board of Trade.

Mr. NEILL: Yes. Then Mr. Goodrich stated that I was wrong about three-quarters of a million fish but I was right. When I was asking what Mr. Goodrich made in profits, he only spoke for his own company in that regard. He emphasized that. Todd's profits was an entirely separate thing.

The assertion is made that that curtails employment. There is no doubt about that as regards these forty-one men; but they were fishermen before and they will go back to fishing again. They will gain many times that amount of fishermen. Mr. Hanson's evidence I have already referred to. I have already told you about the need of sustaining our fishing population; otherwise we will have no fishing and no naval defence. You do not get much loyalty out of wire nets and piles. You cannot do much for defence with them. They will not rustle around when the Empire or Canada needs them and tell us what is going on in the remote corners. You do not get much support for your government out of wire nets and a few piles. These licences are annual; they can be renewed and taken away at any time. Every fisherman who takes his licence out knows that only can it be stopped next year but it can be stopped in the middle of the year. These purse seiners are often told in the middle of the season, "We have closed such and such an inlet. You have got your licence but you cannot go in and fish there, although the licence said you could."

Hon. Mr. MICHAUD: Pardon me; they have not done that on many occasions since 1936.

Mr. NEILL: 1936?

Hon. Mr. MICHAUD: Yes.

Mr. NEILL: That is two and a half years ago. But they are liable to lose their licence at a moment's notice. These cannery men were warned in 1936 by the deputy minister in writing that 1936 was the last year they would get that; and after that, it was changed and it was allowed later. So they have had four years now of warning, and I do not think it will be a very great hardship, after waiting this year as well, if it was closed off.

I have only a few words more to say. I might say to our maritime friends that the situation is analogous in British Columbia, with the trawling situation on the Atlantic; and as regards the Quebec members, I would suggest that they have been very decent with us in the past and they have always recognized that British Columbia members should have the say about British Columbia matters. Mr. Taylor himself stated that of seven members from British Columbia—five were against and two were for. But the people of British Columbia are demanding this. It is not a question of the monopoly of two people against other people; it is the whole situation of whether we are going to have traps all over British Columbia. Let me quote one more sentence, from page 377 of the committee of 1937. I do not know that I could sum it up much better or in a more appropriate way.

Hon. Mr. MICHAUD: Mr. Neill, that argument applies just as well for purse seines as for traps, because purse seining is not permitted all along the coast of British Columbia. Nevertheless, no one has ever advanced the idea that because it was forbidden there, it should be forbidden all over the coast.

Mr. NEILL: No. They are allowed in certain waters because you cannot fish by any other means there. But here you can fish.

[Mr. A. J. Whitmore.]

Hon. Mr. MICHAUD: You admit that and some other people dispute it. It is a difference of opinion, that is all.

Mr. NEILL: It does not apply to traps. Sooke area can be fished, on the evidence of people who fished it, with seines, gill nets and trolls. Is Senator Green wrong?

Mr. MAYHEW: That is not a fair question.

Hon. Mr. MICHAUD: Would you disagree to substituting purse seining in that area for trap netting?

Mr. NEILL: I would wipe out the traps and leave the operation of fishing in that area to those who wish to go into it, by seiners, gill netters or trollers, according to the class of fish they are catching and the conditions of the water.

Hon. Mr. MICHAUD: We had the statement, you will remember, Mr. Neill, that purse seining is the most damaging, the most destructive form of fishing in the industry.

Mr. NEILL: That statement was not made in this committee.

Hon. Mr. MICHAUD: Why should it be more destructive than any other form of fishing?

Mr. REID: There is a little difference in your own waters.

Mr. MAYHEW: What about the Alberni canal; I understand you had purse seining taken away from there.

Mr. NEILL: I would like to read you this. Here the situation has been well expressed by a member of this committee, speaking in 1937—or, was it 1936; it was 1937 or 1936—I think it was 1937. At that time it had been decided to take the traps out, and here is what was said:—

You see, therefore that the anomaly of the trap situation at Sooke must be grappled with from the general public interest. If the Sooke traps are allowed to remain, an excellent excuse can be advanced by the United States fishermen for the re-establishment of American traps. The Sooke workers appear to be falling between two stools and I say, in all kindness, that there is no commercial justification for my advancing any arguments to destroy the position taken by the fisheries department.

And then a little further down:—

They are manifestly doing their plain duty when they protect the larger interest in the community, and it would appear that the economic necessity of 40 men at Sooke cannot rate against the economic necessity of 5,000 fishermen definitely affected by the elimination of the trap system.

Mr. TAYLOR: Hear, hear.

Mr. NEILL: I am glad to hear him say, "hear, hear"; and I agree with Mr. Taylor's argument that the economic necessity of 40 men at Sooke cannot rate against the economic necessity of 5,000 fishermen definitely affected by the elimination of the trap system. He voices my sentiments entirely. As I thought then, and as I think now, the economic necessity of 40 men at the Sooke, who can be absorbed otherwise and elsewhere in the industry, should not be rated against the economic necessity of not 5,000, but of 15,000 fishermen whose livelihood is supplied through this industry, because that is what it will amount to, because once we open the doors to these traps we cannot logically close them to other parts of British Columbia.

Hon. Mr. MICHAUD: The door I am told has been open since 1904.

Mr. NEILL: To what?

Hon. Mr. MICHAUD: To traps in British Columbia. The door has been open to traps since 1904 and traps have been operated since 1905.

Mr. NEILL: Well, yes; but the answer to the minister is this; when I said we were opening the door to traps all over British Columbia, because we cannot logically refuse them. Hitherto we have always said when other people wanted it, that in the Sooke trap area competition arose with the United States. Now that the American traps have gone that argument no longer applies; and we can no longer logically refuse them. That will be the next demand. If we have them at Sooke why not all over. That is the point of view we have to consider. What did you say about Alberni canal, Mr. Mayhew?

Mr. MAYHEW: Have you not prohibited the operation of purse seiners up in the Alberni canal district from the early part of this year?

Mr. NEILL: No. Your information is muddled. Those reports about purse seining being forbidden, it was changed six years ago; before the present minister was in charge.

Mr. WHITMORE: It was all of six years ago.

Mr. NEILL: Yes, six years ago, and the reason was because it was an area which could be adequately and profitably fished by gill nets and trollers.

Mr. MAYHEW: I don't want to say anything about all that Mr. Neill has said now. I don't know what Mr. Taylor wishes, but personally I would like to have an opportunity to read it over. I will have to read it over very carefully. At the moment I could not say anything about what he has said, but he made certain insinuations and statements that were wholly lacking in proof.

Mr. HANSON: I would not say, insinuations.

Mr. MAYHEW: For instance, I would like to bring this out at the present time. He referred to Senator Green, whose word I am sure we are all ready to take. I would like to point out that while Senator Green made the statement that Beachy Head is 20 miles from Sooke, the Senator lives at the far end of the fishing ground and it is quite easy to be up at that end and not know very much of what is actually going on at the other end. I would like also, and I think I am right in this, that while Mr. Neill said the area was 10 miles, I think from Beachy Bay point to the point where it starts is a matter of 20 miles.

Mr. NEILL: I can produce where Goodrich swore it was 10 miles. I will look it up.

Mr. MAYHEW: Well, the maps will show you.

Mr. NEILL: Mr. Goodrich is the man who made the statement.

Mr. MAYHEW: What is the distance?

Mr. WHITMORE: The official trap area is from Sombrio Point to Beachy Head—in recent years the traps have been operated only from Sherringham Point, to Beachy Head, but licences would be granted for the area from Sombrio Point to Beachy Head.

Mr. NEILL: What is the distance, what mileage do you make it?

Mr. WHITMORE: The mileage—my impression is that it would be, from Sombrio Point to Beachy Head, somewhere about 24 miles; but the total area in which trap licences are issued, from Sherringham Point to the other end of the location would be between 10 and 11 miles.

Mr. NEILL: Page 43, Mr. Goodrich's evidence in 1937, Mr. Kinley asked:—

Q. What is the distance between them?—A. Oh, from a matter of miles distance, possibly ten miles.

Q. Between traps?—A. Oh, no, between the first one and the last.

Q. There are five traps in ten miles?—A. Yes.

Q. Are they all at right angles to the shore?—A. Presumably, yes.

[Mr. A. J. Whitmore.]

Mr. MAYHEW: Well, I have figures here and I want to point out one thing which you said in which I think you may be wrong. You objected to the 2 per cent and said it was only a matter of sockeye, and that Mr. Goodrich was only drawing a smoke-screen across the statement and that if he had figured it on all salmon it would have been an entirely different story.

Mr. NEILL: Yes.

Mr. MAYHEW: The statement I have here is a statement given to the committee of the total fish, and this is only the salmon, and the total catch is given in this statement here as 19,000,000, while on the sockeye—that is, taken from Sooke in the traps—includes everything even the wolf fish and pilchards, and sharks and sole; the whole thing is included in this figure.

Mr. NEIL: Here it is, here is the statement—

Mr. MAYHEW: Just a minute, until I am through. It reads that they actually caught 327,929 fish, or less than 2 per cent of the salmon catch that was caught in other districts. Now, in the Sooke trap area all fish are included, while in the statement here, by the department, they have only included the chums, pinks, cohoes, steelheads, bluebacks, springs and sockeyes, and there are 19,000,000.

Mr. NEILL: Might I answer that. I had the thing in my hand, I think it must be the same thing; no, it is another year. This is what it reads:—

Statement of numbers of different species of salmon and method of capture reported by operations of salmon purse seines, drag seines, and trap nets, and by salmon canning, curing and cold-storage establishment, of gill nets and troll caught fish, British Columbia, 1938.

And then it divides the fish into seven different principal varieties, and then down on the side it gives the numbers caught by troll, gill-net, purse seine, drag seine, and trap nets. This is for the year 1938, and it shows with respect to fish caught by trap nets, sockeye 41,372, springs to the number of 12,677; steelheads, 873; cohoes, 25,223; pinks, 1,472; chums, 953; or a total of 82,570. And the amount of sockeye caught by the traps was 41,372.

Mr. MICHAUD: And the total number of fish caught was 19,703,685.

Mr. NEILL: I am not talking about the total, in British Columbia. I am not interested in the fish caught by troll, etc.

Mr. REID: I think, if I might interject, we are at cross purposes. I think this 2 per cent figure is related to the catch of a particular section and not with respect to the total catch of British Columbia. Mr. Neill is arguing with respect to the percentages caught by the Sooke traps as compared with the total catch of the Puget Sound waters only, and I think that is where the cross purpose comes in. In relation to the figures quoted by Mr. Mayhew, that Sooke catch would not be 2 per cent, but a much smaller fraction.

Mr. NEILL: Not 2 per cent of the sockeye, it should be 2 per cent of the Fraser river sockeye. That is not the point—

Mr. MAYHEW: I don't care.

Mr. NEILL: You have missed my point.

Mr. MAYHEW: No, I did not miss your point, Mr. Neill.

Mr. NEILL: The point I wanted to make was that it was not 2 per cent even of the Fraser river catch, whereas the comparison made just now was with respect to the total catch from British Columbia. All I wanted to get was the proportion of the sockeye catch at Sooke in its relation to the total catch of the Sooke traps.

Hon. Mr. MICHAUD: They caught 12,677 springs, he could not have made any very large profits on 12,000 fish.

Mr. NEILL: What? At 15 cents a pound in the fresh market on an average of 24 pounds to a fish?

Hon. Mr. MICHAUD: They do average 24 pounds I suppose?

Mr. NEILL: Yes, about that; they go as high as 60 pounds.

Hon. Mr. MICHAUD: 82,570 fish altogether taken in trap nets last year.

Mr. NEILL: Yes.

Hon. Mr. MICHAUD: And the total catch for the province was 19,703,685 fish, which would mean that the percentage caught in the trap nets would be about one-half of one per cent of the total.

Mr. NEILL: That is bringing in the Skeena river which has nothing whatever to do with it.

Hon. Mr. MICHAUD: Oh yes, it has a bearing on the whole catch of British Columbia.

Mr. NEILL: It has a bearing on something which is not comparable.

Hon. Mr. MICHAUD: Why not?

Mr. NEILL: Because the fishing up in the north and at all these other points is altogether different from the run of fish in this particular area, they would have no bearing on this at all.

Hon. Mr. MICHAUD: They are sold in the market as sockeye.

Mr. NEILL: You may as well take the percentage of the whole world catch and you would get a smaller figure.

Mr. MAYHEW: The actual figure would be four-fifths of one per cent.

Hon. Mr. MICHAUD: When they wanted to determine what quantity of fish caught in the Sooke traps is as compared to British Columbia, let us say, that is the only basis on which you can make such a comparison.

Mr. NEILL: And it is not comparison, it is not comparable.

Hon. Mr. MICHAUD: Why?

Mr. NEILL: It is no comparison on Sooke traps any more than if you took the catch of salmon in all of Canada.

Hon. Mr. MICHAUD: You want to establish it as a general principle that we should prohibit trap netting, because when considered in relation to other methods of fishing in vogue all over the province it is a method which confers discrimination?

Mr. NEILL: Yes.

Hon. Mr. MICHAUD: And then when we want to compare the quantity of fish that is being caught there in relation to the total catch of British Columbia—and of course, that is the only basis on which to make such a comparison of the different kinds of fish in different waters, you use another method of reasoning. I have never disputed that. But that is what you are doing, you are comparing the sockeye catch on the Fraser river with the total catch for the province.

Mr. GREEN: I think in the 1937 committee we had statements and maps and so on showing the percentage of catch at Sooke of the Fraser river run. I may be wrong, but as I remember it that was the basis then for the percentages. I presume Mr. Neill is using the same basis of percentages now.

Mr. NEILL: As a matter of fact, I don't think percentage has a very great deal of bearing on the greater question of whether or not we want our whole fishing population and naval reserve wiped out and the United States' traps restored. That is a consideration far superior to figures.

Hon. Mr. MICHAUD: We have that evidence on record this year, Mr. Green, at page 24 of report No. 1.

Mr. GREEN: This year?

[Mr. A. J. Whitmore.]

Hon. Mr. MICHAUD: This year, I think.

Mr. TAYLOR: It is a standard statement in the report.

Hon. Mr. MICHAUD: Yes, at page 24.

Mr. GREEN: Yes, I see it now.

Mr. MAYHEW: If you go back, Mr. Neill, to the whole statement, if your argument is sound, if you are right, and I am sure you don't want to do anything that is not right, neither do any of the rest of us; there would be a diminution of fish, there would be a slackening up of the number of fish caught in both the Sooke area and the Fraser river area.

Mr. NEILL: That may be the result of conservation efforts, work the commission were trying to do.

Mr. MAYHEW: I know, but the fact of the matter is salmon in the Sooke area have been increasing rather than diminishing.

Mr. NEILL: Yes, they are taking more perhaps than a few years ago.

Mr. TAYLOR: Yes, perhaps.

Mr. MAYHEW: There are more fish being caught to-day, the run is greater. If you want to go back to 1918 you have the figures there in front of you, and you will see where it has increased right in the Sooke area alone, in 1918 there was only 2,048, and then 6,000, 3,000, 3,000, and in 1924, 3,000, 1935—then you go right down to 1933 when there was 8,000, 1934 there was 6,000—I am only giving round numbers—in 1935, 5,600, in 1936, 8,000, in 1937, 6,000. Then, if you follow those percentages down and look over on the other side you will see the total catch in both the Fraser river and in the Sooke area has also increased with the exception of the time in 1917 right after the Hell Gate disaster where the whole thing took a drop—you go back to 1918, over 20 years, and there has been an almost steady increase until last year we had the largest catch we ever had in British Columbia.

Mr. NEILL: Yes.

Mr. MAYHEW: With the result that the total catch for 20 years was 168,574. If this fishing area was being depleted it would certainly show up in the Sooke area where, as you said yourself, the fish of all the homing variety, going back to the spawning places. These are the fish that are being caught right off the Sooke area. Now, actually it is increasing. And you were saying that this run goes up the Fraser river, and the Fraser river run is also increasing. I am giving you the figures which are in here.

Mr. NEILL: There are two answers to that. I am trying to make my answer as clear as I can. There are two answers. The thing is quite understandable from your own point of view. There are two, one thing is the reduction resulting from lessened demand for fish; they could not sell their fish, as you will remember, in 1931 and 1932, and 1933 on account of the big reduction in demand. Then, too, times are getting different in British Columbia. Last year a lot of people went fishing who could do nothing else. It is not the amount of fish taken as to their being depleted—that is an old argument, I have heard it so often—and you can do anything with figures—any man who wants to show that fish are not being depleted has only to point to the figures of 20 years ago. Then, there is another answer to this; 20 years ago we did not catch the inferior fish, we didn't catch the chums then. We didn't call them chums then, they were called dog salmon; we are calling them chums now to make it sound better, we didn't think of canning chums in those days. And the same thing can be said of the pinks. Then, as the better fish got reduced in quantity they had to take the cheaper varieties.

Mr. MAYHEW: I would like to conserve your energy, if I might, because I was quoting sockeye, the highest grade of fish I think that we have to sell, and I quoted you sockeye salmon only.

Mr. GREEN: On that point, I did not read the statement to which Mr. Mayhew referred, did he say that last year's total catch of sockeye in the Fraser river area was 311,212 cases?

Mr. MAYHEW: That is the total for British Columbia.

Mr. GREEN: That is the total for the Fraser river?

Mr. WHITMORE: Production of sockeye in the Fraser river area.

Mr. REID: Both the United States and Canada.

Mr. GREEN: In 1934 it was 491,855, which is far better.

Mr. MAYHEW: There are only two years in the whole 20 in which it went higher.

Mr. GREEN: In 1930 it was 450,000.

Mr. MAYHEW: Yes, and in 1928 it was only 90,000, and in 1923, 79,000; and back in 1919 it was only 100,000.

Mr. GREEN: Apparently the run is getting better.

Mr. MAYHEW: I would like to point this out too, in these figures given by the department, that the sockeye salmon caught in the Sooke area, their big run was in the same year as the big run was down in the Fraser river area. For instance, in 1938 there were 168,000 sockeyes caught in British Columbia Fraser river area and only 3,652 in Sooke. In the year before that there was in this part a catch of 66,000, and if you follow the figures all the way up and down you will find that the big run into the Sooke area is in the same year as the big run into the Fraser river area, which would show in itself that if there were depletion going on at the Sooke area it would be evident from the figures.

Mr. GREEN: Mr. Chairman, Mr. Neill read a brief of the company, the Sooke Harbour Fishing and Packing Company Limited, and that brief refers in paragraph 15 to the scientific value; it refers to the taking of fish for the government.

Mr. NEILL: At what page is that?

Mr. GREEN: At page 160. It says:—

The International Pacific Salmon Fisheries Commission is at present engaged in studying methods of rehabilitating the sockeye runs of the Fraser. This research requires large numbers of fish for tagging. At present the best of these are obtained at Sooke. If the traps were taken out the commission would in all probability find it necessary to operate a trap itself at Sooke, or catch fish by other methods there; in any case it would mean added and unnecessary expense.

We have two of the members of the International Pacific Salmon Fisheries Commission here to-day, Mr. Reid and Mr. Whitmore, and I wonder if one of them would be good enough to explain whether or not that statement is correct.

Mr. WHITMORE: I may explain last year that the sockeye commission as this International Pacific Salmon Fisheries Commission is generally known, took advantage of the fact that traps were in operation at Sooke and endeavoured to ascertain a little more information about the life history of the sockeye and their migration routes, what particular spawning ground they were headed for, and so on. Some thousand sockeye, all told, were tagged at the Sooke trap. They were tagged progressively throughout the season. Two men were stationed at the traps for a couple of days a week. The commission were a little hard pressed for funds and through the co-operation of the trap operators the fish that were used, were not charged us for them; but a special arrangement was made whereby the traps would be allowed to operate sufficient week-ends to recoup the trap operators for the fish that the commission used so there would be no charge to the commission for the fish that we used.

[Mr. A. J. Whitmore.]

Mr. GREEN: What about the point if the traps were taken out? The commission would find it necessary to operate traps then at Sooke?

Mr. REID: I think the fish have always been tagged at Sooke for many years, even before the commission was there. I think the department had a policy or felt that some means of catching fish should be put into effect at that point, as it would catch the fish on their way in from the open water, heading for the Fraser river.

Mr. MACNEIL: It would hardly operate a trap.

Mr. NEILL: You have tagged fish for many years on the west coast?

Mr. WHITMORE: Yes.

Mr. NEILL: And you did it outside of traps?

Mr. MAYHEW: That is the only humane way you can catch fish.

Mr. WHITMORE: Various types of gear have been used for tagging fish.

Mr. NEILL: You can tag fish without a trap.

Mr. MAYHEW: Not and be more humane.

Mr. WHITMORE: It is a matter of the particular type of salmon, the particular kind of salmon that are to be tagged. For instance, spring salmon and cohoes salmon may be taken on the troll, in offshore waters, tagged and released, perhaps with very little injury; but there will be some that will be damaged. Sockeye could not be taken by the troll at the same points where spring salmon and cohoes were taken for tagging, because sockeye do not take the lure. Purse seines could not be operated at those points—I will refer to off the mouth of Quatsino, for instance; and, speaking offhand I would say the closest point to the Fraser river that tagging could be done, on the information presently available, for sockeye coming to the Fraser river, would be Swiftsure Banks just off Cape Flattery.

Mr. GREEN: Further out?

Mr. WHITMORE: Further out; be taken by the purse seines.

Mr. REID: The commission have been giving consideration to placing a small trap near the mouth of the Fraser river, because in the view of the director, Dr. Thompson, he considers that is splendid.

Mr. GREEN: What you would do would be to place a small trap at Sooke simply for scientific purposes?

Mr. REID: Yes, in all likelihood that would be the case.

Mr. WHITMORE: To make it clear, I was not a member of the commission that so decided last year, about the tagging at Sooke; but I believe the fact that traps were there and they could get the fish without cost influenced them to a great extent in the tagging program they instituted at that point. The traps were there. If the traps were not there and the commission had to consider the outlay of \$15,000 or \$20,000 for setting up a trap there, I am afraid it would not have been able to do it and some other arrangement would have had to be made.

Mr. GREEN: What would a small trap cost for scientific purposes?

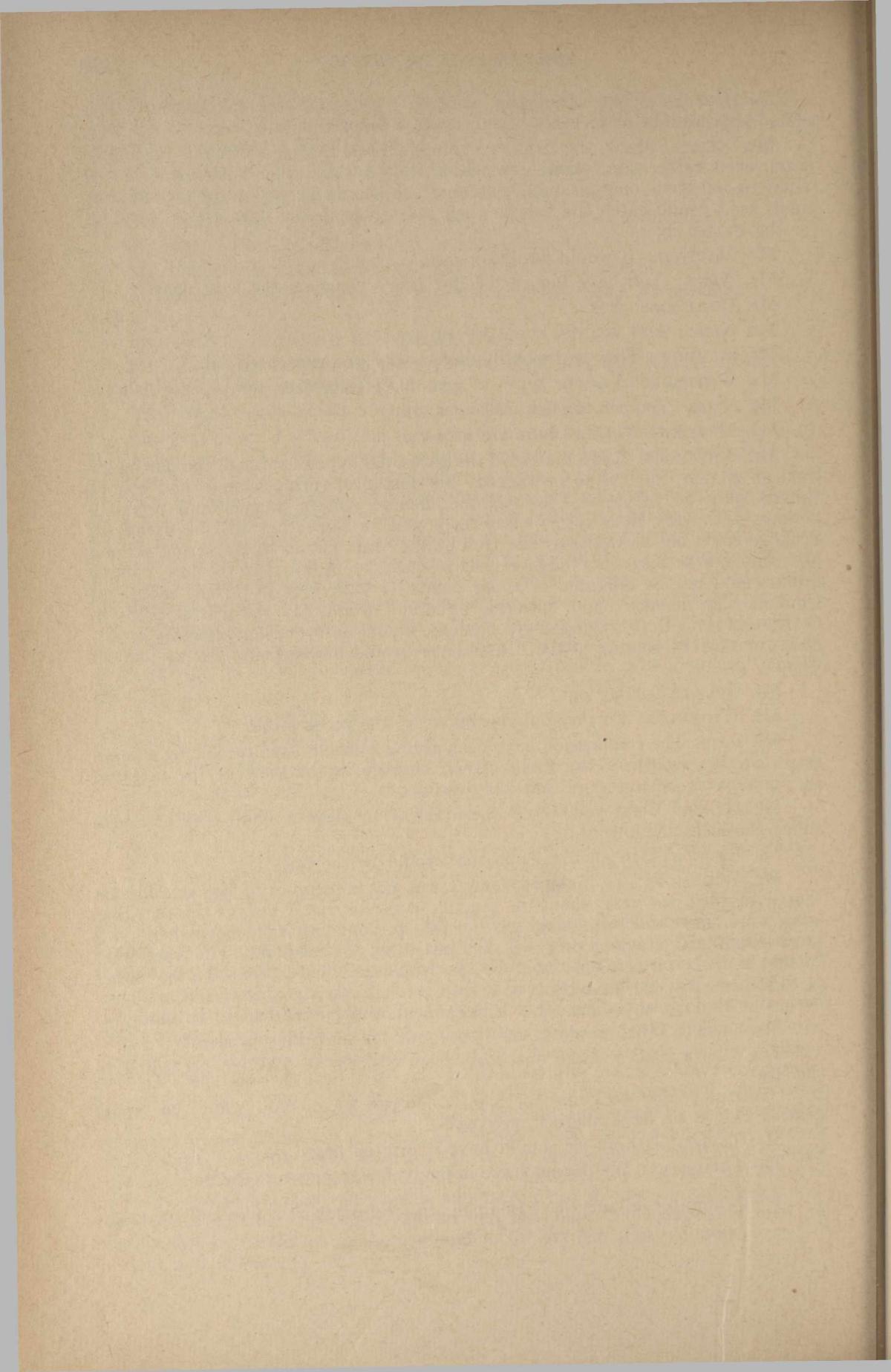
The CHAIRMAN: A large one costs from \$14,000 to \$20,000, according to the size.

Gentlemen, are we going to meet to-morrow or do you want the report printed before we have another meeting?

Mr. TAYLOR: I think we should have it printed first.

The CHAIRMAN: We cannot have it ready for to-morrow, then.

The committee adjourned at 1.05 p.m., to meet again at the call of the chair.



SESSION 1939
HOUSE OF COMMONS

STANDING COMMITTEE

ON

MARINE AND FISHERIES

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 7

WEDNESDAY, MAY 10, 1939

THURSDAY, MAY 11, 1939

FRIDAY, MAY 12, 1939

WITNESS:

Mr. A. J. Whitmore, Head of the Western Division, Department of Fisheries.

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1939

MARINE AND FISHERIES

STANFORD UNIVERSITY

MINUTE OF THE BOARD OF TRUSTEES OF THE UNIVERSITY OF CALIFORNIA

APPROVED AND ADOPTED

AT THE REGULAR MEETING

Held at

Stanford, California

on the _____ day of _____, 19____

Present _____

Absent _____

MINUTES OF PROCEEDINGS

WEDNESDAY, May 10, 1939.

The Standing Committee on Marine and Fisheries met this day at 11 a.m. The Chairman, Mr. A. E. MacLean (*Prince*), presided.

Members present: Messrs. Brooks, Ferron, Green, Hanson, Kinley, MacLean (*Prince*), MacNeil, Mayhew, McDonald (*Souris*), Michaud, Neill, Pelletier, Reid, Robichaud, Taylor (*Nanaimo*), Tustin, Veniot and White, (18).

In attendance: Mr. A. J. Whitmore, Head of the Western Division, Department of Fisheries.

The Committee resumed its study of trap net fishing in British Columbia.

The Chairman read telegrams received from:—

1. J. H. Todd & Sons Limited, of Victoria, B.C., dated May 9, 1939;
2. Sooke Harbour Fishing and Packing Company Limited, of Victoria, B.C., dated May 9, 1939.

Mr. Reid placed on the record an extract of a letter from the London Fish Company Limited, of Vancouver, B.C. He also read excerpts of a news item in the Vancouver Daily Province, dated March 13, 1939, with respect to salmon trap-net fishing in the State of Washington waters and at Sooke.

Discussion followed.

Referring to the brief previously submitted and printed in the minutes of evidence of May 4, 1939, Mr. Mayhew expressed his views to the effect that the use of trap-nets should be maintained in the Sooke area. He also referred to the statements made by Mr. Neill at the previous meeting.

Discussion followed and Mr. Whitmore was recalled and further questioned.

Mr. Robichaud asked the following questions of Mr. Whitmore, which he will answer at the next meeting.

1. The number of men employed in the salmon fishing industry in British Columbia.
2. The number of men employed in the salmon fishing industry by J. H. Todd & Sons Limited and the Sooke Harbour Fishing and Packing Co., Limited.

The witness retired.

At 1.10 o'clock, the Committee adjourned to meet again on Thursday, May 11, at 2 p.m.

ANTONIO PLOUFFE,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

THURSDAY, May 11, 1939.

The Standing Committee on Marine and Fisheries met this day at 2 p.m. The Chairman, Mr. A. E. MacLean (*Prince*), presided.

Members present: Messrs. Clark (*Essex South*), Côté, Deslauriers, Green, Hanson, Kinley, MacLean (*Prince*), MacLean (*Cape Breton North-Victoria*), MacNeil, Mayhew, Michaud, Neill, Pelletier, Reid, Rickard, Robichaud and Taylor (*Nanaimo*)—(17).

In attendance: Mr. A. J. Whitmore, Head of the Western Division, Department of Fisheries.

Mr. Whitmore tabled his answers to Mr. Robichaud's questions with respect to employment in the fishing industry.

The Chairman read these answers and Mr. Robichaud commented on them.

Discussion followed.

Mr. Reid placed the following on record:—

1. A letter, dated February 16, 1939, from the Ladner, B.C., Fishermen, along with a resolution, respecting Sooke traps.
2. A telegram, dated May 24, 1939, from F. Rolley, Secretary of the B.C. Fishermen's Protective Association.
3. A letter, dated March 20, 1939, from J. E. Fuller, Secretary of the Native Sons, Ladner Prairie, B.C., enclosing copy of a petition.

Mr. Reid also read extracts of letters, dated May 3, 1939, and January 30, 1939, from the B.C. Fishermen's Protective Association.

Mr. Taylor (*Nanaimo*), commented on the briefs submitted and printed in the minutes of evidence of Thursday, May 4, 1939, as well as on Mr. Neill's statements, contending that trap-net fishing should not be discontinued in the Sooke area.

At 3 o'clock, the Committee adjourned until Friday, May 12, 1939, at 10 a.m.

ANTONIO PLOUFFE,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

FRIDAY, May 12, 1939.

The Standing Committee on Marine and Fisheries met this day at 10 o'clock. The Chairman, Mr. A. E. MacLean (*Prince*) presided.

Members present: Messrs. Deslauriers, Ferron, Green, Hanson, MacLean (*Prince*), MacLean (*Cape Breton North-Victoria*), MacNeil, Mayhew, McDonald (*Souris*), Michaud, Neill, Reid, Robichaud, Taylor (*Nanaimo*), Veniot and White—(16).

In attendance: Mr. A. J. Whitmore, Head of the Western Division, Department of Fisheries.

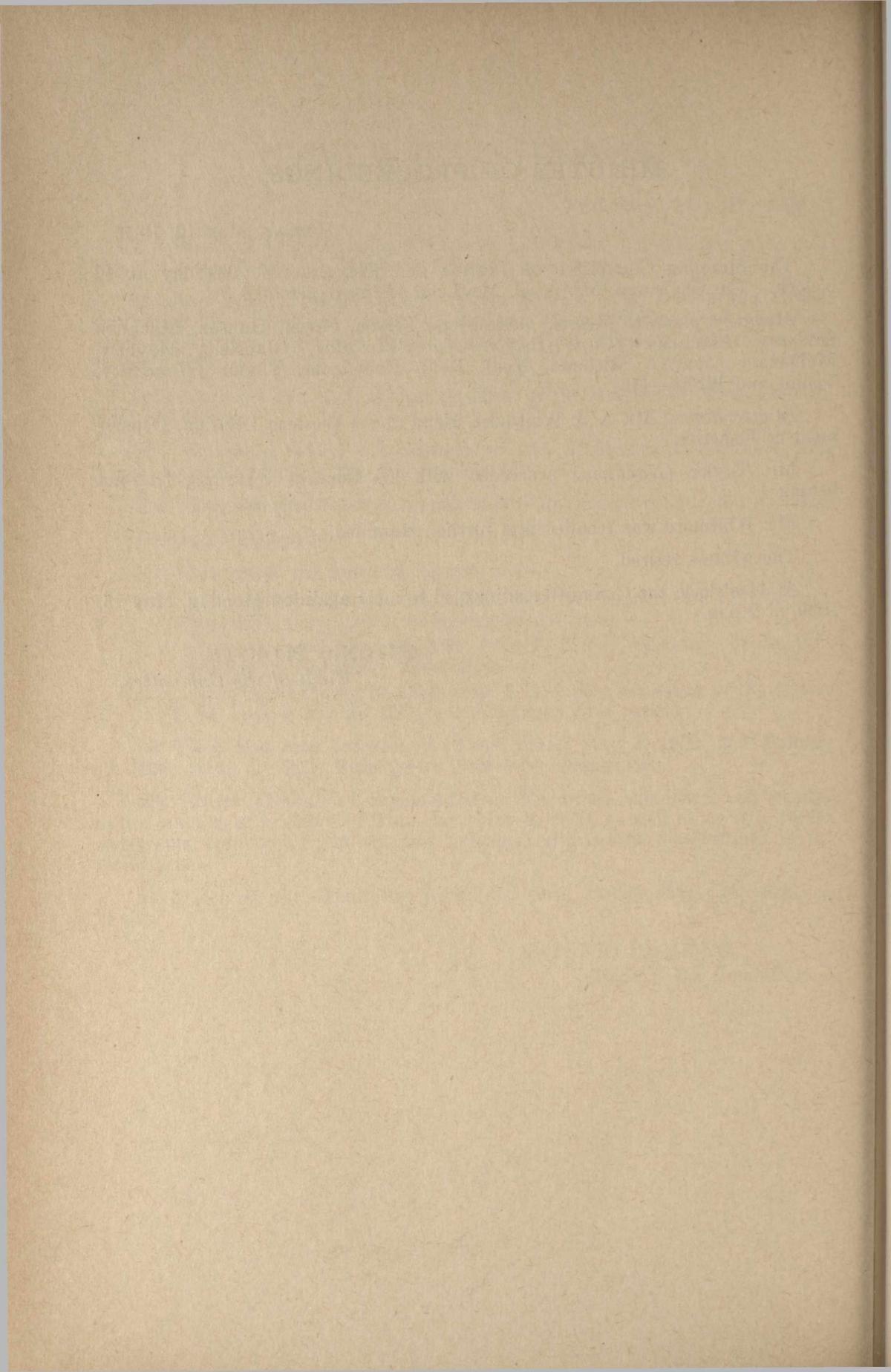
Mr. Taylor (*Nanaimo*) proceeded with his remarks regarding trap-net fishing.

Mr. Whitmore was recalled and further examined.

The witness retired.

At 11 o'clock, the Committee adjourned to meet again on Monday, May 15, 1939, at 2 p.m.

ANTONIO PLOUFFE,
Clerk of the Committee.



MINUTES OF EVIDENCE

HOUSE OF COMMONS, ROOM 429,

WEDNESDAY, MAY 10th, 1939.

The Standing Committee on Marine and Fisheries met at 11 o'clock. The Chairman, Mr. A. E. MacLean, presided.

The CHAIRMAN: Gentlemen, we have a quorum now, and if you will come to order we shall begin. There are a couple of telegrams which have come in, one from J. H. Todd and Sons, and the other from the Sooke Harbor Fishing and Packing Co., Ltd. I shall read the telegrams.

Mr. NEILL: Which one are you reading first?

The CHAIRMAN: This is from J. H. Todd & Sons, Ltd. It is dated May 9, Victoria, B.C., is addressed to A. E. MacLean, M.P., chairman Fisheries Committee, Ottawa, and reads as follows:—

Re minutes number five page one sixty-four we assume Whitler should read Whitla and Westwood means Eastwood STOP We hold signed statement by Eastwood emphatically denying he ever made any such statement to Whitla or anyone else although solicited to do so STOP No such absurd lift as described by Whitla was made STOP Please place this on record.

Mr. NEILL: That is signed by J. H. Todd?

The CHAIRMAN: J. H. Todd & Sons, Ltd. We have another telegram dated Victoria, B.C., May 9, 1939, to A. E. MacLean, M.P., chairman Fisheries Committee, Ottawa—

Mr. NEILL: This is from whom?

The CHAIRMAN: This is from the Sooke Harbour Fishing and Packing Co., Ltd. It reads:—

Re minutes number five appendix three our records show total sock-eyes purchased last August from gillnetters quoted and claiming to have sold us their entire catch were as follows Malvek eighty eight M. Johnson thirty eight Berg three hundred thirty four A. Remmen one hundred eighty five H. Remmen one hundred eighty nine A. Halvorson one hundred thirty seven STOP Please compare these numbers with those quoted in letters STOP Moreover these fish were all caught west of our trapnets and could not have been affected by them STOP All gillnetters agreed at the time that these waters were not suitable for gillnetting.

Mr. NEILL: May I just point out that that is signed by the Sooke Harbor Fishing and Packing Co.

The CHAIRMAN: Yes.

Mr. NEILL: They say that they bought all that fish. I want to point out that Malvek does not say he sold to the Sooke Canning Company, but to the Todd people. The same is true about Remmen. I want also to point out that the Sooke canning company say they bought all these fish. Here is Halvorson's letter. He says:—

This is to certify that I, the undersigned, fished between Sooke traps and Jordan river for six nights in the first part of August, 1938, and average fifty sockeye per night.

He does not say who he sold them to at all.

Hon. Mr. MICHAUD: It is in the telegram.

Mr. NEILL: The telegram says that they all claim to have sold their fish to the Sooke packing company. But they did not.

Hon. Mr. MICHAUD: Do they mention Halvorson?

Mr. NEILL: Yes. They said 137 instead of 500.

Mr. MAYHEW: He does not say in his letter that he did not sell to Todd, does he?

Mr. NEILL: No. But these people claim to have bought their entire catch.

Mr. MAYHEW: That is all right.

Mr. NEILL: They did not buy their entire catch. This man did not say he sold it to anyone.

Mr. MAYHEW: He just dumped them overboard, did he?

Mr. NEILL: They make the assertion that these men who sent in these letters said they sold their entire catch to them, and they did not.

Mr. MAYHEW: They may have said that.

Mr. NEILL: One sold to another company and one did not say where he sold them. So that telegram is incorrect.

Mr. REID: Mr. Chairman, to me this matter of other gear fishing outside the Sooke traps is very important now. I think it is one of the angles we have not gone into very deeply.

Hon. Mr. MICHAUD: What is that?

Mr. REID: The other forms of fishing or other gear outside the traps. You take this statement that is placed on the record for the first time this year that nine gill net men have fished outside the Sooke traps. That is very important. We are interested in that, because arguments have been advanced against gill-netting in certain districts of the Gulf of Georgia, as against seines. I am interested there as to traps. But I am also particularly interested in knowing whether other gear can fish outside Sooke. Personally, I think they can—outside the Sooke traps. Personally, I believe that they can.

Mr. NEILL: This company admits they bought a number. They admit that they bought a quantity from these different people. I would ask, Mr. Chairman, to have these nine original letters returned to me. I put them in a day or two ago at the request of Mr. Taylor in order that they might be incorporated in the minutes. They have been incorporated, and as they are originals, I should like to have them back.

The CHAIRMAN: Will you see to that, Mr. Clerk?

The CLERK: Yes, sir.

Mr. MAYHEW: I think Mr. Reid's point is very well taken, because if that area is suitable for fishing—which I maintain that it is not—of course practically your whole argument falls down. It becomes then pretty much in the same position as any waters any place else in British Columbia. I would feel as though I was taking the wrong attitude. I would feel like taking an entirely different attitude if that is suitable water for fishing with other gear. I still maintain it is not.

Mr. REID: Apart from the tides that run and the storms that might arise.

Hon. Mr. MICHAUD: So far we have evidence—and it has not been disputed—by the department that it is possible to fish there to a limited extent.

Mr. MAYHEW: To a limited extent?

Hon. Mr. MICHAUD: Yes.

Mr. MAYHEW: That is the point.

Hon. Mr. MICHAUD: The statement put in here by the department is—

Mr. NEILL: What page?

Hon. Mr. MICHAUD: Page 20 of No. 1—appendix 1 to report No. 1.

Mr. WHITMORE: Page 23.

Hon. Mr. MICHAUD: It begins at page 20 but it is on page 23, paragraph (c).

The CHAIRMAN: Is that last year's report or this year's report?

Mr. WHITMORE: This year's report.

Mr. MAYHEW: I should like to point out here, Mr. Chairman, that these men were there fishing.

Hon. Mr. MICHAUD: For how long?

Mr. MAYHEW: One fished for a week and another fished for a week; one says the first part of August, another one says August and one says two weeks, but that is the most. Is it reasonable to say, if men are fishing and it is a success, that they are going to run away and leave it for less remunerative fields? In addition to that, I can quite see where a man could go in for one or two weeks in the centre of the season when they just happened to run into a stretch of good weather and get some fairly good fishing. I have fished in that area from Sooke right up past Beachey Bay myself just for fun. But I can tell you it is no fun if you get caught out there in a gale or in those high tides. My whole argument for wanting to keep the Sooke traps there is the fact that you will destroy that area for fishing, and no one else can use it—successfully use it—and catch their fish. If you turn back to the department's own figures in here, they will show you about what time the fish are really caught. You will see it runs from the last of July; when you get down to the fish that will take the spoon, for instance, you have got to go down into September—practically into October. I maintain that the weather in there in the latter part of September,—practically all of September and October,—is not safe for fishing, both from tides and from storms. I have been there often enough to know whereof I speak.

Mr. REID: What I am interested in is from another point of view. We had Dr. Found arguing in this committee, when I was arguing for the elimination of seines in the Gulf of Georgia, that the gillnetters did not or could not fish out in the clear waters. The waters are clear outside the Sooke traps, apart from tides; and I should like to know more about this, because it has a bearing on my argument. If these gillnetters can fish outside in the clear waters at the Sooke traps, then the argument that they cannot fish in the Gulf of Georgia because it is clear water all falls by the board. We had Dr. Found arguing that here. There is then nothing to the argument that the clear waters of the gulf are against gillnetting if the gillnetters can fish outside the Sooke traps. I say it is most important and I should like to know more about it.

The CHAIRMAN: You mean right in the same territory but farther out to sea?

Mr. REID: Yes.

Mr. NEILL: Here are nine men who say they fished for one or two weeks in August at this very spot, who caught between 300 and 400 fish each. The Sooke canning company say they bought fish from all these men or most of them. So it is evident they were catching fish. Mr. Mayhew wants to know why they left. One of the men gives an explanation—one N. Johnson. He says: "Gillnetters would benefit greatly by the removal of fish traps." Another man made the same remark.

Hon. Mr. MICHAUD: That is what you call the reason given for removing them?

Mr. NEILL: That is just his comment. He says:—

Found it excellent place for gillnetting and fish were in number one condition. Caught as high as 400 sockeyes—some cohoes and springs in one night's fishing. Fish were sold to Nelson Brothers for sixty-five cents.

There is no word of that in that telegram.

Gillnetters would benefit greatly by the removal of fish traps.

Mr. REID: I am arguing that they can—I believe that the gillnetters and also other gear can fish outside of the Sooke traps equally as well as in the Gulf of Georgia.

Mr. NEILL: Another man says: "Abandoned the area because run had passed by into Gulf of Georgia." So naturally he turned back.

Mr. MAYHEW: I should like to point out that Mr. Neill himself said in the House of Commons on March 28:—

The gill net catches any variety of fish, but it cannot operate in clear water. The water must be muddy or discoloured because, if it is clear, the fish can see the net and readily dive under the net and so escape.

Mr. NEILL: I am of the same opinion.

Mr. MAYHEW: That is Mr. Neill's own statement.

Mr. TAYLOR: This controversy has considerably muddied the waters around Sooke.

Mr. REID: The waters in the Gulf of Georgia are not as clear as the waters at Sooke.

Mr. TAYLOR: Not now.

Mr. REID: We will probably get a chance to argue that point out afterwards.

Mr. NEILL: Mr. Taylor is trying to be funny.

Mr. REID: Mr. Neill cannot very well take both sides, I know.

Hon. Mr. MICHAUD: I think he can. He does it successfully, too, at times.

Mr. REID: I will probably have something more to say about that later when we get into it. I do not want to raise that here. I do argue, however, that they can fish in both areas; that they can fish in the clear waters off the Sooke traps and that they can fish in the clear waters of the Gulf of Georgia.

Mr. NEILL: Here is the evidence at Sooke.

Hon. Mr. MICHAUD: Yes; but do you admit—

Mr. NEILL: My explanation is that the water must be muddy.

Hon. Mr. MICHAUD: There is a difference—

Mr. MAYHEW: Who is being funny now?

Hon. Mr. MICHAUD: There is a difference between whether it is an impossibility or an impracticability. No one to my knowledge claimed that it was altogether impossible.

Mr. NEILL: Oh, absolutely. Goodrich swore it was absolutely impossible and impracticable.

Hon. Mr. MICHAUD: Impracticable.

Mr. MAYHEW: I still maintain that Goodrich is right; it is impossible to fish for the full fishing season of fishing.

Hon. Mr. MICHAUD: Nobody disputed that.

Mr. MAYHEW: Anybody can go in for three days at a time and catch fish.

Mr. NEILL: And catch 400 in a night? Pretty good business.

Hon. Mr. MICHAUD: What puzzles me is why these people who fished for a week last summer, if it was so profitable, did not fish any longer.

Mr. NEILL: They were handicapped by the traps and they moved on.

Hon. Mr. MICHAUD: The traps did not handicap them for a week.

Mr. NEILL: They happened to benefit from the run at the moment.

Mr. MAYHEW: If it had been suitable fishing for gill nets or any other type of fishing they would have been fishing there for the last twenty years, and they have not been fishing there.

Hon. Mr. MICHAUD: Mr. Reid, have you the record before you of No. 1, page 23?

Mr. REID: Yes.

Hon. Mr. MICHAUD: Paragraph 3. Would you mind reading that?

Mr. REID:—

The following extract from the annual report of the local fishery inspector summarizes salmon fishing carried on by gill-nets in the Straits of Juan de Fuca during 1938:—

Sockeye gill-net fishing off Sooke by about 17 nets is worthy of note as this is the first time for over ten years that this method has been tried. Although the fishermen had the expected difficulty of having their nets wound up by swirling tides, they were exceptionally fortunate in having good weather conditions and some fair catches made. However, in mid-August the fishermen left for the Fraser river immediately they heard sockeye had reached there. Due to tide conditions in the trap area it was found necessary to fish far offshore where exposure to weather constituted considerable danger to boats and gear.

The operations extended from August 3 to 16 inclusive. While in all 17 gill-netters fished at some time during this period, the greatest number delivering fish in any one day was 12. Their total catch was: sockeye 3,006, springs 30, coho 291, pinks 77, chums 30. Fishing was largely conducted from four to five miles offshore in the area between Sooke and Sheringham Point. The prevalence of mud sharks and gray-fish interfered with operations to some extent and some damage to the fishing nets was experienced. Fishing was "spotty." On some days some fishermen secured good catches, in one instance, 469 sockeye in one night. On other days fishing was unproductive.

Mr. NEILL: At sixty-five cents apiece.

Mr. TAYLOR: If that is an argument, Mr. Chairman, against Sooke traps, then I do not understand the English language.

Mr. NEILL: That is the trap owners.

Mr. TAYLOR: Four or five miles offshore.

Mr. MAYHEW: If they were four or five miles offshore they were a long piece from the trapmen.

Hon. Mr. MICHAUD: That is a report from the department, from the fishery inspector.

Mr. NEILL: They quoted it. Is there any reason to believe that it is accurate?

Hon. Mr. MICHAUD: I think there is no reason to believe that it is not accurate?

Mr. HANSON: I think, Mr. Chairman, the only way to make headway is to allow the brief to be submitted by the trap people, which I understand is going to be explained by Mr. Taylor. Then we will have all the evidence and

be able to take a vote, because we have been sitting a long time on this committee.

Hon. Mr. MICHAUD: We have it in the brief filed by the fishermen.

Mr. NEILL: I think we should hear Mr. Taylor.

Mr. REID: I should like to say a few words before Mr. Taylor starts. I should like to follow Mr. Neill and then we will be through. I will not be very long, I think five or ten minutes, unless Mr. MacNeil has something to say.

When I spoke at the last meeting I brought up the question of quality. I do not want to go into that again because I think we reached some understanding on that. I do wish to place on the record, however, a statement made by the London Fish Company, Limited, when the matter was before the committee in 1937, in regard to the question of quality as affecting sockeye salmon caught at Sooke traps.

Mr. TAYLOR: You must not place one thing on the record without the other.

Mr. REID: What do you mean "without the other"?

Mr. TAYLOR: If you are going to appreciate Sooke traps.

Mr. REID: You can refute this. I am doing this to support my statement, because you said there had to be no thinking, and, Heavens above, if I now follow your advice, why are you raising an objection? Be reasonable, man.

Mr. TAYLOR: Go ahead.

Mr. REID:—

We believe the firm in question—(that is the Todd interests)—puts up good salmon but no better than the average. They had, we believe, the largest parcel of fish condemned by the late board as being unfit for human food that any packer ever had.

Mr. NEILL: Who says that?

Mr. REID: The London Fish Company, Limited, Vancouver.

Their horse-shoe brand has a good name in Canada owing to the length of time they have been in the business and good advertising. The fish in this brand comes almost altogether from Rivers Inlet and not from the traps, as they will not pay for fancy sockeye in Canada and it all goes to the old country where nobody ever heard of Todd getting a higher price than anybody else on account of superior quality.

I think that is sufficient.

Hon. Mr. MICHAUD: Who is that from?

Mr. REID: The London Fish Company are in the canning business at Vancouver. This is from a man by the name of Humphreys, representing the London Fish Company.

Hon. Mr. MICHAUD: Is he a competitor of Todd?

Mr. REID: Yes, the same as they all are.

Hon. Mr. MICHAUD: What special qualifications or knowledge have they upon which to pass judgment? It is a matter of opinion?

Mr. REID: Yes. I suppose it is.

Hon. Mr. MICHAUD: I thought you were offering this as a statement from someone in authority, a specialist, for instance.

Mr. REID: Well, I had made the statement at the last meeting, and I think it was in the minds of some members that I was merely voicing my own opinion. I said at that time if the canneries were wired I thought some information would be forthcoming to the committee as to the question of quality, and to support my statement I am now quoting one firm at least who had said and was willing

to come before the committee if necessary to prove it, that the Sooke caught sockeye in the canneries whilst of good quality but were not superior.

Mr. NEILL: This is a practical working canneryman.

Mr. REID: Yes. Mr. Chairman, while Mr. Neill put in I think most of the argument covering practically every phase that could be covered at our last meeting, there was one matter he did not stress, and I think it should be stressed, because it was considered to be of great importance last year, also at the time the committee discussed it in 1937, as to the bearing the Sooke trap might have in regard to the American traps.

We argued, and rightly argued at that time, that by the Americans doing away with their traps and the Canadians maintaining traps at Sooke, the argument could very well be used and would be used by the American interests that traps should once again be placed on the American side of the line, seeing that the Canadians maintained their traps at Sooke. We put forward that argument very seriously.

This year there has been a statement by the Todd interests placed on the record at page 161 in the minutes of proceedings and evidence, No. 5. Speaking about the controversy in the state of Washington when the question of that bill was before the legislature, they have this to say:—

Faced with this situation, Governor Clarence D. Martin in a recent session of the legislature, introduced a bill restoring in part trap-net fishing, the object being to secure a larger proportion of Fraser-bound fish. This bill which had the support of Mr. Brennan, never reached the floor of the house but died in committee.

To what extent did the Canadian traps enter the picture? Mr. Brennan, Mr. John N. Sylvester, Speaker of the legislature, and Mr. Harry D. Austin, vice-chairman of the House Fisheries Committee, frankly declared that Washington legislators paid practically no attention whatever to the fact that British Columbia still keeps a few fish traps. "Those fish traps have no weight with us whatever. They don't take enough fish to worry us," Mr. Brennan commented recently.

I maintain, Mr. Chairman, that that statement, if nothing was said about it, might appear to brush aside all the arguments that we had been using in 1937, 1938 and 1939, and I wish to go on record as disputing the statement as contained in the minutes of proceedings and evidence, No. 5, and as put forward by the Todd interests.

I have here a statement which is equally as weighty made when the matter was before the United States interests. I am going to quote one man as reported in the press, March 13, 1939:—

Mayor John Siegle of Tacoma, an ardent conservationist, has definite ideas upon the subject. He was largely responsible for the movement that resulted in Initiative 77 being introduced. Although extremely ill, he directed the fight against the recent effort to restore traps, from his sick bed.

Tacoma's mayor, between fits of coughing as he lay in an invalid's chair, said that it was not within his province to criticize public administration in Canada, but he would very definitely state that the existence of traps on one side of the Strait of Juan de Fuca and not on the other was being used as a basis of an appeal for their restoration in Washington waters.

"And it carries weight, too," he asserted. "Senators and representatives from interior districts are impressed by the logic of the question if Canada allows traps why should we refuse them?"

"If Canadian conservationists can succeed in eliminating those traps at Sooke, it is my firm belief that we will never have them again on either side of the border," he went on.

Now, I think that statement refutes the statement contained on page 161.

Hon. Mr. MICHAUD: I do not think so.

Mr. REID: Well, I am going to say this, Mr. Minister, that I personally made it my business to go across the line and discuss this matter with American fishermen in the city of Bellingham. I discussed it with ten of them to find out their ideas, without being an advocate of doing away with the Canadian traps, and I found that each and every one of them said emphatically that as long as Canada has traps in the Sooke, why should not we have traps on Puget Sound? That was the argument advanced to me, and it had some bearing. I am disputing the statement alleged to have been made by Mr. Brennan when he said that the effect of Canadians maintaining traps at Sooke had no bearing whatsoever.

I am going to read this article into the record, also:—

The Point Roberts trap fishing bill won the approval of the upper house, and time alone prevented it getting before the House of Representatives. It will be brought forward again at the next session.

The argument of Governor Martin in support of his limited trap policy was significant. He said that Washington fishermen were not obtaining as large a proportion of salmon as formerly, while catches in British Columbia waters had increased since abolition of traps by the state.

This official attitude is clarified by B. M. Brennan, director of fisheries. Mr. Brennan emphasizes the cordial relations between his department and the fishery service of the dominion, and states that there exists no difference of opinion between them.

I am not sure right there, Mr. Chairman, whether he means cordial relations in connection with traps or whether he means cordial relations between the men.

Hon. Mr. MICHAUD: Who is Mr. Brennan?

Mr. REID: He is the director of fisheries, in the same position as Dr. Found held here, or the same as Mr. Alexander, Deputy Minister of Fisheries in British Columbia. Mr. Brennan is in charge of all the fisheries in the state of Washington.

Hon. Mr. MICHAUD: I just asked that to have it on the record.

Mr. REID: The article continues:—

Under the international agreement between Canada and the United States, the director states, Washington fishermen are entitled to half the runs of salmon on their way to the Fraser. It has been found, in practice, however, that purse seine operations have fallen far below netting the United States quota. It was, therefore, proposed to establish under strict supervision a limited number of traps. This would not interfere with proper conservation of the fishery resources of the Fraser.

The plan, he stoutly maintained, was not intended as a retaliation because of the Canadian traps at Sooke, which caught but a small proportion of the sadman passing up the Strait. It was purely a domestic arrangement, he said.

Mr. Brennan did admit, though, that the operation of the Sooke traps under dominion licence, was being used as a forceful argument by private interests seeking re-establishment of fixed gear at Point Roberts.

That statement is just as authentic and just as weighty as the argument used on page 161 by the Todd interests.

Hon. Mr. MICHAUD: What were you reading from?

Mr. REID: I was reading from an article in the *Vancouver Province*, dated March 13, 1939.

Mr. NEILL: And you were quoting the mayor of what town.

Mr. REID: The mayor of Bellingham.

Hon. Mr. MICHAUD: The mayor of Tacoma.

Mr. REID: I am sorry.

Mr. NEILL: He would be more disinterested than a man interested in the traps.

Mr. TAYLOR: He was a sport fisherman.

Mr. REID: I am placing that on the record in an effort to show that the matter is a live issue in the state of Washington.

Hon. Mr. MICHAUD: Mr. Reid, you are a member of the International Sockeye Commission?

Mr. REID: Yes.

Hon. Mr. MICHAUD: To study the method of regulating the conservation of fish in those waters?

Mr. REID: Yes.

Hon. Mr. MICHAUD: Particularly the Fraser river?

Mr. REID: Yes.

Hon. Mr. MICHAUD: Is it a fact that the purpose of the treaty and the work of the commission is to allot an equal portion of the fish going through those waters to each country?

Mr. REID: Yes.

Hon. Mr. MICHAUD: It would make no difference how the fish were caught, by gill-nets, purse seines, traps or troll, each country under the treaty would be entitled to 50 per cent.

Mr. REID: It is true it might not make much difference to the individual commissioners or commission as a commission, but it might and would make quite a difference to the individual fisherman as to how the 50 per cent of the catch was caught on both sides of the line.

Hon. Mr. MICHAUD: We have evidence so far that the percentage of the catch caught by traps is not over 2 per cent.

Mr. NEILL: Of sockeye.

Mr. REID: These figures were gone into very extensively in 1937, and they have been gone into this session as well. I think the 2 per cent relates to the catch of sockeye, not to the catch of all fish, because, as you know, the traps at Sooke catch a great many varieties other than sockeye.

Hon. Mr. MICHAUD: Last year they caught very little of other varieties.

Mr. NEILL: Just as many as sockeye.

Hon. Mr. MICHAUD: Yes; the sockeye amounted to only 41,000 fish.

Mr. NEILL: Sockeye sells for 65 cents and spring for \$2.50.

Hon. Mr. MICHAUD: Compared with the total quantity of fish caught in these waters—

Mr. REID: It is on behalf of the gill-net fishermen that I speak in this committee. They are protesting against the traps; they say the catch of spring salmon reduces very materially their earnings. If the gill-net fisherman had to depend entirely on the sockeye alone, he could never afford to fish, because by the time he buys a net every two years and keeps his boat up, and the time he would be fishing for sockeye, he could not exist. He depends on spring salmon, white salmon and red; he depends on coho; he depends on all varieties, pink as well; and they argue individually and through their association and so through myself that the traps catch a great percentage of these spring salmon and other varieties which are heading for the head waters of the Fraser, and therefore deplete their earnings. That is their argument to me.

Mr. MAYHEW: Probably this would be a good place, Mr. Chairman, to read a letter from the editor of the *Vancouver Daily Province*.

The CHAIRMAN: The same one who publishes the paper?

Mr. MAYHEW: The same one who publishes the paper and the same paper that wrote this long editorial.

The CHAIRMAN: The same paper that wrote the article that Mr. Reid read a moment ago?

Mr. MAYHEW: Yes, and the same paper that wrote this editorial here, and it is addressed to Mr. Goodrich.

Mr. NEILL: Signed by whom?

Mr. MAYHEW: Signed by W. L. McTavish, editor of the *Vancouver Daily Province*.

The CHAIRMAN: The man who just came from Winnipeg? Until he got to Vancouver he never saw a salmon in his life.

Mr. FAIR: He is not managing salmon, he is managing the *Daily Province*.

Hon. Mr. MICHAUD: Every person has to see a fish for the first time in his life, whether he comes from the east or from England.

Mr. NEILL: That does not make him an expert.

Mr. MAYHEW: He is not claiming to be an expert. If you let me have a chance to read the letter you will see that.

Hon. Mr. MICHAUD: We have not had defined yet what we would accept as an expert on fish.

Mr. MAYHEW: The date of the letter is—

Mr. HANSON: Is it a letter to an individual or an editorial?

Mr. MAYHEW: It is a letter apologizing for an editorial that his marine and fish man wrote in the *Province*.

Mr. NEILL: A personal letter?

Mr. MAYHEW: A personal letter that I have the privilege of using. It is dated May 1, 1939, fairly recently, and written to Mr. Goodrich:—

Dear Mr. Goodrich:—Mr. Woodsworth has shown me your letter of April 24th, and I note your reference to our recent editorial on the subject of the fish traps at Sooke. Frankly, had we possessed at the time the information which has since come to us through your representations and Mr. Woodsworth's investigations, the editorial would not have appeared. Our only interest in the matter was from the standpoint of conservations of our fisheries and we are now satisfied that no question of conservation arises in connection with the operation of these fish traps.

The question is not at the moment one of public controversy, but if as you say the position of your company has been prejudiced in the eyes of the Minister of Fisheries, you are at liberty to send him copy of this letter.

Faithfully yours,

(signed) W. L. McTAVISH.

This letter was written by the editor of the paper who wrote the editorial that was just read.

Mr. REID: It was not an editorial that I read; pardon me, it was not an editorial, it was an article.

Mr. MACNEIL: A news report.

Mr. REID: A news report.

Hon. Mr. MICHAUD: A news item.

Mr. MAYHEW: Here is the editorial that was written—

Mr. NEILL: Did he write another editorial changing his idea, or write a letter covering it?

Mr. MAYHEW: Apparently he is willing to do that when it becomes an issue, after sending a man to make proper investigation.

Mr. NEILL: I have known that to happen before. I have known people to take one attitude in the press and another behind doors.

The CHAIRMAN: In all fairness, the evidence shows that the Sooke traps are watching their own interests very carefully, and the moment anyone says a word against them those interests immediately get after that party and have him retract or rewrite an article. That letter, Mr. Mayhew, is from the editor of the paper, and it is written in answer to a communication that he had from the Sooke interests.

Mr. MAYHEW: This matter was investigated outside of any interests at the Sooke. These insinuations are not just exactly right. The Sooke trap people certainly had to defend their own interests. Why would they not defend their own interests? In defending them they are also defending the livelihood of at least 41 people in the Sooke area, and as many more people in the Victoria area, the area that I am interested in as well.

The CHAIRMAN: On the other hand, the public fishermen are endeavouring to protect their interests.

Mr. TAYLOR: Absolutely.

Mr. MAYHEW: Certainly; I do not blame them at all. I will go further than that and say that if anybody can show me that those traps are interfering with the lives of more people in other means of fishing than they are protecting, then I will back them every time. The reason I am taking this attitude is that the traps are giving employment.

Mr. HANSON: I think we should look at this not only from the preservation of fish point of view, but from the human point of view. If the trap nets caught 41,372 sockeye and 12,677 springs and some other fish, now, any fisherman on the Pacific coast knows that 41 men cannot catch that number of fish. In order to catch them it would require at least 200 men instead of 40.

The CHAIRMAN: Can they catch that many by any other method?

Mr. HANSON: No; it is impossible. It would take hundreds of men to catch that number of fish.

Mr. REID: Take, for instance, the question of 2 per cent fish. If you take one of the great varieties of fish, springs, you will find that even as against the total catch by the Sooke traps compared with the catch in British Columbia, the Sooke traps caught is 8 per cent of the springs. That is for the whole of British Columbia.

Hon. Mr. MICHAUD: No, not 8 per cent; you are off there.

The CHAIRMAN: Is it the wish of the committee that Mr. Taylor go on?

Mr. TAYLOR: I do not think that is the question. I thought Mr. Reid was following Mr. Neill.

Mr. REID: I am about through, because as I said when I opened, Mr. Neill covered practically every point and there is no use my repeating.

Hon. Mr. MICHAUD: I think, Mr. Reid, your percentage of springs caught by the traps compared with the total amount of springs caught in the province, of 8 per cent is off; I think it is 3 per cent.

Mr. REID: I think perhaps you are right. I was taking the total gill-net catch and the total trap-net.

Hon. Mr. MICHAUD: Oh, yes. I think 3 per cent is nearer the amount.

Mr. REID: Have we any figures, Mr. Whitmore, to show the total catch of springs in the Puget sound and Fraser river areas?

Mr. WHITMORE: I am afraid I have not got any figures available.

Mr. REID: It would be interesting, Mr. Chairman, to have the total catch of spring salmon heading to the Fraser river, because that is a per cent that is very often quoted, and it refers to one variety and not to all varieties.

Mr. NEILL: Yes.

Mr. REID: Not all varieties. Mr. Chairman, I think that is all I wish to say at the moment.

The CHAIRMAN: All right, Mr. Taylor.

Mr. TAYLOR: Mr. Mayhew said that he was ready to go on.

Mr. MAYHEW: I would rather stand up, if you do not mind. I am sorry I am not very well prepared for this to-day. I did not get the report of the committee until this morning and I have had several interruptions, therefore I have not had full opportunity of going through it; but I know that what I have to say is not going to be very important compared with Mr. Taylor's argument. I have too many handicaps against me this morning besides the cold, in trying to defend myself against such experienced and venerable opposition as our friend, Mr. Neill. Therefore I do not feel quite adequate to do very much with it. I think probably I had better refer first to the fact that I believe that the area is not suitable for any other type of fishing than the trap nets.

The CHAIRMAN: That is commercial.

Hon. Mr. MICHAUD: Commercial.

Mr. MAYHEW: You can fish the odd day during the summer from June until probably September, but it is only at very great risk that you will go out there in anything else but a really substantial power boat. And the reason is this: if you look at that map on the wall, you will see the amount of inland water there is on the east side of Vancouver Island, and also running down into the State of Washington. You will also see that it is only a very narrow area going into the straights of Juan de Fuca. It is very narrow, although it is indicated as being sixteen miles across where it comes into the straights of Juan de Fuca; and that means that all that basin of water with the exception of what comes down at the tip of the island, all that strip of water, some two hundred miles long and about ninety miles across, has to rush in and out of that narrow channel four times a day, which means that even in calm water there is a constant tide and a constant movement of water and a very swift movement. If you are coming in from the Pacific, as I presume most of us in British Columbia have, in our large boats, even on a calm day, a smaller boat will completely disappear over the rolling swell coming in that area.

The CHAIRMAN: Is that swell caused by the tide?

Mr. MAYHEW: Yes, it is caused by the tide going in and out and by cross-currents cutting across from Victoria to Port Angeles. And many of us cross that strip of water quite frequently and I have never yet gone across that particular piece of water without encountering pretty rough water; and anyone who goes over with a small boat, a reasonably small boat, feels he has accomplished a fairly good bit of navigation by crossing there if he encounters any wind at all. But the movement of that water, in my opinion, makes it almost impossible. Then there is the further factor of wind. We have the Olympic mountains on the south, and in some places high ground on the Canada side which intensifies the wind pressure which comes through there at times. That particular area is recognized as the graveyard of the Pacific, and on more than one occasion have I seen large boats—one not so long ago, a boat of 7,000 tons—which piled up on the rocks right within the area that we are talking about now, because as soon as it lost control it could do nothing at all but pile up on the rocks on

the Canadian side or the American side, and the Canadian side seemed to get most attention.

Now, that is the evidence again, when you read the report, that these men put into this committee. They went in there and they fished and they fished successfully for a matter of a week; I think one of them said two weeks. I don't want to colour my statements in any way, shape or form, and I would be only too pleased if anyone will correct me as I go along if I appear to make any exaggeration in what I have to say. But these men fished there and they fished apparently successfully for that length of time. But in my opinion that is no proof at all that it could be fished successfully during the full fishing season, which you will have to agree runs close to three months. That is the only objection that I take particularly to the brief that these men put in. I think that they would have been probably well advised had they let their friend, Mr. Neil, prepare a brief for them; it appeared to lack the touch of an experienced hand like his, and I think possibly they might have done a little better for themselves had they had the assistance of an expert like him in the presentation of their case.

Now I want to put to you the reasons for my opposition to this move, and in doing so I must admit that I was not always of the same opinion that I am at the present time—I was more or less, although I did not take the trouble to really investigate the thing for myself—but like many others I formed an opinion on what someone else said about the fish traps, and while I happened to have on that particular occasion enough brains to keep quiet and not express myself on the matter—and I am very glad I did—in the last two years I have in fairness to the interest in Victoria taken the trouble to do some thinking and some figuring and some inquiring for myself. And the more I read and study the figures put out by the department, the more I am convinced that the statements made, while made with the best of intentions, are not correct statements; at least, they are not statements that will bear out the fact that the trap nets are destroying the fishing industry in that district; nor do they appear to bear out the fact that it is less expensive per case to catch fish in trap nets than it is in gill nets. I am sorry that I have not the figures with me, but I will place the accurate ones on the record later if you wish. They run about in this fashion; last year there were needed for fishing in the Fraser river some 2,500 gill netters. They and the Sooke traps were the ones that were fishing in there—I don't know whether the seine net figures are included in that total or not; if they are, then so much the worse. Could you tell me, Mr. Whitmore, if in these figures the seine netters are included, you have the Sooke traps and the gill netters?

Mr. WHITMORE: Yes.

Mr. MAYHEW: Then you have the other varieties.

Mr. WHITMORE: The figures include both the gill nets and the purse seines.

Mr. MAYHEW: Then that means 2,500 men catching these, plus the small amount that would be in the seine nets. If you take 2,500 men, 2 per cent of 2,500 would be only 50.

Mr. NEILL: You must count the seines in too—700 men.

Mr. MAYHEW: Even so, count them in; take it the worst possible make it out; and if you do that you must go down and take the trap nets not at 2 per cent but at 1.2 per cent; and you will find that 1.2 per cent gives you more than 41 men. You will find that you will have less men. You will find that the percentage of 2,500 plus 700, that would equal 3,200—

Mr. REID: I do not like to interrupt you, but so we will follow along the same argument, how would that work out compared with the catch of fish, comparing the total employed at the Sooke traps.

Mr. MAYHEW: You will find out that your percentage of men just about coincides with the percentage of fish caught.

Mr. KINLEY: The men employed?

Mr. MAYHEW: Yes. As a matter of fact, if you figure it out on the basis of cases of fish caught and the number of hours worked, there is no way of getting that unless you take the number of men, of the 2,500, and allow them the full 90 days fishing in that area, and compare that with the record caught by the Sooke Harbour Canning Company. You will find, even figuring it that way, that it costs more man-days, more man-days are consumed in the catching of one case of salmon by the trap nets than are consumed in catching a case of salmon by the gill nets.

Mr. NEILL: Does Mr. Hanson agree with that? He is a practical cannery man, and he just told us that he had to employ many more men.

Mr. MAYHEW: Well, my figures along that line may be a little bit off.

Mr. NEILL: You can do anything with figures.

Mr. MAYHEW: Not I. I am not very good at that, I am no Einstein.

Mr. NEILL: I do not mean that you are doing it wrongly, but in a sense like this, you can take certain figures and certain varieties and you can make most anything out of it.

Mr. KINLEY: There is this feature about it; in the other types of fishing did you take in the shore operations in making up the figure?

Mr. MAYHEW: No, you would not take that in, nor did they in this case take in the time of the men making wire; but you take in the time of the men that is taken up annually in rebuilding the traps.

Mr. KINLEY: And tending the traps also, I suppose?

Mr. MAYHEW: In tending the traps while they are in operation and rebuilding.

Mr. KINLEY: That is all you have taken in?

Mr. MAYHEW: That is all I have taken in. I wrote Mr. Goodrich some time ago and I asked him a question, I asked him to send down to me the actual figures—that was 11,975 man-days at the Sooke traps.

Mr. MACNEIL: Was that per annum?

Mr. MAYHEW: Per annum, yes. It looked to me as though he had brought in the canning operations with the fish operations.

Mr. NEILL: Is that days, did you say?

Mr. MAYHEW: Yes, man-days. I wrote him again a letter sent by air-mail and I asked him if he would clear up on that point and he wired me back; "Your air-mail letter fourth figures given reference man-days apply operation trap nets only no cannery operations included Stop Maximum number employed any one monthly pay-roll was 49 for August." Now, that was for August. I tried to get it down to a very definite and positive statement. Now, if you figure it out on that basis and allow your men 90 days of fishing in the other season you will find what I say is correct.

The CHAIRMAN: To carry that a little further, and apart from figures and apart from men employed, would you care to give an opinion? If the Sooke traps were removed would the public fisherman get a better percentage of catch, a larger percentage?

Mr. MAYHEW: Well, let us take the fishermen in the province of British Columbia—or, rather, we will take the Fraser river for that is where they are fishing where this type of fishing is going on, and if all the fish caught in the Sooke traps right on the Fraser river were caught by the Fraser river men, and you took your own figures here, it would mean about a case and a half of fish apiece. That is not a very great thing to talk about.

Mr. HANSON: If they were all caught.

Mr. MAYHEW: If they were all caught. We know they are not all caught. I think I am right—

Mr. NEILL: Mr. Mayhew, I have been trying to get your argument carried through. You gave us the figure of 11,975. As it is pretty close suppose we call it 12,000 man-days, and they worked 90 days—

Mr. MAYHEW: It is their total days.

Mr. NEILL: You figured that was the whole bunch working 90 days each?

Mr. MAYHEW: Oh, no, they worked more than that. The men on the Sooke traps work nine months a year. Your men in your Fraser river work only 90 days.

Mr. REID: No, they work longer than that.

Mr. MAYHEW: Not the full length of the season.

Mr. REID: You are speaking of the sockeye. They start fishing and they are fishing nine months a year, if not ten, and they are fishing all varieties.

Mr. MAYHEW: Yes, but we have no figures as to the production on other lines. For instance, we have no figures in our statement to prove anything to the contrary.

Mr. REID: I will produce figures which I got from the department.

Mr. NEILL: Your premise was based on the idea that the Fraser river people in this period only work 90 days; that is not so.

Mr. MAYHEW: They work only 90 days catching the fish we are talking about.

Mr. NEILL: Yes, but you are insisting in making your argument about sockeyes, and the trap people catch more than sockeyes; they caught more other fish than sockeyes last year, and the last two years.

Mr. MAYHEW: If you go into all the other fish and compare them in the other way you will find that your percentage is still worse. Instead of getting only 2 per cent you get four-fifths of one per cent, if you want to include all the fish from all sections.

Mr. NEILL: I did not say from all sections.

Mr. MAYHEW: All fish from that area. Anyway you want to figure it, you will find that the percentages work out pretty much the way I say. I have figured it until I am tired. The statement is also made, as I tried to point out, that it is depleting the fish. If that statement is true, then I do not think that either Mr. Taylor or I would be here in the slightest defending it. It is an industry of British Columbia of which we are proud, one on which we are depending and one which we want to leave, without depleting it, to the generations that come after us. If you take the statement which I tried to point out the other day, there is no evidence either locally or as a whole that there is any depletion going on in connection with it. Of course, if you want to include the year 1917—that was the year just after—I think it was not the year of the Hells Gate disaster, but the last big run was about three or four years later, just when they were coming up.

Mr. TAYLOR: 1913 was the Hells Gate disaster.

Mr. MAYHEW: Yes, the Hells Gate disaster was in 1913, but the real effect of it was not shown up until the cycle of the run four years later.

Mr. PELLETIER: Would you mind telling me what you mean by depletion? Do you mean depletion of fish running in any particular season, from year to year, or all kinds of fish?

Mr. MAYHEW: We are talking of salmon, which is a migratory fish.

Mr. NEILL: We are only dealing with salmon. There are different kinds of them.

Mr. MAYHEW: In 1918 it dropped, in the Sooke area, to 2,348 cases. I am talking of sockeye, but the same percentage goes through the whole thing. The figures for the years 1918 to 1938 inclusives are as follows:—

Year	Cases	Year	Cases
1918..	2,348	1929..	3,480
1919..	6,194	1930..	5,334
1920..	3,801	1931..	2,440
1921..	3,731	1932..	4,000
1922..	3,088	1933..	8,721
1923..	2,232	1934..	6,117
1924..	3,543	1935..	5,610
1925..	3,862	1936..	3,837
1926..	2,091	1937..	6,152
1927..	4,337	1938..	3,652
1928..	2,769		

In 1933 it went up to 8,721.

Mr. REID: What is the variety?

Mr. MAYHEW: That is sockeye. In 1934 it was 6,000; in 1935 it was 5,000; in 1936, 3,000; in 1937, 6,000 and in 1938, it was 3,600 again.

Mr. REID: Other varieties have dropped also. That is why I asked about the variety.

Mr. NEILL: Would you mind quoting 1913? Total cases, 2,409,000. In 1938, total cases, 311,000. Yet you say the sockeye run in British Columbia is not depleted?

Mr. MAYHEW: I do not get you.

Mr. NEILL: The total cases of sockeye in the Fraser river area went down from 2,409,000 odd in 1913 to 311,000 odd in 1938. Yet you say the run is not depleted.

Mr. MAYHEW: Now, Mr. Neill, I am trying to be fair, and I should like you to be fair, too. 1913 we admit was the year of the Hells Gate disaster. I pointed out that I was not starting my comparison until 1918.

Mr. NEILL: Why not 1917?

Mr. MAYHEW: Well, 1917—

Mr. NEILL: 559,000 as against 132,000 in 1937.

Mr. MAYHEW: That is correct. That is the tail end of that sockeye run after your four year period. That is the tail end. I think I am about right in that, am I not, Mr. Whitmore?

Mr. WHITMORE: Yes.

Mr. NEILL: It is not the tail end. There are no tail ends in those big runs. They are there one year and then they drop off.

Mr. MAYHEW: Yes; but if they do not get up the river to spawn, there are no fish to come back four years later; and that is what you say. I do not think anyone knows it any better than Mr. Neill does. From that time there has been a steady increase. Last year it was 311,000. If you take the total, it is just the same thing.

Mr. REID: I might explain why I asked about sockeye. If you look at the run of the other varieties of fish to the Fraser river—taking red springs, pink springs, whites, bluebacks steel heads, cohoes, and chum—you will find a drop in almost every variety from the year 1925. I have not the earlier years just here, but you will find it on page 83 of the last annual report. I am not going to interrupt Mr. Mayhew to give the figures. I will just make that statement. I can give that later.

Mr. MAYHEW: I should like to go back again. Mr. Neill, or Mr. Reid, rather—I apologize to one of you; I do not know which one it would be to.

Mr. NEILL: As long as you do not apologize to Mr. Taylor, it will be all right.

Mr. MAYHEW: Mr. Neill made the statement—and I do not blame him at all for making it—in his summing up yesterday that the fishermen were forming the basis of a very efficient military service—a protection basis.

Mr. NEILL: Naval.

Mr. MAYHEW: Naval protection, yes; and that they are using them to a great extent. But I should like to ask if they are using, out of the 2,500, some 1,800 of the Jap fishermen on the Fraser river? And what assurance are they going to have if this is opened up that the Japs will not control the fishing in that area just as they are controlling it in the Fraser area?

Mr. NEILL: The answer is that they are on a quota. They cannot get any more licences.

Mr. MAYHEW: That does not mean to say, if it is such a wonderful place, that they would not come over.

Mr. NEILL: The quota is fixed.

Mr. REID: And reduced this year and last year, too.

Mr. NEILL: The quota is fixed. They cannot get one more licence.

Mr. MAYHEW: It does not say where they are going to use them.

Mr. NEILL: Yes, that is fixed too. There are so many in each district.

Mr. MAYHEW: Thank goodness. You can have them over there; we do not want them.

Mr. Neill also made a reference, when he was talking of the associated boards of trade on Vancouver island, to their meeting. Mr. Neill gave a definite statement that there were so many votes cast. I think he said—

Mr. NEILL: Seven to twenty-seven.

Mr. MAYHEW: Seven to twenty-seven? That is thirty-four. I do not think that was it.

Mr. NEILL: That is right.

Mr. MAYHEW: I think what he said here—

Mr. NEILL: Yes, I said that.

Mr. MAYHEW: No, I do not think so. A vote of seven to twenty-three. That is what is in the report here. That means thirty.

Mr. NEILL: Oh, yes.

Mr. MAYHEW: There were only twenty-nine accredited delegates at that meeting, and the minutes of the meeting do not give a record of who voted or who did not vote, nor do they give any record as to the majority.

Mr. PELLETIER: I am sorry to interrupt you, but I should like to get this clear. What meeting are you referring to and where was it held?

Mr. MAYHEW: On Vancouver island there are a number of boards of trade throughout the island that hold an annual meeting; and they bring up at this annual meeting certain things that will be of general interest to the island.

Mr. PELLETIER: I see.

Mr. MAYHEW: And the resolution came up at the meeting—whether proposed correctly or incorrectly, it got on the paper anyway—to discuss fish traps. At the first meeting, without any opposition at all, there was a resolution to abolish the fish traps.

Mr. PELLETIER: These people who were meeting would be the representatives of the various boards of trade?

Mr. MAYHEW: The various boards of trade throughout Vancouver island; but Vancouver island only.

Mr. PELLETIER: I see.

Mr. MACNEIL: May I ask what the last decision of the associated boards of trade was?

Mr. MAYHEW: The last decision was against the trap licences. There has to be more than a clear majority to rescind a former motion, so it was defeated. The point I am making is that Mr. Neill gave a definite figure that there were seven—that there were only seven people in favour of the trap nets and twenty-three opposing it, and he made that as a definite statement. So I have taken the trouble to try to get the information from the secretary, Mr. Ironside. He said that there was no record of the votes taken at that meeting.

Mr. NEILL: No record of a vote?

Mr. MAYHEW: There was a record of a vote, but there was no record of those opposing it or those supporting the resolution; no record of the number for or against.

Mr. NEILL: That is a funny kind of board of trade that would, after three hours of debate, decide something on a vote without recording the vote. It does not seem to make sense to me.

Mr. MAYHEW: Well, I am giving you my information.

Mr. NEILL: My man writes: "I was there and the vote was so-and-so."

Mr. MAYHEW: I wrote to our own chamber of commerce and the letter is here.

Mr. NEILL: What do they say the vote was?

Mr. MAYHEW: They do not know.

Mr. NEILL: I do know.

Mr. PELLETIER: Do they say it was in favour or what?

Mr. MAYHEW: Mr. Neill, says he knows what the vote was. We know what the result of the vote was, but not the division.

Mr. PELLETIER: That is the important thing.

Mr. MAYHEW: But the Victoria Chamber of Commerce wrote down here and said there was pretty nearly an equal break.

Mr. NEILL: That is it.

Mr. MAYHEW: Mr. Neill took exception to that and said you would not call seven to twenty-three an equal break. I say, and the records show, that Mr. Neill must have got information not in the record—information as the records do not give numbers voting.

Mr. NEILL: I did not get it from the Victoria Chamber of Commerce, I admit.

Mr. MAYHEW: I did get mine from the Victoria Chamber of Commerce. You can see the letter that is here. I do not want to take up the time to read it.

Mr. NEILL: They never denied that it was turned down.

Mr. MAYHEW: They do not deny it was turned down at all. But it was not turned down with any majority to speak of. You try to make out that Victoria was running the situation. Well, Victoria is not. Victoria had three delegates out of twenty-nine at that meeting; and the biggest and the strongest opponent of abolishing the traps on Vancouver Island for years has been Reeve Crouch, Reeve of Saanich municipality. Reeve Crouch, in this motion here and throughout this thing, supported it; so did Saanich and so did the Duncan people; so did the Nanaimo people and so did the Malahat people.

Mr. NEILL: Supported what?

Mr. MAYHEW: Supported the Victoria people.

Mr. NEILL: Supported the traps.

Mr. MAYHEW: And so did Tofino. Out of the total, so far as population is concerned—regardless of your representation—a very preponderating proportion of the population of Vancouver Island were opposed to abolishing the traps.

Mr. PELLETIER: Do they represent the population?

Mr. NEILL: No, of course they do not.

Mr. MAYHEW: Victoria is a city.

Mr. NEILL: It is the same as in the House of Commons; you may represent a constituency with a greater number of people in it than are in mine.

Mr. MAYHEW: It is the particular people that are interested. That is the difference. You say on the record that that was not right; and you cannot prove it from the record.

Mr. NEILL: I can prove it from the record.

Mr. MAYHEW: You cannot prove from the minutes of the association that what you said was right.

Mr. NEILL: I can prove it from the record of the man who was there; and even your people do not say what it was. They only say they do not know.

Mr. MAYHEW: They are perfectly honest; they do not know. There is no record to show.

Mr. NEILL: Why do they say it was almost even? This is a telegram I received from the Port Alberni board of trade:

After a three hour discussion at A.B.T.V.I. convention Messrs. Todd Goodrich, &c. present it is our pleasure to inform you that the resolution of abolishment of Sooke fish traps was very strongly sustained.

Mr. MAYHEW: I would submit there, Mr. Chairman, that if those men had a victory of seven to twenty-three in a meeting of that kind they would not have used the words "very strongly sustained". I am sure I would not have used those words; I would be so proud of a victory of that size that I would make sure to quote the number of people in it, and I think they would too.

I should like to clear up one other impression that is largely left in the minds of the people here; that is, that the Sooke canning people, Mr. Todd and Mr. Goodrich, have a monopoly in that area. I do not think I need say anything about it as you all know perfectly well that they have no monopoly, neither a monopoly of fishing by traps nor have they a monopoly of fishing by any other gear.

Mr. HANSON: Call it a special privilege.

Mr. MAYHEW: No, I do not think it is a special privilege. I do not take exception to the rest of you backing it up, but I want to point out that not one of you proposes the abolition of one single solitary sou's worth of business from around your door. It is quite all right to come over and attempt to discredit an undertaking that is at our door, but not at your own door.

Mr. HANSON: I think we all agree with you on that point.

Mr. TAYLOR: Let it sink in.

Mr. MAYHEW: I am not defending Mr. Todd or Mr. Goodrich—

Mr. NEILL: No?

Mr. MAYHEW: No, I am not. And in spite of what you say, Mr. Neill, and I do not want to lose my temper, I think it is a very miserable insinuation to put it that Mr. Todd was financing somebody in a political way.

Mr. NEILL: I did not say that.

Mr. MACNEIL: None of us said that.

Mr. MAYHEW: No, I know you didn't.

Mr. NEILL: Take that back.

Mr. MAYHEW: I would be glad to take it back if I could refer to the evidence.

Mr. NEILL: You said that I stated Todd was financing a political party. I rise to a point of order. I did not say that.

Mr. MAYHEW: I will take it back for the time being.

Mr. NEILL: No; settle it right now.

Mr. MAYHEW: I cannot dig it up now. All right, I will take it back. I will be most happy to do it, because I like to think of deferring my own costs if I am in a political campaign and financing my own campaign.

Mr. NEILL: Certainly, but—

Mr. TAYLOR: You have insinuated a lot about my actions, and you had better be careful, and I am saying that.

Mr. NEILL: That is another line.

Mr. MACNEIL: This is not a matter of self-interest. If traps were proposed at Howe Sound, adjacent to North Vancouver, I would oppose them vigorously on the same ground as a matter of principle. I have always opposed certain methods of fishing which meant loss of business to the area and to the industry generally, as a matter of principle.

Mr. MAYHEW: I will say this to the committee; that they have not taken the opportunity of fishing in that area by any other means to prove that they can do it or cannot do it, taking it over the period of a season. I will say if they can put in fifty trollers or fifty gill-netters next year and prove they can make a success of it I will support the abolition of fish traps.

Mr. NEILL: You cannot do it unless you take the traps out.

The CHAIRMAN: There was one point you made Mr. Mayhew, that that was a very rough and boisterous sea and you gave that as a reason why it was difficult to fish with other types of gear. Then it was brought out either by you or someone else that on account of the traps being there the ordinary fisherman is pushed out five miles into the more boisterous waters off the strait. Is that correct?

Mr. MAYHEW: I do not think that is right. If a man is out five miles fishing along most of the strait he is in American waters. Only last year I had to help rescue three men who had been fishing and got over and fished in American waters and their gear had been confiscated and taken to the United States.

Mr. ROBICHAUD: These traps are at the most half a mile long. They could not drive fishermen five miles out, could they?

Mr. MAYHEW: As has been said before, one end of the trap is up to the shore line and the total lead is 1,200 feet, so it is out 1,200 feet, how far have you to keep from the trap, Mr. Whitmore?

Mr. MACNEIL: Mr. Mayhew, I understand that these traps are at the headlands?

Mr. MAYHEW: They run up mostly along the shore; they do not extend out.

Mr. MACNEIL: But in the erection of traps there are usually piles left; there is considerable pile driving, and if the traps and the remnants of former traps were removed would it not be possible for the fishermen to go in closer to shore?

Mr. MAYHEW: There are no remnants of traps. They get a location and they do not move around from place to place.

The CHAIRMAN: I can hardly agree with that because it was brought out quite definitely here in 1937 that where those wire ends dig in there is an awful

lot of refuse at the bottom. I think it was brought out pretty clearly that it did prevent seining and other types of fishing over that ground even after the traps were removed.

Mr. REID: It would not prevent seining because in the Gulf of Georgia they are seining right on the bottom.

Mr. MACNEIL: If there are snags.

The CHAIRMAN: On the question of whether it is a special privilege, you and Mr. Hanson do not agree. The question to my mind is this: That Mr. Hanson or the other fishermen, even if they had \$500 to buy a licence, cannot get a licence in their section of the province. It is only in this special section that those licences are granted.

Mr. WHITMORE: It is in that particular section.

Mr. MAYHEW: It is a twenty-mile area, but that area is not taken up.

The CHAIRMAN: Would you admit, Mr. Mayhew, that on account of it being confined to that area, and on account of those people getting in there first and getting the site and retaining it, it is a special privilege or not?

Mr. MAYHEW: It is not a special privilege, because others can get a licence in that same area if they want it. Mr. Goodrich and Mr. Todd, for instance, are fairly good examples. Mr. Goodrich was operating purse seine beats and a cannery at Sidney and he conceived the idea of going up to the Sooke area and getting a trap licence, which he did. I think he had a couple of years of very successful operation, outside of Mr. Todd's interests, altogether. After a time they found it was convenient and better business for the two of them to combine; consequently you have one company with the two men in it. It is a matter of amalgamation.

Mr. NEILL: They have nine places along there.

Mr. TAYLOR: No, they have nine foreshore leases.

Mr. MACNEIL: Would it be possible for any other person, even if he cared to risk the capital, to get a location where they could operate successfully by reason of these foreshore leases?

Mr. MAYHEW: I would not say that because I would not know a good fishing area. But there are many districts where traps could be located. I used to be around that area some years ago when I felt more like pulling a row-boat or trying to steer through those rough waters, but I have not been around there lately.

The CHAIRMAN: Thank you, Mr. Mayhew, that is a very good presentation.

Mr. MACNEIL: Does Mr. Mayhew know of others who have attempted to establish their traps there and failed?

Mr. MAYHEW: At one time there were nineteen traps in there and they have drifted out one by one because it was not profitable.

The CHAIRMAN: All right, Mr. Taylor.

Mr. TAYLOR: Mr. Chairman,—

Mr. MACNEIL: May I interject for just a moment? If any other person with the investment applied for a licence to operate a trap on the location now occupied by the Todd interests and the Sooke interests, would that licence be granted by the department?

Mr. WHITMORE: Under the policy prevailing this year an applicant for a trap in the Sooke area would be granted a licence.

Mr. MACNEIL: Supposing I wanted it on a location that was last year occupied by Mr. Goodrich?

Mr. WHITMORE: It is a condition that foreshore rights or some authority coming from the province is needed, and it is up to the applicant to secure it.

Mr. PELLETIER: Would you say that a licence gives exclusive rights to certain individuals?

Mr. WHITMORE: Not at all.

Mr. HANSON: Supposing somebody else was in the canning business and you are going to issue licences at Sooke and that canning interest applied to you for a licence, would it be given consideration?

Mr. WHITMORE: I understand your question is if a cannery applied for a salmon trap net licence in the Sooke area—

Mr. HANSON: Yes.

Mr. WHITMORE: If the application were made this year he would be given a licence for the Sooke area. He would be required to indicate the possible location of the site of the traps.

Mr. HANSON: When you decided to issue five licences in the Sooke area, and I go to work and I say, "I want two of those and I will pay three times as much for those licences as you are now getting," would a cannery or anybody interested get consideration from the department?

Mr. WHITMORE: I understand your question is based possibly on the thought that there are only five licences being authorized this year?

Mr. HANSON: Yes.

Mr. WHITMORE: That is not so. The policy decided upon this year is to issue trap licences for the Sooke area embracing the section of the coast line between Sombrio Point and Beachy Head, a twenty-four mile stretch of the coast. The British Columbia fishery regulations require that traps may not be constructed closer than four hundred fathoms to one already located. There is a twenty-four mile stretch of coast line and four hundred fathoms is roughly half a mile; theoretically there would be room for forty-eight traps in that area, and there could be forty-eight licences issued.

Mr. HANSON: You have not answered my question. There is this licence, and suppose that another party interested applied to have one of those sites and he said to the department, "I am prepared to pay three times or twice as much or ten times as much, and I want you to call for tenders." That interest would not be considered; consequently it must be a special privilege given to one or two companies and it is not open to the public.

Mr. WHITMORE: A special privilege would not come from the department inasmuch as I said it is a condition of the licence that the licensee must procure any authority needed for the use of the soil, and in this particular case it is authority from the provincial government in the way of a foreshore lease.

Mr. ROBICHAUD: We have that down east. When the smelt fishermen buy a licence they are entitled to a certain place as long as they fish. Their neighbour cannot come in and say, "Get out; I want your place; I will pay more for it." That is not the question. So it is really not a privilege. It strikes me that it is not a personal privilege so much as it is a privilege to the district. I would say it is more of a district privilege than a personal privilege.

Mr. MACNEIL: By reason of their foreshore rights, no other company could secure or operate on the exact locations, the very successful locations, now controlled by the Goodrich and Todd interests? Is that true?

Mr. WHITMORE: Yes. So far as foreshore rights are concerned it would be a matter for determination by the provincial authorities issuing them as to a particular site.

Mr. TAYLOR: In other words, you could get a theatrical licence on the Capitol theatre in Ottawa; you have to respect the existing conditions.

Mr. KINLEY: Yes, but no one man would get all the licences in Ottawa.

Mr. TAYLOR: Neither do they out there. There is a twenty-four mile stretch.

Mr. HANSON: The sites are taken up.

Mr. ROBICHAUD: There is some other information I should like to get. How many fishermen are there in the whole province of British Columbia actually engaged in fishing from boats?

Mr. MAYHEW: May I make a suggestion? If there is any idea in the minds of the people that because of the British Columbia foreshore leases to the Todd interests, or any other interests, nobody else can get there, I do not see why that cannot be corrected. I do not think British Columbia wants an idle lease, and it would be an easy enough matter to make representations to the provincial government to the effect that unless the lease is being used it will not be granted to any individual.

Mr. NEILL: They get a rental out of it whether they use it or not.

Mr. MAYHEW: Not very much; they get more if it is used.

Mr. KINLEY: Is there any relationship between the foreshore lease and our licence? For instance, must a man have a lease before he gets a foreshore licence, or is there any connection between the two?

Mr. MAYHEW: I could not tell you that.

Mr. KINLEY: That is very important.

Mr. NEILL: It is the other way around. You cannot get a licence here unless you have a location licence from the province.

Mr. KINLEY: You are sure of that?

Mr. NEILL: Yes, because you must get the right to put the traps on the land. The province owns the land, and you must take out a provincial licence for that.

Mr. KINLEY: What is the good of the lease without the licence?

Mr. NEILL: They have nine trap locations in the province. That takes in all the available sites, and they come here and get as many fishing licences as they want, four, five, six, up to nine.

Mr. MAYHEW: I do not object to anything being said that is fair. I do not think, Mr. Neill, that is fair, for a man to go and say categorically that nine leases are all the available foreshore sites.

Mr. NEILL: I say that.

Mr. MAYHEW: I do not believe that.

Mr. NEILL: I say experience proves that. There used to be twenty-seven there and they have all gone bust.

Mr. MAYHEW: They are not all taken.

Mr. NEILL: I do not say they are all taken, but I do say all the available useful ones are taken.

Mr. KINLEY: You mean they did not turn out profitable?

Mr. NEILL: Not practical.

Mr. KINLEY: Too many?

Mr. NEILL: It was found by experience that there were only a very few practical sites. These two companies have nine trap locations, and they use only from four to five.

Mr. MAYHEW: I do not think that British Columbia would permit nine licences, if it was called to their attention. By holding those foreshore licences and not using them they are obstructing further development of fishing.

Mr. NEILL: They get \$100 a year whether they are used or not. By "they" I mean the province.

Mr. REID: May I ask Mr. Whitmore if the provincial government has made any protest against those traps?

Mr. WHITMORE: Has the provincial government ever protested against the use of traps in the Sooke area?

Mr. REID: Yes.

Mr. WHITMORE: No; I have no information; I cannot recall any protest.

Mr. REID: I know they did. I had the protest here a moment ago, and if I could locate it I would read it to you.

Mr. NEILL: The legislature?

Mr. REID: The provincial government.

Mr. NEILL: If that is so, it is very important.

Mr. ROBICHAUD: Can you give me this information at this meeting or the next meeting? Can you give me the number of actual fishermen employed in British Columbia, that is, actual fishermen on vessels, and then the number of men employed in the salmon fishing industry in the whole province, and the number of men employed in the salmon fishing industry by Todd and Goodrich, by those two companies that operate in the Sooke area?

Mr. TUSTIN: I was going to ask a similar question to what Mr. Robichaud asked. The only difference was this: I was going to ask how many men were employed on these traps, and then how many men would be employed in other lines of fishing in proportion to the number of fish taken by the traps? What I was trying to get was the relative proportion of fish taken.

Mr. ROBICHAUD: That is my idea.

Mr. TUSTIN: And the labour proportion.

Mr. NEILL: I can answer part of that. It is on the record that 41 people are employed, and various people have sworn each trap would put out of employment from 100 to 150 fishermen.

Mr. REID: I have the figure.

Mr. TUSTIN: I heard that same thing, but I should like this gentleman here to answer it. I should like the number of employees that would be employed on other lines of fishing, such as boats, in proportion to the number of fish taken by the traps.

Mr. REID: I think I have figures here, for 1937, if he will accept them. Comparing the number of fish caught by the Sooke traps and dividing that by the number of men employed as compared with the number of fish caught in the balance of the Fraser river divided by the number of fishermen on the Fraser river, would run something like this. If you took 3,000 fishermen, which is allowing a very wide margin, you would find the total fish caught in 1937 outside of the Sooke traps, was 2,236,922 fish. Now, that is all fish, all varieties, like sockeye, spring, coho, and chum.

Mr. NEILL: All salmon.

Mr. REID: If you divide it up by 3,000 which allows for a little better than 2,000 gill-netters plus the seiners who operated there, it works out at an average of 745 fish. If you take the number of fish that were caught in the Sooke traps, which was 311,438 in 1937, that is, sockeye, spring, coho, pink and chum, and divide that by the number of men at Sooke, which is given here as 44, it works out at 6,228 fish.

Mr. NEILL: You are not counting herring?

Mr. REID: No.

Mr. ROBICHAUD: What is the number of men, 44?

Mr. NEILL: 41, I think.

Mr. MAYHEW: One man works three months and the other man works nine months.

Mr. ROBICHAUD: I am only going by the evidence here that I read this morning and last night. I see on page 191, about in the middle of the page, Mr. Neill says that there were 82,570 fish caught by the traps, and the whole number caught in the province was 19,703,685. If you divide 19,000,000 by

82,570 you would get only 200, so it is $\frac{1}{200}$ th part. If you multiply 200 by 41 you get 8,200, and if you multiply it by 44 you get 8,800, and I see by the report that the number actually employed as fishermen in the whole province in the fishing industry—that is the salmon fishing industry—is 8,630; so according to these figures it would take as many men employed at the trap to catch the fish as it would in the whole salmon fishing industry in the province.

Mr. TAYLOR: Just about the same.

Mr. ROBICHAUD: Just about the same.

Mr. TAYLOR: Taken on a basis of efficiency of each particular type of gear.

Mr. TUSTIN: Possibly the gentleman from the department can give us the figures.

Mr. WHITMORE: I can give you round figures of the number of fishermen, including every type of salmon fishing. It will be appreciated that some fishermen are engaged in more than one type of fishing. Trollers may be gill-netters for part of the season. I have before me the statement of the licences issued in 1938, and that will give the picture fairly well; but it will be appreciated that there will be the odd duplication where a man might have two licences.

Mr. ROBICHAUD: It will be salmon anyway.

Mr. WHITMORE: Salmon. Salmon gill-netters in round figures amounted to 6,500 in 1938. In salmon trolling the round figure would be 3,400.

The CHAIRMAN: Would these be additional men or the same men?

Mr. WHITMORE: There would be some duplication, not very much. Salmon purse seining, round figures, 2,000.

Mr. NEILL: That is about 12,000 instead of the figure you gave.

Mr. TAYLOR: That is an unfair total; there are many duplications.

Mr. MAYHEW: The time the men work differs as well.

Mr. ROBICHAUD: 3,000 more in 1938 than in 1937.

Mr. WHITMORE: Probably a few more.

Mr. ROBICHAUD: A few?

Mr. WHITMORE: Yes.

Mr. ROBICHAUD: It is 3,000 more than what we have here.

The CHAIRMAN: Mr. Whitmore, there is one very important question here that I do not think we have cleared up. Mr. Mayhew takes the ground that there is a difference in the length of time that the fishermen fish.

Mr. KINLEY: He does not say that.

The CHAIRMAN: I understood that he did.

Mr. REID: He used the figure of 90 days.

The CHAIRMAN: Ninety days?

Mr. KINLEY: For the fishermen?

The CHAIRMAN: For the fishermen, and these other men say that the others work from 6 to 7 and 8 months for the traps. Please clear that up and tell us the difference in the fishing seasons and what dates they are allowed to fish and so on.

Mr. WHITMORE: In the Fraser river district salmon gill-netting may be carried on for 11 months in the year; that is, from the 1st January to the end of November, unless some special closure is enforced, from a conservation standpoint; but actually the number of gill-netters working up to the 1st July is not very great. Possibly at the present time there might be 200 gill-netters working on the Fraser river.

Mr. REID: You should explain that is probably on account of the difference in size of the nets.

Mr. WHITMORE: Yes. Today there are only two varieties of salmon running into the river, spring salmon and steelheads; whereas on July 1st the vanguard of the sockeye run shows up and more gill-netters arrive on the river. So that possibly the period in which gill netting is most intensive is from July 15th to say October 15th.

Mr. MACNEIL: What are the opening dates of the gill netters on sockeye?

Mr. WHITMORE: July 1st, but actually in recent years very few sockeye gill nets have been used until possibly the beginning of the third week in July.

Mr. TAYLOR: The fishing season with respect to both kinds of fish is exactly the same, is it not; there is the same season for both?

Mr. REID: No, the traps don't wait until the 1st of July.

Mr. MACNEIL: The gill netters are not allowed to put out prior to July 1st for sockeye, but prior to July 1st traps are fishing for springs.

Mr. WHITMORE: Yes.

Mr. MACNEIL: Then it is possible for the traps prior to July 1st to catch sockeye if they are running?

Mr. WHITMORE: Yes.

Mr. MACNEIL: And, is it not a fact that some sockeye are caught in traps before the gill netters are allowed to put out?

Mr. REID: As a matter of fact the date was May 13 last year when the traps opened up.

Mr. KINLEY: Surely the fishing season is not longer for the traps than it is for the fishermen?

The CHAIRMAN: Oh yes, it is, apparently.

Mr. WHITMORE: In gill net fishing on the Fraser river the minimum size of mesh that can be used in the gill nets is $6\frac{1}{2}$ inches, that is up to the 1st of July, and then for the next three months there is no minimum mesh prescribed.

Mr. KINLEY: They could not very well change the nets could they?

Mr. WHITMORE: No, but up to the 1st of July they must use nets of $6\frac{1}{2}$ inch mesh or larger; actually the fishermen operating for spring salmon will be using a 9 and 10 inch mesh net.

Mr. KINLEY: That is not the point, the point I wanted to get at is, the salmon season in British Columbia opens at the same time and everybody starts fishing when it opens.

Mr. TAYLOR: There are a number of different kinds of seasons.

Mr. WHITMORE: Might I explain that there are controlling dates for the opening of sockeye fishing at various points in the province. On the west coast of Vancouver Island the opening date for sockeye is May 15th.

Mr. TAYLOR: That is the period when the fish are supposed to reach that spot?

Mr. WHITMORE: Yes. In the Fraser river district the opening date is July 1st. In northern areas such as Skeena and Nass the opening date for sockeye fishing is the 1st Sunday before July 1st each year.

Mr. ROBICHAUD: I have three questions which I would like you to answer. You have given me the answer to one of them. Will you be able to give me the information with respect to the others at our next meeting?

Mr. WHITMORE: Yes, I shall be glad to answer them all.

Mr. ROBICHAUD: My first question related to the actual number of fishermen employed, and you gave me the answer to that. My next question is, the number of men employed in the industry, including the canning and all other forms of employment in the industry; then the number of men employed in the industry in these two companies?

Mr. WHITMORE: Yes, I think I will have to let you have that at the next meeting.

Mr. TAYLOR: Mr. Chairman, I think it might be of advantage to spread on the record the catch in the Puget Sound area in cases from the earliest days. The report shows only from 1925, but to get the real significance of the picture it should be discoverable from an earlier date, and I have it from 1891.

Mr. REID: I am not disputing Mr. Taylor at all, but I think you will agree with me that it makes it very confusing sometimes when we are dealing with a subject and we are dealing with the numbers of fish in one case and then we come along and Mr. Taylor gives cases, I mean, it is sometimes confusing.

Mr. TAYLOR: If you have a statement built up on cases you can compare case with case; but if you get cases and fish together then I agree with you it is a difficult question.

Mr. REID: We have been dealing with the numbers of fish.

Mr. TAYLOR: Well, it really doesn't matter.

Mr. KINLEY: I would like to be clearer on whether the men in the Sooke area on the traps are employed longer at fishing than the fishermen are employed at it?

The CHAIRMAN: That is very important, that is what I was asking.

Mr. KINLEY: Now, it is intimated that they go to work and bring out their gear and poles and stuff to build their traps, and if they do that, if they bring that into the picture there, you have got to allow for the mending of nets and the over-haul of boats and things of that kind with respect to the other fishermen. I do not see why the comparisons should not be made both on the same basis.

Mr. ROBICHAUD: What do the other fishermen in the other part of the province do?

Mr. REID: Most of the gill net fishermen are fishing in the Fraser river now for springs and other varieties of fish.

Mr. ROBICHAUD: When they are not fishing what do they do? Do they engage in something else?

Mr. REID: No.

Mr. ROBICHAUD: Can they make a living out of fishing; is that their profession and do they live at that only?

Mr. REID: They appear to—

Mr. TAYLOR: That is nonsense, they augment their income by their fishing, many of them are small farmers and others, some of them, spend their winters in the cities.

Mr. ROBICHAUD: I think that would have to be taken into consideration if the Sooke fishermen are getting a living at their fishing, or most of their living, and the others only get half of their living and then go and do something else. I think that has to be taken into consideration.

Mr. MAYHEW: The figure I gave you was 11,975 man-days, and taking the 41 men, that gives each man 291 days steady operation at the Sooke traps.

Mr. ROBICHAUD: The other fishermen would not fish that long.

Mr. KINLEY: They can't get more fish than the season will give them, there are only so many days.

Mr. MAYHEW: That is the complete living of these men.

The CHAIRMAN: The fishery regulations, Mr. Kinley, allow the trap nets to start fishing on the 13th of May and to fish right through until the last of October, and in that time they take the different runs as they come along.

Mr. KINLEY: Do the fishermen have the same privilege?

Mr. WHITMORE: Yes, the fishermen have that privilege. The traps, as a matter of fact, may start on January 1st and the fishermen may too; but actually the traps this year—I do not know whether they have started yet, but last year the first trap was in operation about May 13th.

Mr. NEILL: Wasn't there a lift before that?

Mr. WHITMORE: I do not think so.

Mr. NEILL: Wasn't there one lift in March?

Mr. WHITMORE: No, I don't think so.

Mr. KINLEY: If you are going to correct these traps that is the basis for it.

Mr. REID: On the Fraser river, Mr. Kinley, the legitimate fisherman is operating early in the year for different varieties of salmon using a different net; but what you say is very true, the trap does operate ahead of the gill net fisherman for sockeye salmon.

Mr. KINLEY: You don't object to that?

Mr. REID: Yes. I do object to that, to the trap opening earlier. Yes, I do object to the trap opening earlier.

Mr. KINLEY: You object to the apparent inequality?

Mr. REID: Yes, we believe there are inequalities.

Mr. MAYHEW: My own suggestion is to correct the inequalities but don't destroy it; if it wants regulation, regulate it, but don't destroy it.

Mr. REID: For instance, Mr. Kinley, so you may get the picture, the gill net fishermen are allowed to start fishing for sockeye on July 1st; the traps started to fish on May 15th. And if you will look at the record given to each member of the committee you will find that from May 15th to July 1st the traps caught so many sockeye—

Mr. TAYLOR: Right at that point may I ask Mr. Whitmore why? Was it not because the sockeye were at the Sooke traps on May 15th and not where the gill netters were?

Mr. WHITMORE: The opening date for sockeye fishing on the west coast of Vancouver island is an earlier date than for the Fraser river.

Mr. MACNEIL: How much earlier?

Mr. WHITMORE: A month and a half.

Mr. ROBICHAUD: Is it because they arrive there earlier than they do on the Fraser river?

Mr. WHITMORE: Quite so. At different point along the west coast of Vancouver island there are early runs of sockeye peculiar to certain areas which can be taken in the months of May and June. There is a general regulation for the west coast of Vancouver Island, and so far as that area is concerned the fishing usually starts about May 15th.

Mr. REID: If you will look at the record you will find that the Sooke traps were allowed to start fishing on May 8th, and their catch of sockeye was not very great until July 4th when the main run started. Now, it is a long time from May 15th until July 24th. On May 15th the catch there was eight fish; on May 22nd it was twenty-nine fish; and on the 29th it was eighty-two fish; on June 8th it was sixty-six; on June 12th it was eighteen; on June 18th it was nine fish; on June 26th it was one hundred and eighteen—and so on down. The last big day in July before the main run started was three hundred and one sockeye on July 17th, but on the following day 1,174; July 1st, 14,328—showing quite a lapse of time, from May 15th until July 24th, before the main run struck the traps; so that while the traps evidently started fishing earlier the main run of sockeye did not strike the traps until July 24th. However, on August 7th they caught 33,704, whereas in the month of May they only caught the small numbers I have indicated above.

Mr. NEILL: They were getting springs in the meantime.

The CHAIRMAN: There is no quorum, gentlemen, I suppose we will have to adjourn.

Mr. TAYLOR: When shall I present my argument?

The CHAIRMAN: I think you should have the first chance at our next meeting.

Mr. ROBICHAUD: I would suggest, Mr. Chairman, and it is only my suggestion, that we sit this afternoon, because we should get through with this.

Mr. TAYLOR: There is the committee on banking and commerce sitting this afternoon.

Mr. REID: If the estimates are on it makes it very difficult for some members because some of us have items to watch on which we would like to speak.

Mr. HANSON: We have been sitting on this now for three years and have never done anything. I think it is about time we got the evidence in and did something.

Mr. NEILL: How long would Mr. Taylor take?

Mr. TAYLOR: I have no idea, I am going to carry on until I get my argument complete, and that will be at least forty minutes.

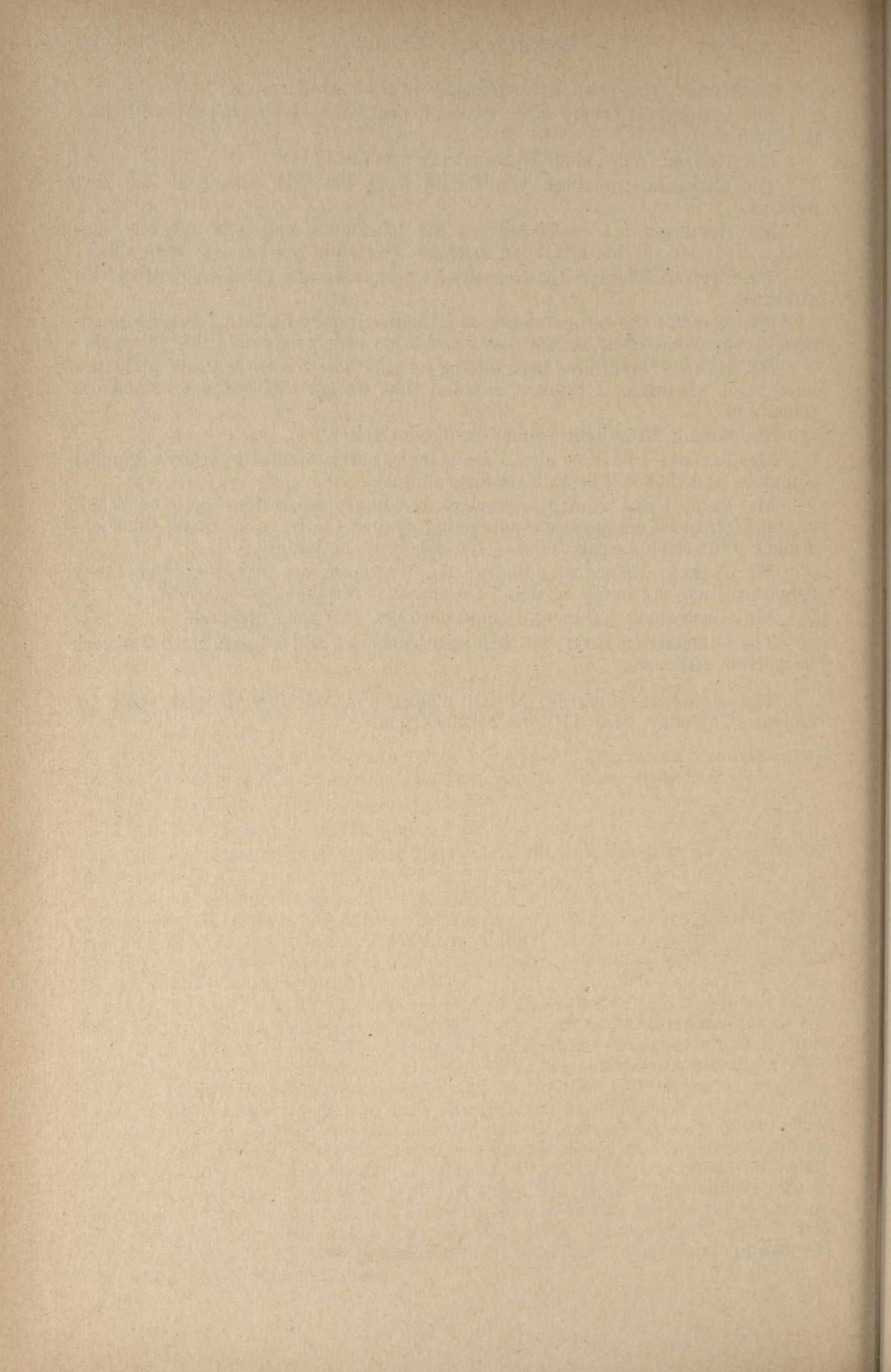
Mr. REID: I just wanted to place on record representations made on behalf of the fishermen's organizations protesting against the traps up there, the Fishermen's Protective Association and the fishermen at Ladner.

Mr. TAYLOR: Before we adjourn; Mr. Whitmore, are you aware how many fishermen there are in the Kyuquot Co-operative Trollers' Association?

Mr. WHITMORE: Off hand, I could not say. It is some 200 odd.

The CHAIRMAN: Very well then, gentlemen, we will adjourn until 2 o'clock to-morrow afternoon.

The committee adjourned at 1.10 o'clock p.m. this day to meet again to-morrow, Thursday, May 11th, at 2 o'clock p.m.



MINUTES OF EVIDENCE

HOUSE OF COMMONS, ROOM 429

May 11, 1939.

The Standing Committee on Marine and Fisheries met at 2.00 p.m. The Chairman, Mr. A. E. MacLean, presided.

Mr. A. J. WHITMORE, recalled.

The CHAIRMAN: Gentlemen, we have a quorum. Before our other business starts, there is a memorandum which has been handed in by Mr. Whitmore upon the request of Mr. Robichaud. Would you like to have it read?

Mr. REID: Put it on the record.

The CHAIRMAN: I shall read it:—

MEMORANDUM

In 1938 the total number of persons licensed to engage in the various forms of salmon fishing in British Columbia amounted to 11,672, made up as follows:—

Salmon Gill-Netting:

Salmon gill-net licensees.....	5,731	.....
Assistant salmon gill-net licensees.....	505	6,236

Salmon Purse-seining and Drag-Seining:

Licensees and captains.....	300	.....
Assistants on salmon seines.....	1,762	2,062

Salmon Trolling:

Licensees	3,374	3,374
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11,672

Salmon trap-net employees (about).....	40	
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1938 official figures not being available, the following figures for 1937 are given respecting the numbers of employees in salmon canning establishments:—

Number of canneries .....	.....	37
Number of employees:		
Salaried employees	137	
Wage earners	1,104	
Piece-workers	3,203	
	<u>4,444</u>	

The exact number of employees at Empire Cannery, Esquimalt, is not immediately available, but the average for the thirty-seven canneries operated was 120.

Ottawa, May 11, 1939.

Mr. ROBICHAUD: Might I be permitted to comment on those figures, since I asked that they be supplied. It was claimed, and I wanted to have my mind clear about the matter, that trap-nets were not giving employment as compared with other sorts of fishing. Taking the figures as you will find them in report No. 6 at page 191, quoted by Mr. Neill, the traps in 1938 got 82,570 salmon and the whole catch for the province was 19,703,685. Now, if you divide the number of employees, both the fishermen and those employed in the canneries and all employees in the salmon fisheries of British Columbia—

Mr. NEILL: On vessels?

Mr. ROBICHAUD: Yes, and in the canneries—the amount is 16,116, clear of the Sooke traps.

Mr. NEILL: Is that fish?

Mr. ROBICHAUD: 16,116 employees. Divide that into the catch of 19,621,115—that is after subtracting 82,000 for the Sooke traps—and that gives you 1,215 fish to each employee. Well, if you divide the 82,000 fish caught by the trap-nets—that is forty fishermen and 120 in the cannery—they caught only 516 fish instead of 1,210 fish, and to have their quota they should have caught 197,000 fish instead of 82,000.

Mr. NEILL: You are including the canneries.

Mr. ROBICHAUD: Where they give more employment. It takes more men to catch a fish with the traps than it does with the seine or the gill-nets.

Mr. REID: Mr. Chairman, I think Mr. Robichaud is probably unwittingly a little unfair in his argument in this respect: When we are dealing with the traps situation we are dealing with the fish that come through the straits of Juan de Fuca into the Fraser river water-shed, and it is very unfair to take the figures of the whole province and begin to deal with fish that are 200 miles away or more and do not come near the traps. I do not think it is a fair argument to say we have to divide by all the men, all the fish in the province and by all the men in the province.

Hon. Mr. MICHAUD: Mr. Reid, all the men in the province are petitioning against these traps in the Juan de Fuca straits.

Mr. HANSON: It is absolutely unfair to take such a statement and have it placed on the record. If they had the same amount in the north of British Columbia as they have at Sooke we would need no fishermen at all. To compare it with the Fraser river is fair, but to compare it with the whole of British Columbia is absolutely ridiculous. If we had the same thing in the north there would be five in the north, but you cannot compare these figures to show what it does to the fisheries of the Fraser river. If we had the same amount outside of the Skeena river or the Naas river, we would not have any fishermen at all. We would have approximately forty outside of the Skeena and forty or sixty outside of the Naas and forty to sixty outside of Rivers Inlet, which is the biggest territory where salmon are caught in British Columbia. You might as well compare it with Canada and take in the maritime provinces where salmon are also caught.

Mr. ROBICHAUD: I think my compilation is good. I think it is good because one of the arguments I heard was that it would give more employment. Now, you will see you have only forty actual fishermen compared to 11,000.

Mr. HANSON: There are no fishermen on the traps..

Mr. ROBICHAUD: There are forty who work on the traps compared to 11,000, while, on the other hand, you have 120 operating in the canneries as compared to only 4,000. You would have many more men on your canneries if you had less in actual fishing.

The CHAIRMAN: How do you make your figures up to 15,000, the return gives 11,000?

Mr. ROBICHAUD: 11,000 and 4,444 in the canneries. They are all the employees in the business.

Mr. NEILL: The canneries cost the same no matter how you catch your fish. You should not count the canneries in at all.

Mr. ROBICHAUD: Oh, yes, it is the fishing industry.

Mr. NEILL: It is the question of catching them. Once the fish are caught they have to be canned and charged.

Mr. ROBICHAUD: That is all right, they have to be charged, but it is the fishing industry. The traps take less men. The proportion of men in the canneries is much larger than in the other branch. As I said, forty to eleven thousand as compared with one hundred and twenty to four thousand. So their proportion is nine times more men in the canneries than gill netters, and so on. But it is much less in proportion on the traps. It balances because they have nine times more men.

Mr. NEILL: Does it cost more to can a trap caught fish?

Mr. ROBICHAUD: I suppose it does. They take more fish in a way to each man, but the canneries give more employment.

Mr. NEILL: In relation to cost the canneries do not take any more men.

Mr. ROBICHAUD: I think you will find no flaw in that comparison.

Mr. REID: I think it is a fairer comparison to compare the fish coming in through the Straits of Juan de Fuca to the Fraser river and divide the quantity caught by all the fishermen of the Fraser System as compared with the quantity caught by the Sooke traps and then divide it by the fishermen or men engaged in the Sooke traps, just divide the Fraser river catch by the men employed there, and if you do that it comes out at 6,228 per man for the Sooke traps and only 745 for the other.

Mr. NEILL: That is a fair comparison.

Mr. REID: I consider it very fair.

Mr. NEILL: You are leaving out the canneries?

Mr. ROBICHAUD: Did you give us the figures of the men employed?

Mr. MACNEIL: I think Mr. Robichaud should remember that the canneries also buy fish from other sources as well as to can the fish caught in the traps.

Hon. Mr. MICHAUD: All caught in British Columbia waters.

The CHAIRMAN: Do the same men work in the canneries that work on fishing?

Hon. Mr. MICHAUD: Oh, no.

Mr. ROBICHAUD: I do not wish to be unfair, gentlemen, but I thought that was perfectly clear. I think it is the whole industry of the province. The strong point was that you would get more employment by fishing without traps than with traps.

Mr. PELLETIER: Do the traps operate all over the province or only in one particular area?

Mr. ROBICHAUD: Just five traps in one district. But every man employed on the traps only gets 500 fish in a season.

Mr. HANSON: No, he gets 6,000 against the other man's 700.

Mr. NEILL: You cannot mix up the canneries.

Mr. ROBICHAUD: They are all employees of the same industry.

Mr. MACNEIL: I do not think there is any dispute. We are all agreed the reason the traps operate and operate profitably is that fewer men can catch more fish.

Mr. ROBICHAUD: If they take more fish it takes more men to can them.

The CHAIRMAN: Mr. Reid asked permission to make a statement so we shall afford him that opportunity.

Mr. REID: It will only take two or three minutes to place this on the record. I think it is necessary to back up the arguments and to show that the arguments are not entirely our own; that we have the support of various organizations of fishermen.

The first one I want to place on record is from Ladner, British Columbia. This is a letter dated February 16, 1939, reading as follows:

On January 28, 1939, the Ladner B.C. fishermen met at the parish hall, Ladner, B.C., for the purpose of discussing the matter concerning fish traps located at Sooke, Vancouver Island, B.C.

This meeting elected a committee to forward to you, the enclosed resolution, and the petition signed by the fishermen, and merchants of the district, protesting against these present existing fish traps.

We would be very glad to have you bring this matter to the immediate attention of the Department of Fisheries, as this is of vital interest to the fishermen and merchants of the district.

Then they sent me a copy of a resolution which to save time I will place on the record rather than read it.

Hon. Mr. MICHAUD: It would be well to have it read so that we will know what is in the resolution.

Mr. TAYLOR: Hear, hear.

Mr. REID: Very good.

Whereas;—fishermen of the Pacific coast have gone on record many times in favour of the elimination of traps and other destructive gear, and—

Whereas;—Regardless of the fact that the dominion government in 1937 passed legislation prohibiting traps in B.C. waters, "with the exception of seven trap sites at Sooke, Vancouver Island." there is no guarantee that at some future date, trap interests may be successful in having this legislation revoked and traps legalized in any part of the B.C. coastal waters, and—

Hon. Mr. MICHAUD: Right there, is that an absolutely correct statement?

Mr. REID: I have not come to the point of arguing the statement, I am merely first of all placing the resolution on the record.

Hon. Mr. MICHAUD: Is that an accurate statement of fact, I am asking you that question?

Mr. PELLETIER: Is that not the preamble to the resolution?

Hon. Mr. MICHAUD: Yes, but the preamble recites facts to support the resolution and the resolution must be based on the facts advanced to support it.

Mr. MACNEIL: Mr. Reid is not accepting responsibility for the resolution.

Hon. Mr. MICHAUD: No, no, but I am just asking him.

Mr. REID: Later on when I get time to examine it I will give you an answer.

Mr. MAYHEW: Is it right to put something on the record that is not borne out by facts?

Mr. REID: Any man can send in a statement or resolution to this committee and it can be placed on the record.

Mr. PELLETIER: Until it is disproved I do not see any reason why we should not accept it.

The CHAIRMAN: I think you had better read it.

Hon. Mr. MICHAUD: I am not asking the question to prevent it going on the record, I am asking the question to find out whether Mr. Reid—

Mr. REID: You are disputing that one point, the second whereas.

Whereas:—Several bills are now before the Washington legislature drafted with the express purpose of getting traps back in Washington, when previous to 1934, "this was the year when they were taken out when Initiative No. 77 was passed" traps in that state took 70 per cent of Fraser river sockeye, and—

Whereas;—We consider that Canada's insistence on allowing seven traps at Sooke, after Washington removed 219 constitutes a convincing argument for trap interests in Washington to have them restored. Now therefore be it resolved that we petition the dominion government to pass the necessary legislation during the present session, prohibiting the taking of salmon by means of traps in B.C. coastal waters. And be it finally resolved that a copy of this resolution be forwarded to the Prime Minister of Canada, the members from British Columbia at Ottawa, the dominion and provincial department of fisheries, to all sport and commercial fishermen's organizations, the Trades and Labor Councils of B. C. and to the press, asking their endorsement.

That was sent to me with 114 names, but it is not necessary to put the names on the record so long as it is understood that this is the petition emanating from a mass meeting at Ladner to which 114 names were affixed.

Mr. NEILL: Which portion did Mr. Michaud question?

Mr. REID: It was the second whereas.

Mr. NEILL: "Whereas, regardless of the fact that the dominion government", and so on?

Mr. REID: Yes.

Mr. NEILL: What is questionable there? What is wrong with that statement? Read it again.

Mr. REID: Whereas; regardless of the fact that the dominion government in 1937 passed legislation prohibiting traps in B.C. waters, 'with the exception of seven trap sites at Sooke, Vancouver Island,' there is no guarantee that at some future date, trap interests may be successful in having this legislation revoked and traps legalized in any part of the B.C. coastal waters."

Now that is correct.

Mr. NEILL: It was not legislation, the committee recommended it.

Mr. REID: Yes.

Mr. NEILL: Is that the point?

Mr. REID: That is perhaps the more correct way of putting it. "There is no guarantee that at some future date, trap interests may be successful in having this legislation revoked and traps legalized in any part of the B.C. coastal waters." I think they are a little narrow. They are mixed there.

Hon. Mr. MICHAUD: I agree with you they are.

Mr. REID: There was also some doubt about the fishermen on the Fraser river, and this wire of theirs should have been placed before the committee at its sittings last year. I have recently received a letter also from the B.C. Fishermen's Protective Association. Their wire reads:—

WHONNOCK, B.C.

May 24, 1938.

TOM REID,
House of Commons, Ottawa.

Any intimation that Fraser River fishermen wish Sooke traps to remain absolutely false Stop Every fishermen's organization on Pacific coast to the best of my knowledge want Sooke traps out immediately and expect action to this end from Parliament this session Stop Letter follows.

F. ROLLEY.

That came from the President of the British Columbia Fishermen's Protective Association.

Mr. NEILL: What is the membership of that organization?

Mr. REID: It has about 1,200 members, I believe.

Hon. Mr. MICHAUD: And is the membership made up of trollers?

Mr. REID: No, they are all gill net fishermen. This is the letter. I am only reading a part of it, because the first part has to do with the seines in the Gulf of Georgia and there is no need of bringing that in—I am only reading that part which relates to this question of traps.

With regard to the question of the Sooke traps, it will not be necessary for me to point out to you the gravity of the situation which faces the Fraser river fishermen in view of the immediate threat of the restoration of fish traps by the state of Washington. Our association would like to go on record that they hold the fisheries committee at Ottawa entirely responsible for the serious threat which now faces the Fraser river fishermen, as we feel that the federal government did not play the game with the United States interests in refusing to cancel the fish trap licences in B.C. and we now look to the federal government to rectify this mistake this year.

I want to emphasize the fact brought out in the first sentence of that paragraph, that is the implication of fact that almost everyone to-day takes from the present situation, of Sooke traps.

Then they tell me that on May 3rd of this year they had a meeting, had in fact two meetings, one at Ladner, and both meetings passed resolutions; I am drawing that also to the attention of the committee. The B.C. Fishermen's Protective Association is an organized body representing the gill net fishermen, and they are absolutely opposed to the maintenance of the traps, they want the traps removed absolutely. They tell me here, and I want to refer to this and have it on record, that at the two meetings referred to they went on record as being in favour of no trap licences being issued in B.C. waters.

The Native Sons of British Columbia, of Fort Langley, composed almost entirely of gill netters, passed a resolution which I think should be on the record. It reads as follows:—

March 20, 1939.

To the Minister of Fisheries,
Ottawa, Canada.

DEAR SIR,—Post No. 9 of Native Sons of British Columbia, by resolution duly passed, respectfully beg to draw your attention to the very grave condition confronting the fishing industry of the Fraser river.

For some time past our American neighbours to the south have discontinued the use of fish traps in the neighbourhood of Point Roberts, as their use was decidedly detrimental to the run of fish up the Fraser river.

It is now reported that unless the Canadians desist from the use of traps around Sooke and other places, the Americans threaten to again operate traps in the vicinity of Point Roberts.

Should they do this, Fraser river fishing will be a thing of the past, a serious blow indeed, not only to our fishermen, but also to the allied industries.

We are therefore petitioning you to be good enough to investigate this matter, and if possible, prohibit the use of fish traps in our British Columbia waters.

We are sending a copy of this petition to our member, Mr. Tom Reid, with the request that he co-operate with you in this matter, believing Mr. Reid to be highly informed on this question.

Yours respectfully,

J. E. FULLER,
Secretary.

The CHAIRMAN: Now, gentlemen, we have been waiting for Mr. Taylor.

Mr. TAYLOR: No, sir; I have been waiting.

The CHAIRMAN: We have been waiting anxiously to hear you.

Mr. TAYLOR: I think I have given everyone a chance to say what he had to say.

The CHAIRMAN: Yes, Mr. Taylor, and now we would like to hear from you.

Mr. TAYLOR: Well, at the outset, I begin by referring to Hansard, page 1616, of the 2nd of March:—

The house resumed from Thursday, February 16, consideration of Bill 15 in committee, to amend the Fisheries Act, 1932—

Mr. NEILL: What year is this?

Mr. TAYLOR: I am talking about this year's Hansard. Mr. Michaud in his remarks said:—

There was some question as to the legality of the procedure adopted by the hon. member for Comox-Alberni in trying to amend other provisions of the Fisheries Act by adding to the bill a suggestion which he called an amendment. Since then I notice the hon. member has introduced a bill of his own which apparently covers what he intended to accomplish by the amendment he had offered, and I thought he intended either to abandon or to withdraw his amendment in view of the fact that he has introduced a separate bill.

Now, while I am on that page I want to show Mr. Neill's reaction; first of all, with his statement after recess:—

Mr. Chairman, at six o'clock I was giving my reason why I preferred that my amendment should be discussed now rather than in connection with the bill of which I have given notice.

Earlier in the afternoon he had stated among other things,

I introduced it only in order to do what a good general does, prepare a position to which he may retire if he is driven from his present one.

Mr. NEILL: Hear, hear.

Mr. TAYLOR: These were his reasons:—

With regard to the suggestion that I should withdraw my amendment, that would put me under a handicap, because "to-day is ours and to-morrow is not."

If I should drop my amendment and trust to the vague, distant, fortuitous possibility—for that is all it is—that a private bill, or a public bill introduced by a private member, to be strictly accurate, may be reached, I may find myself in the position that my bill may never come up.

Before proceeding further I think I might here traverse in part the brief submitted through John Stanton, East Hastings street, Vancouver, British Columbia, for the fishermen.

Mr. NEILL: You are finished quoting me from Hansard? I don't want to be taken as saying more than what appears in Hansard.

Mr. TAYLOR: Please don't interrupt. I want to get through. If you are afraid I won't deal honestly with you I am prepared to state when I quote and when I end quote.

Mr. NEILL: Quite so.

Mr. TAYLOR: On page 163 in No. 5 of the minutes of proceedings—

Mr. NEILL: Of this year?

Mr. TAYLOR: If you will listen you will hear, Mr. Neill.

Mr. HANSON: We are entitled to know what you are quoting from.

Mr. TAYLOR: In Appendix 2 is submitted the reports received from nine responsible fishermen who operated in the area in 1938. Now, it will be remembered that I asked Mr. Neill to submit these letters to be spread on the minutes of proceedings, and I carefully compared them with this statement made by the fishermen themselves. You will find this on page 163. Name, A. Halvarson—beginning of August—50 per night—conditions no worse than in any open waters. Now, if you refer to that man's own letter we read:—

This is to certify that I, the undersigned fished between Sooke traps and Jordon river for six nights in the first part of August, 1938, and averaged fifty (50) sockeye per night.

No remark as to the open water conditions at all. No reference to his conditions of fishing. There I see a deliberate misstatement of facts. Take the very next one, A. Remmem—2 weeks—fish caught, 450—and the remark, gill netters would benefit greatly by the removal of fish traps, sharks there. Let us take A. Remmem's letter:—

I fished around Sooke for two weeks in August this year and caught four hundred and fifty sockeye (450). I sold these to the Todd Fish Company for sixty-five cents (65 cents). The only thing wrong was that there were too many sharks and dogfish.

Now, had we not had these letters placed on record we would never have learned that this was a deliberate misstatement of fact.

Mr. NEILL: It is not.

Mr. TAYLOR: Now, please, Mr. Neill; make a note of it and traverse the situation when I am finished.

Mr. NEILL: Mr. Chairman, I rise to a point of order. He brings my name into it. I did not put that in at all, that is out of the brief submitted by the fishermen.

Mr. TAYLOR: Mr. Chairman, I am now talking about the fishermen's brief; and if my good friend will not learn a lesson, I cannot help it, in this committee.

Mr. NEILL: He brings my name in it. I am not responsible for putting that in at all, it was part of Stanton's brief.

Mr. TAYLOR: They next introduced a letter from Mr. G. T. Whitler, which occupies about thirty per cent of the brief which is submitted; and in Mr. Whitler's statement he says:—

I came to Vancouver Island in 1921 and settled at Rocky Point, took up salmon fishing with a row boat, and used to make about \$600 a year, about 30 more men were doing the same. After about five years the fish began to get scarcer and I was asked by the fishermen in my district if something could be done to compel the Sooke traps to close for the 48 hours a week as called for by the Dominion government.

Actual reference to the number of fish being caught indicates that the fish were actually increasing, not decreasing, during the period that this man is complaining about. They were not getting scarcer; they were getting more numerous. Rather than allow that to be unsupported by the actual evidence,

I am taking up the time to discover the facts. In 1921, the catch for Canadian waters was 39,000. I am treating these in round figures of thousands. In 1922, it was 51,000; in 1923, 31,000; 1924, 39,000; 1925, 35,000; and in 1926, after about five years from his settlement at Rocky Point in 1921, the total was 85,000; in 1927, 61,000; in 1928, 26,000; in 1929, 60,000; in 1930, 107,000. Need I go further?

Mr. PELLETIER: What are those—cases or fish?

Mr. TAYLOR: Cases canned fish from fish caught in Canadian waters. I noticed some remarks privileged in this letter which should be traversed, but I do not propose to make much of them, except to read them and allow the members to draw their own inferences. Mr. Whitler is writing and says:

I at once saw the fishing inspector in Victoria, not the present one, and reported the matter. He refused to inspect any of the traps and asked whether I wanted him to lose his job. I then wrote to Major Motherwell, Vancouver, who replied that steps would be taken to insure the traps complied with the regulations. . . . I then saw Mr. Babcock, Dominion representative, and reported the matter to him. He informed me that he had already had several complaints that the Sooke traps were not complying with the regulations but had been unable to have anything done. I asked him why and he replied, "The financial interests are too strong".

Later on, close to the end of his letter, he says:—

You probably know that last year we forwarded a petition to have the traps removed, signed by nearly ten thousand, but Mr. Mitchard,— "as he is called here," was determined to give the traps their licence. In my opinion, we shall be unable to have the traps removed as long as party funds benefit.

Mr. MAYHEW: Will you pardon me for interrupting, Mr. Taylor, for a moment? That was the phrase that I had in mind when I wrongly accused you yesterday of saying that same thing, Mr. Neill.

Mr. NEILL: But which you agree I did not say.

Mr. MAYHEW: Which I agree you did not say, yes.

Mr. TAYLOR (continuing): I have had several conversations with Senator Green who supported us last February, but he now does not appear to know what to do in the matter; neither does Mr. Neill. The only hope seems to be that Mr. Mitchard may go to the Senate.

Hon. Mr. MICHAUD: Was that suggested by Mr. Neill or by Senator Green?

Mr. HANSON: Who is the letter from?

Mr. TAYLOR: If we are to take these statements as having a bearing on this fish question, then I am afraid we cannot regard our work as being very straightforward. In dealing with those letters from various fishermen, we find that three of them fished at Sooke, one around Sooke, and four to the seaward of Sooke; that is to say, the four may be utterly discounted as having the slightest effect upon the operation of the traps, because they never came near the trap area to have their business resolved by the activities of the Sooke traps. Let me read precisely what I mean:—

This is to certify that I, the undersigned, fished between Sooke traps and Jordon river for six nights in the first part of August, 1938, and averaged fifty sockeye per night.

He went thirteen miles to the seaward of the Sooke traps in his business and never was affected in the slightest degree by the fish taken at the Sooke traps.

Mr. NEILL: How do you know?

Mr. TAYLOR: Another man, N. Johnson, says this:—

Started fishing about August 1st, 1938, between Sooke and San Juan Harbour.

San Juan Harbour is also known as Port Renfrew. Continuing:—

Found it excellent place for gill-netting and fish were in number one condition. Caught as high as four hundred sockeyes—some cohoes and springs in one night's fishing. Fish were sold to Nelson Brothers for sixty-five cents. Gillnetters would benefit greatly by removal of fish traps.

The man never went near the fish traps. He definitely says he did all his fishing from the Sooke traps, thirty-five miles on the way to San Juan Harbour; and not one of his fish was ever in danger of being caught by the traps. He caught them before they had a chance to get to the fish traps. I want that argument to sink right home, because if these letters were placed on as a summary—according to Mr. Neill they were not "precis" because they were not precise enough for that—or if these letters were supposed to record facts convincing our members here that a wrong was being done by the fish traps, then I put my finger on these statements of the men themselves and show directly to the contrary.

But to clinch the argument, Lars Aunli says:

Started fishing around middle of August, 1938, fishing area between Sooke and San Juan.

Precisely the same area.

Mr. NEILL: What is the name?

Mr. TAYLOR: Aunli.

Mr. NEILL: Oh, yes.

Mr. TAYLOR: Continuing:—

And after my opinion is a fine gill net area. Abandoned the area because run had passed by into Gulf of Georgia. I caught around 300 sockeye which I sold to Todd & Sons and Nelson Bros., for sixty-five cents each.

Then he abandoned his run because they had passed. But he established by himself that seaward of Sooke he had got a fine gill netting area. Let him stay by it. His argument obtains precisely for that area and not for the Sooke traps. Again, H. Remmen says:—

I fished between San Juan and Sooke during the middle of August. During this time I caught four hundred (400) sockeye which sold for sixty-five cents (65c) to Todd and Sons fish company. The major drawback was the number of sharks and dogfish, which however would be driven away when more gill-netters start fishing there.

Now, then, let them go ahead. They are not interfering with the Sooke traps, neither are the Sooke traps interfering with them. I do trust that I have honestly presented the situation as it is put before us by those fishermen.

There is one other that I have not mentioned, and he did his fishing between Jordon river and Race rocks, a distance of presumably 25 miles. I have not charted it off, but I am about right. This is what he says:

In the first part of August I was gill-netting in the area from Jordon river to Race rocks and caught about 400 sockeye. Some of these fish were sold to Nelson Brothers Fisheries, Limited, for 58 cents each and some to Sooke Harbour Canning Co. for 65 cents each. The fishing conditions there are no worse than encountered in any open waters.

Considering that the man fished when the tides were relatively of neap character and not spring character, in the early part of August, he would not have heavy tides to buck, but there is a 15 foot spread between datum marks and highwater tide, spring tides, such as occur in and around the solstice in June. For instance, on the 26th June, the tides were .1 foot below datum mark and rose to 13.1 at the height. Therefore there is a spread of 13.2 there. But in August the half tide has a range—let us take the 1st August; at 3.25 in the morning it was 4.5 feet; at 9.30 it was 10.5, a spread of 6 feet. At 14.58 o'clock it was around 5.9 and it rose at 21.28 o'clock to 13 feet, a very different situation, showing that the fishing was easier during that period in August than it would be at other portions of the fishing season. I just throw that in, not as a very strong reference, because a good boat can handle these tides, but the swirling of the tides of that water on a lee shore makes fishing difficult.

If you will refer to the pilot instructions issued by the United States Marine Department you will discover that in reference to Juan de Fuca straits they warn all ships entering Juan de Fuca straits to keep well into the centre of the stream because of the set which is practically continuous towards the lee shore, the north shore of the straits; so that when it is contended that this is easy water, I say that all the evidence that I have been able to discover is directly to the contrary. It is easy at times; it has easy tides, but if nothing else, it by no means is an easy water. That is the position.

The CHAIRMAN: We have the privilege of sitting while the house is sitting if we can keep a quorum.

Hon. Mr. MICHAUD: I have to go.

Mr. PELLETIER: I have to go.

The CHAIRMAN: When shall we meet again?

Mr. HANSON: I am ready to go on if we have a quorum.

Mr. REID: That is the trouble from now on.

Mr. TAYLOR: If you can avoid the Banking and Commerce Committee it will be all right. I have to be at the Banking and Commerce Committee at its next meeting because I understand I go on next.

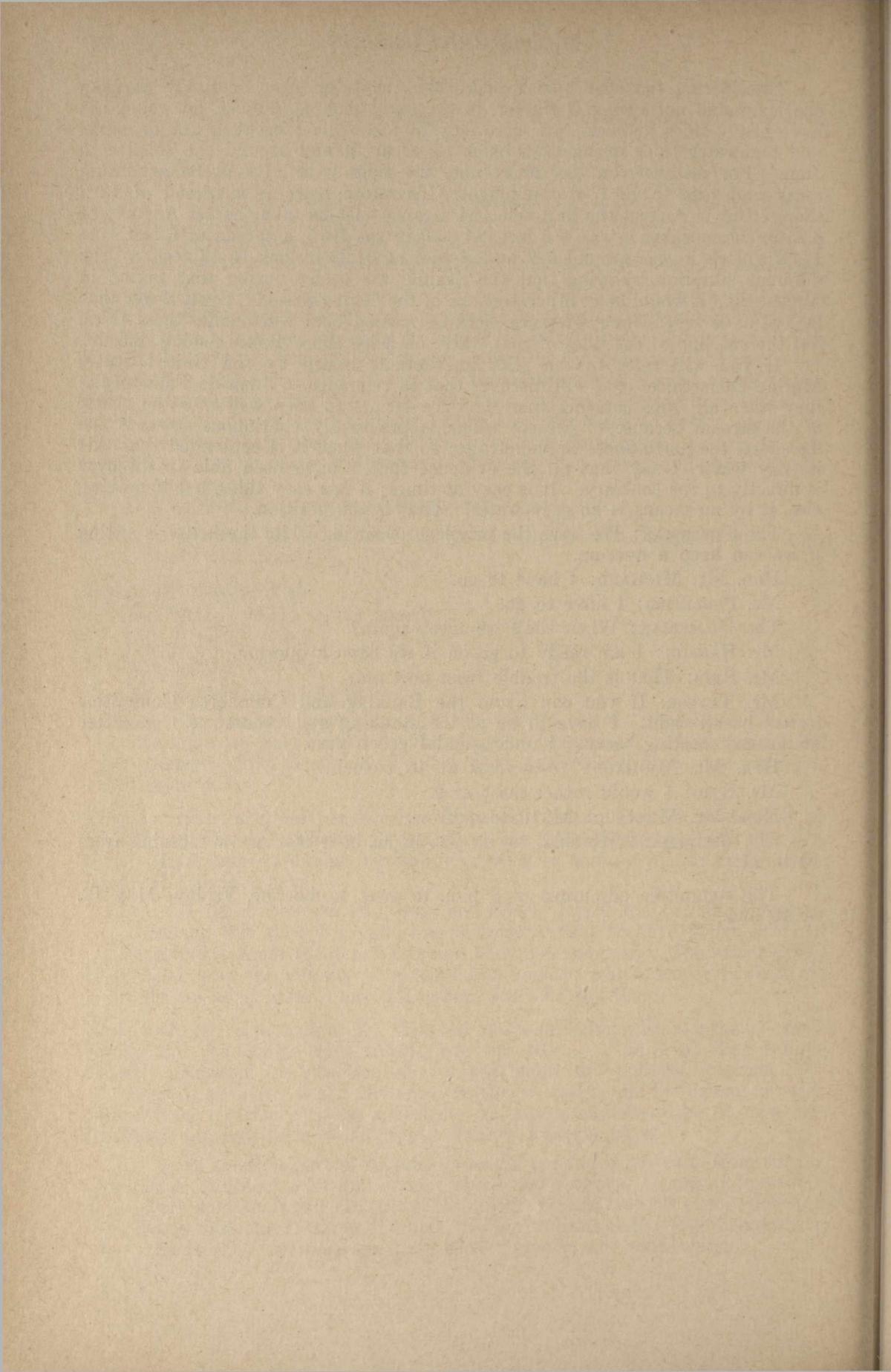
Hon. Mr. MICHAUD: To-morrow at 10 o'clock.

Mr. REID: I would rather meet at 2.

Hon. Mr. MICHAUD: At 10 to-morrow.

The CHAIRMAN: We shall try to put in an hour to-morrow morning from 10 to 11.

The committee adjourned at 3 p.m. to meet to-morrow, Friday, May 12, at 10 a.m.



MINUTES OF EVIDENCE

HOUSE OF COMMONS, ROOM 429,

May 12, 1939.

The Standing Committee on Marine and Fisheries met at 10 a.m. The Chairman, Mr. A. E. MacLean, presided.

The CHAIRMAN: Well, gentlemen, we have a quorum now. I think it is in order for Mr. Taylor to go on and complete his brief.

Mr. TAYLOR: Before proceeding, Mr. Chairman, I should like to have Mr. Neill identify the reference he made about me in his brief. At page 174 of this session's proceedings, after pleading that he be allowed to make a statement, be it good or bad, he says:—

I might give a very good illustration of that which is before me, and which cost me a good half-hour's work yesterday. Mr. Taylor made a statement. He produced a blue book and discovered some error where I said there were 219 traps on the American side one year. He produced a blue book according to which there were only 203

I need not go into it any further, but I should like Mr. Neill to identify the particular place in which I made all these statements. Can you do so?

Mr. NEILL: Well, there are 22 hansards that I would have to go through.

Mr. TAYLOR: You are unable to do so?

Mr. NEILL: No, I am not unable to do so. It is a matter of common knowledge, I should think here. I particularly remember Mr. Taylor—I am addressing the chair—making the statement that I made there. He introduced a blue book and kind of flourished it and he said: "Here are the real facts. In 1934 the traps were 203 in number." That made me look rather like a fool or a liar. Then, when I looked at the hansards—it took me a long time to do it—I discovered the statement I had made was that the average for 1933 and 1934 was 219. Looking over the blue book he had in his hand I found in 1934 the number was 203; in 1933 the number was 235, and adding 203 and 235 together it gives a total of 438, and if you divide that by 2 you get the number 219. That is my statement, and I certainly stick to it. If Mr. Taylor says it is not on the record in the last few days, it might have been made before the reporter began or after he closed, but I think most members must remember that statement.

Mr. TAYLOR: You permitted yourself to be distinguished in one of two categories. Now, perhaps I will be permitted to recall the actual facts about it. You were discussing the number of traps.

Mr. NEILL: Address the chair.

Mr. TAYLOR: I was discussing the number of traps, Mr. Chairman, that were issued to the Sooke people, and I said—

The CHAIRMAN: The number of licences?

Mr. TAYLOR: Exactly, trap licences, and I said the question had been that there were 7 issued. I said no, 5. I was then asked where did I get my authority. I said right here. The statement is found on page 79 of the annual report of the Department of Fisheries. It is marked here by me for the very purpose of showing it to you. Instead of my making any reference at all to 203, I was dealing with an entirely different subject and I am bound to say right here that some of the arguments advanced by Mr. Neill are all of the same class.

I am going to show this morning how most of the argument against traps can be defeated out of the mouths of those who are doing it.

Mr. NEILL: I suggest he go on, Mr. Chairman, without talking about it.

Mr. TAYLOR: On page 176 of these proceedings also, talking about Mr. Goodrich Mr. Neill says—"he refers to my statement in the house about there being "219 traps and states that our catch had dropped from 80 per cent to 30 per cent, and then he proceeds to offset that, to show how erroneous it is (on "page 34) he put in a statement of the Puget Sound and Fraser river sockeye "packs; and that is on page 34, under date of January 30. Then on page 37, "only four days later, on February 4, he found it necessary to correct his positive "statement and to say that it was all wrong and suggested to Mr. Taylor, "we suggest you use the figures in this letter which cannot be challenged by "anyone. He had already discovered on February 4 that his first statement was "all wrong," impeaching Mr. Goodrich in his letter to me.

Now, there was no question of the statement being all wrong, because all the statements were taken from official records. The first statement showed the Fraser river figures and the Puget sound figures taken from Canadian records and U.S. records; but Mr. Goodrich in order to be particularly fair considered that he ought to add the Sooke trap catch as well and the second list provided showed the three sets of figures. Please estimate that in its proper light, because it has a value in the proceedings. That is another dog run into its hole.

Mr. NEILL: Wait a minute. I did not catch that.

Mr. TAYLOR: Dog run into its hole.

Mr. MACNEIL: Who is the dog?

Mr. NEILL: I did not get that. However, never mind.

Mr. ROBICHAUD: Ground hog.

Mr. TAYLOR: In the proceedings of the Standing Committee of Monday, April 17, many petitions were advanced.

Mr. NEILL: What number?

Mr. TAYLOR: No. 2.

Mr. NEILL: What page?

Mr. TAYLOR: Towards the end where the petitions are advanced.

The CHAIRMAN: What page?

Mr. TAYLOR: On page 89 there is one, and on page 90 another. They have been submitted from time to time. In examining these closely I find that every one of them resolves itself into four arguments and they have all been presented from the same foundation, every one of them.

Whereas: The fishermen on the Pacific coast have gone on record many times in favour of the abolition of fish traps and other destructive gear...

That is repeated in three of the petitions presented exactly in the same words or varying them slightly, and would show they were drafted originally by the same individuals. That is the Prince Rupert Trades and Labour Council. The Queen Charlotte City fishermen have exactly the same argument. The Prince Rupert Trades and Labour Council have exactly the same argument. The New Westminster City Council leave out the first argument and use the others, turning them around so that it may not appear that they are exact copies.

Mr. HANSON: The fishermen originated it.

Mr. TAYLOR: The Vancouver, New Westminster, and District Trades and Labour Council have exactly the same arguments, leaving out the first; the Victoria and District Trade Labour Council have exactly the same arguments. I want to point out here that all these are built from the one foundation, and

it would appear that the whole thing is engineered by the workers to support the fishermen in their fight.

Mr. HANSON: The fishermen originated it; there is no doubt about that.

Mr. TAYLOR: I am not talking about that. Will you please let me go on? You will have your opportunity to speak after I am through. The workers are massing together for the purpose of getting this thing, whether it is right or wrong. If they would pay a little more attention to the tenth Commandment, quit their talk of the dictatorship of the proletariat and believe in the justice of parliamentary procedure, we might get somewhere; and I say that in all kindness. I come from working stock myself. For hundreds of years my mother's people have been fishermen. My father accompanied his father to the Arctic, on an Arctic whaler when he was a boy of less than twelve years of age; and because they did their best to place me where I am, I am not turning them down now. My fight is not a fight merely for the fishermen because they are fishermen, but a fight to bring right and justice to the conditions that have obtained in our country. That is what I am here for. Simply because a man is a fisherman and wants to get another gear out of the way, I am not going to support him. I do not intend to sit idly by and see others do it without showing up what tricks they are resorting to.

It has been said that this is a monopoly, that it is something that ought to be done away with. This is a legitimate business under the Acts in British Columbia and in Canada. If a prospector discovers a piece of likely ground, he immediately goes to the government and gets the right to work that ground. It does not matter to anyone whether he takes a million or loses a million in the prosecution of his work. He is secure in what he has obtained. If a timber cruiser notices timber and gets a licence to cut it, it does not matter what profit he makes out of it. If a man takes a strategic business site in the centre of a city and makes a fortune out of it, nobody disturbs him. He has a perfect right to do his work there. No number of fishermen or workmen of any kind can advance the plea satisfactorily that because a man has made money for thirty-four years it is time he quit. That is not the way business is conducted. That is not the way workmen are enabled to live in this country. A workman has just as much right to get into a strategic position as the man who has made his money in this particular situation.

I want to quote from Hansard in order that I may take this matter up seriatim. Last night I opened this by reciting what Mr. Neill had said at page 1616. He took the line himself—

The CHAIRMAN: Hansard of this year?

Mr. TAYLOR: Yes, Hansard of this year. He took the line himself—

Mr. NEILL: Wait a minute. Page 16, did you say?

Mr. TAYLOR: Page 1616.

Hon. Mr. MICHAUD: Of Hansard. That is the report of the committee that you have, Mr. Neill. He is quoting from Hansard of the House of Commons.

Mr. NEILL: What is the date?

The CHAIRMAN: Page 1616.

Mr. NEILL: All right.

Mr. TAYLOR: March 2.

Mr. NEILL: If I said it, it will be all right anyhow. Go on.

Mr. TAYLOR: He took the line himself that both his bill and his amendment were the outcome of the work of a good general, who when defeated in one place could retire to another.

Mr. NEILL: You said that yesterday. I agreed with you.

Mr. TAYLOR: Will you call that gentleman to order, Mr. Chairman.

Mr. NEILL: There is a rule about tedious repetition.

The CHAIRMAN: It is all too interesting to do that.

Mr. TAYLOR: At page 1621 we have Mr. MacNeil supporting Mr. Neill and saying in contra-distinction to what Mr. Neill had already said:—

There is a distinct difference between the terms of his amendment and the terms of the bill that now stands in his name for second reading. I say there is an essential difference, and in that respect it cannot be held that the amendment which the hon. gentleman has just read which is now before the committee, anticipates in any respect the bill that stands on the order paper.

Mr. MACNEIL: Would you add that I was discussing a point of order?

Mr. TAYLOR: You have got it recorded now. But Mr. Neill had accepted his own position and you were trying to oust him from it.

On page 1617 Mr. Neill, continuing, stated:—

One of the greatest arguments that they advance is that the Dominion of Canada has not kept faith with the written agreement and understanding between our fishermen and theirs.

Mr. NEILL: Hear, hear.

Mr. TAYLOR: Continuing:—

They contend that they have taken out 219 traps, while we had not taken out our four or five. This is the reason for the urgency. The scope of this matter is comparatively small, but I do not know of anything that has provoked so much ill feeling in the western states and British Columbia.

Mr. MACNEIL: You are quoting whom?

Mr. TAYLOR: End quote.

Mr. NEILL: Quoting this bad man Neill.

Mr. MACNEIL: Oh, I see.

Mr. TAYLOR: Right on top of that I took the trouble to write to Mr. Brennan and received a reply which reads as follows:—

STATE OF WASHINGTON
DEPARTMENT OF FISHERIES

B. M. BRENNAN, Director
1308 Smith Tower

SEATTLE, WASHINGTON,

April 7, 1939.

Honourable J. S. TAYLOR,
Member of Parliament,
House of Commons,
Ottawa, Canada.

DEAR SIR,—The total number of traps referred to in your letter as having been licensed in 1934 is apparently erroneous in accordance with our records. Instead of 219, we have 203 recorded in our statistical tables. Of this number, we have a record of 96 having operated and 93 not operated. There are 14 locations missing in this record of operated and not operated. We apparently have no report from these locations as to whether or not they did or did not operate. Of the total 96 operated for the year 1934, only 67 were operated in the waters related to the Fraser river salmon migrations.

It is entirely true that a number of locations were held that were only driven as "dummies" every four years to comply with the law. These dummy locations, if operated, would not be a financial success because of the high cost of driving the location. You appreciate that the trap locations in Puget Sound cost from \$5,000 to \$25,000 a year to drive; hence, it would take a considerable quantity of fish to pay for the driving of the location. Thus, the location is held but not operated in order that a location immediately above, which might be cheaper to drive and is logically a better location, would catch more fish.

The number operated in 1934 is also higher than average in view of the fact that the 1934 sockeye runs were expected to be above normal. The records for the number operated in outside waters, or in the waters related to the Fraser river, are as follows: 1933—53; 1932—29; 1931—59. These figures are to be compared with the 67 quoted for the year 1934.

If you wish any additional information, we will be glad to furnish it.

Yours very truly,

B. M. BRENNAN,

Director of Fisheries.

Mr. REID: Does he give last year, Mr. Taylor, 1938? Or is he just dealing with 1934, 1933, 1932 and 1931?

Mr. TAYLOR: Last year the traps were not operated, Mr. Reid.

Mr. REID: There were none.

Mr. NEILL: His figures don't jibe; if you take his 96 and 93 they make a total of only 189.

Hon. Mr. MICHAUD: He says there were fourteen more cases on which he had no report.

Mr. NEILL: Oh, that may be; I did not get that. That would account for the difference.

Hon. Mr. MICHAUD: Yes. I suppose, without knowing the details, it would be very fair to assume that the rest of these licences were not operated, just as they do in British Columbia.

Mr. TAYLOR: At page 1624, towards the end of the first column of Hansard of March 2nd, I quote. (And this is Mr. MacNeil speaking):—

For reasons of conservation, and because there was a gentlemen's agreement in this respect between the Canadian and United States authorities, the State of Washington abolished their traps by legislation which became effective in 1935.

Mr. NEILL: It sound somewhat better when he reads it than when you stated it.

Mr. MACNEIL: Yes.

Mr. TAYLOR: I have so many things before me, and so much to look after—

Mr. NEILL: He puts a zest into it that I could not.

Mr. TAYLOR: The Pacific Coast News of March 10, 1939, is the next item:—

The proposals to reinstate a certain number of sockeye traps off Point Roberts near the international boundary failed to succeed when the state legislature prorogued without taking any action on the traps measure. This means that traps will remain prohibited in state waters until the house sits in 1941 when the matter may be re-opened.

Then, the *Vancouver Sun* of March 11:—

Olympia, Washington: (Special to the *Vancouver Sun*), March 11th, Washington legislature prorogued yesterday without acting favourably on the senate proposal to restore salmon traps at Point Roberts near the Canadian boundary. The proposal to revive trap fishing even in a small degree is outlawed in this state for another two years at least. Years ago when Washington state canneries were able to gather in 75 per cent of all the salmon caught that were headed for the Fraser river the traps numbered in excess of 70. The recent proposal for the restoration of the trap idea would have provided sites for only 8 traps, those all under the lea of Point Roberts. The question of Canadian policy regarding traps did not enter into the recent discussion. The fact that 5 traps were maintained by Canadians at Sooke on Vancouver Island was not mentioned in discussion this year and was not a factor. The former system of trap fishing in the states was abolished because of the fight made against it by sport fishermen and individual commercial fishermen. They won out against the trap fishing interests and for the same reason this week's defeat of the proposal to restore traps in the Point Roberts area was a victory for the individual fisherman.

Mr. NEILL: Hear, hear.

Mr. REID: Hear, hear.

Mr. TAYLOR: It is not a question of justice, it is a question of a fight. Now, here is the *Pacific Coast News* of the 16th of March which has practically the same statement that I quoted:—

A report from Olympia in the local daily press said the question of Canadian policy regarding traps did not enter into the discussion.

In Hansard of this year at page 1625 Mr. Reid takes up the cudgels and does not hesitate to stand four square to the same statement.

Mr. REID: Thank you.

Mr. TAYLOR: He says:—

Last fall I took occasion to go down to Bellingham with a view to finding out what the United States fishermen thought of the Canadian traps. I found the opinion of the United States fishermen was similar to that expressed by the hon. member for Comox-Alberni (Mr. Neill) and the hon. member for Vancouver North (Mr. MacNeil). They felt that the retention of traps in Canadian waters was being used by the United States interests as an argument to again have traps in the United States waters. That fight is going on at the present time. I say in all seriousness that if the traps are again brought into use in the United States waters they can point to the traps in Canadian waters as something that helped to bring that about.

Mr. MACNEIL: Hear, hear.

Mr. NEILL: Hear, hear.

Mr. TAYLOR: Don't say hear, hear, until we are finished. Then, at page 1633 of the same issue of Hansard, the minister, the Hon. Mr. Michaud, said:—

No representations have been made as yet by the Canadian commissioners that traps should be removed. The hon. member for New Westminster, speaking as a representative of the fishermen of the Fraser river, has said that in his opinion these traps should be removed, but the commission as such has not made any representation to the department or to the government. I am sure the work of the commission has not advanced sufficiently to justify it making any such representation.

No representation. And now, reading again:—

I had occasion to meet officials from the Department of Fisheries in the State of Washington and no representations were made. Since then this government has appointed a commission known as the International Pacific Salmon Fisheries Commission, to study the best methods of conservation.

And later:—

The commission has already commenced its work of studying the best methods of conserving sockeye.

Now I should like the members to evaluate Mr. Neill's statement in the light of what he said at page 1617 of Hansard of March 2:—

That is why I am so urgent and insistent that we should pass this amendment to-night rather than wait for six, eight or perhaps twelve weeks hence, even though the bill might pass at that time, in order to get action. If we pass it now, the argument of those who want traps restored to United States waters would be gone. The opponents of traps would be able to say that now the conditions are fair. If we do not do this, the chances are considerable that they will put back their 219 traps as against the four or five on this side.

It is important that we bear in mind all these errors that were advanced to support the argument against the traps.

At page 1618, Mr. Neill again states:—

That will have the great advantage, if it passes to-night,—that is, the amendment—that it will be telegraphed to Olympia and it will save the situation there. That is the all-important thing.

Mr. NEILL: Hear, hear.

Mr. TAYLOR: "The general principle, too, is urgent, on account of the work it will make for individuals—seiners, trollers, gill-netters."

At page 1623, on the same date, Mr. Neill spoke as follows:—

We had this matter up before a committee of the house, and I remember very well one member of the committee said, "Mr. Minister, you changed your policy, you refused to issue these licences beyond 1936, and you have now changed your mind or your policy or both; will you explain the reason for this change of mind." But we have not heard that reason yet, and I hope we may get it to-night. It will need to be a pretty sound and substantial reason to combat the decision, carefully arrived at, as the minister himself says, after full consideration and in the light of all the circumstances, backed up by his officials, that these traps must not be permitted after 1936, that they would be allowed until that year as a concession to the vested interests.

That is answered by Hon. Mr. Michaud at page 1632 when he prefaced his remarks by stating:—

Fish traps, co-called, have existed for a long time and have been licensed by the dominion government continuously since 1904.

Later he stated:—

When I came to the department towards the end of 1935, I found that an agitation had been going on for some time in British Columbia seeking to remove these traps, and that the officials of the department had considered recommending that this be done. Representations were made to me; I looked over the records, and on the representations that

were made and the evidence that was before me I thought they were right, so in the early part of 1936 I wrote to the hon. member for Comox-Alberni the letter which he has read this evening and which was before the committee.

In the summer of 1936, however, it was my privilege to visit British Columbia and I attempted to become acquainted with the problems which existed on that coast, and which were new to me. I studied the various methods of fishing—trolling, purse-seining, gill-netting and catching fish by means of traps. I walked all over those traps; I covered the whole territory, I believe. I inquired from people in Victoria and Vancouver who I thought were capable of giving advice on the matter, and I found that the agitation arose from competition between those practising the various methods of fishing. Naturally the largest number think they are entitled to rule. The traps are operated by the capitalists, those who have invested, I understand, over a million dollars in an industry which is a credit to the country. They have kept that industry going and have developed around it one of the most creditable villages that can be found on the coast of British Columbia. I visited that village, which depends entirely upon the fish traps at Sooke. I interviewed the fishermen. I received a delegation from the returned men and another from the wives and daughters of the returned men. I interviewed the clergyman, and after listening to all the representations that could be made I came back convinced that if that industry were interfered with, the village at Sooke would have to go on relief, because they had no other means of support.

The CHAIRMAN: That rather condemns Mr. Robichaud's argument.

Mr. ROBICHAUD: What was that?

The CHAIRMAN: The argument that the public fishermen were making more money than the Sooke fishermen; if the Sooke traps were put out of business the men who are employed there would be in a better position because they could fish the same as the ordinary fishermen.

Mr. MAYHEW: But they cannot fish there.

Mr. ROBICHAUD: That was not my argument at all. I think my argument was the other way about.

Mr. TAYLOR: May I be allowed to proceed?

The CHAIRMAN: Yes.

Mr. TAYLOR: At page 1617 of Hansard I notice another remark by Mr. Neill:—

Since the Americans removed their 219 traps, our share of the catch has run as high as eighty-six per cent.

And then follows this remarkable conclusion personal to himself:—

It would pay us as sharp-dealing people, let alone for reasons of fairness and humanity, to pension off the forty-one employees who are engaged to operate these traps, although I think the number is less than that, in order to retain such a high proportion of the salmon.

Mr. NEILL: Hear, hear.

Mr. TAYLOR: All right, we will show you your error by and by; just keep quiet.

Mr. NEILL: It is too bad if a man cannot endorse his own statement.

Mr. TAYLOR: I should like to know precisely where Mr. Neill gets his eighty-six per cent? The reports do not show it, and yet it has been iterated several times by Mr. Neill. It may be that he is using a printer's error developed in the records of two years ago.

Mr. NEILL: No, I would not do that.

Mr. TAYLOR: Where in answer to questions—

Mr. NEILL: What page?

Mr. TAYLOR: At page 9 of the proceedings of 1937.

Mr. NEILL: Yes.

Mr. TAYLOR: Mr. Ryan asked Dr. Found:—

By Mr. Ryan:

Q. You are speaking of the trap fishing now?—A. No, I am speaking of the catch of sockeye on the two sides. Prior to the traps going out on the American side, as a general rule we were getting a great deal smaller proportion of the run. When the traps went out the picture changed. There is no question about that. The picture changed in these two years from twenty-eight to thirty per cent to 53·6 per cent in 1935. In 1936 we got slightly over eighty per cent.

Mr. NEILL: And on page 11 he said eighty-six per cent.

Mr. TAYLOR: And on page 11, in answer to Mr. Reid, Dr. Found said:—

A. I am speaking of sockeyes alone. Let that be clearly understood. In 1935 these traps took 73,103 fish when we got 53·43 per cent; in 1936 took only 44,336 when we got 86 per cent.

Mr. NEILL: There you are.

Mr. TAYLOR: But I say that is a printer's error because again on page 13 in answer to Mr. Neill the witness said:—

To come back to the taking of fish, I think it may safely be taken as an indication that 80 per cent of the fish that were taken by these traps, if those traps were not there, would have passed on to the United States side. . . .

Oh, no, that is not the point.

Mr. NEILL: No.

Mr. MAYHEW: Mr. Taylor, would you permit me to ask Mr. Whitmore a question right here?

Mr. TAYLOR: Surely.

A. J. WHITMORE recalled

By Mr. Mayhew:

Q. Has there not been a change in the run of the salmon at just about that period? Instead of going down the west coast of Vancouver Island they are coming down the east coast of Vancouver Island, in which case the salmon would never get as far south as Point Roberts where they had originally been. If they come down the west coast of the island they are then below the forty-ninth parallel and naturally their swing is into the Point Roberts area. But if they come down the inside channel or the east side of Vancouver Island they never get that far south before they reach the Fraser river. Does that not account for it?—A. That phase was, I think, dealt with pretty fully in the 1937 evidence. There always has been a small run of sockeye down what we know as the inside passage. In 1936, however, the run instead of by the usual route, the Juan de Fuca straits, was very much larger. To what extent it increased the share we got of the Fraser river runs in 1936 I am not prepared to say, but unquestionably it increased our share much more than normal.

Q. That had quite a bearing on the large percentage of fish—not the moving of the fish but the changing of the run of the fish that year, did it not?—A. Yes, that is so.

By Mr. Hanson:

Q. That is the only year on record they had such a big run on the east coast of Vancouver Island?—A. Yes, the following year, 1937, there was a very fair run too.

By Mr. Neill:

Q. In 1938, what happened?—A. There was nothing out of the ordinary.

Q. That was a phenomenal, abnormal run that might never occur again in 100 years.

Mr. MAYHEW: You were very bright not to point that out in your argument. You wanted to stick to your 80 per cent.

Mr. NEILL: I did not point it out.

Mr. MAYHEW: I would not point it out either if I were in your place.

By the Chairman:

Q. Mr. Whitmore, do you agree with Mr. Mayhew's statement that the fish have changed their habits in not coming down the same way?

Hon. Mr. MICHAUD: We will see next year.

The WITNESS: Yes, we will see next year. The cycle runs on a four-year cycle basis, 1936 and 1940, and we will watch developments very closely.

By the Chairman:

Q. The last one you thought had changed to some extent, did you?—A. in the 1936 run there was no question that a very large percentage came down.

By Mr. Neill:

Q. Were those fish that came down the inside passage, the late run, the same quality and the same type as the regular run?—A. No, the fish that came down the inside passage were good quality fish. They came down in August, reached the mouth of the Fraser river in the second or third week in August, and produced a very fine quality pack.

Q. Were the biggest of them the late run?—A. Not that particular run.

Hon. Mr. MICHAUD: They came there at the time we were on the coast, and it was the latter part of July, if I recall.

Mr. TAYLOR: May I proceed? The note I wanted to bring up was the statement I put in at page 1628 of Hansard showing the pack of Fraser river sockeyes caught in the Fraser river, the Sooke trap-nets and Puget Sound, and it does not show anything like 86 per cent. These figures are authentic, taken from the record of the United States and the Canadian report. There is so much to traverse in this matter that one has to go ahead very carefully. At page 1624—

Mr. NEILL: Of Hansard?

Mr. TAYLOR: Yes, of Hansard—quoting, Mr. MacNeil said:—

The average Canadian share of the Fraser river sockeye salmon pack prior to 1935 was about 30 per cent.

Mr. MACNEIL: The average?

Mr. TAYLOR: The average. As a matter of fact, the average run was from thirty-three to thirty-five. "In 1936, our average rose to 53 per cent Actually it was 72.2 and 1.7 or a total of 73.9.

"In 1937 it was about 80 per cent." Actually it was 60.1 and 3.7 or a total of 63.8.

"And I am reliably informed that last season it was over 60 per cent." Actually it was 54.1 and 1.2 or a total of 55.3. Is that correct, Mr. Whitmore?

[Mr. A. J. Whitmore.]

The WITNESS: Yes, that figure is borne out by the statement the department handed in at page 24 of report No. 1.

Mr. TAYLOR: Thank you.

By Mr. MacNeil:

Q. Are those figures obtained from the department?—A. The figures in the statement on page 24, report No. 1?

Q. The evidence given by Dr. Found before the committee corroborated my statement made in the house as to the Canadian percentage of the Fraser river pack?—A. That would be Dr. Found's statement made in the 1937 committee. They would be departmental figures.

By Mr. Neill:

Q. Eighty-six per cent?—A. No. I am afraid our figures do not bear out that 86 per cent, as you will see on this statement on page 24—

Q. Dr. Found did say that, did he not?—A. It is reported, as Mr. Taylor read, as 86 per cent in one place.

Mr. TAYLOR: It is also reported as 80 per cent in exactly the same circumstances and I say that 86 is a misprint.

Mr. NEILL: He refers more than once to 86 per cent.

Mr. TAYLOR: No. I can find only one reference.

Mr. NEILL: Only one at 80 per cent.

Mr. TAYLOR: I want to prove that you are making statements which are not substantiated.

Mr. NEILL: Not at all. It was 86 per cent. Mr. Found swore to it twice.

Mr. TAYLOR: At page 1718 Mr. Neill advances a strange argument:—

The fish come round a headland and make for the Fraser river. They go around the shore line and they come up to a lead, as it is called, which may be 600 feet or 6,000 feet long... The law is that for 48 hours in the week this mouth or gate here must be closed. The gate must be closed...

That is the gate to the trap.

The gate must be closed; but as the fish come along on Friday and Saturday nights and find they cannot get through, they simply mill around and around. You or I would go down around one side or the other and get past the traps, but that is not fish nature. They simply mill around, and their instinct guides them until they start up again, when they again hit this lead. Then they mill around again. "They are millers—not fish." On Monday morning there are just three times as many fish as there were on Friday morning. 90 per cent of the fish stay there. That is what the wing is intended for.

If we are to believe that actually as it is stated, then we must believe that fish cannot swim in the sea or go from one place to another, because the lead is nothing more than a simulated headland stuck out into the water, and the fish are quite able to go around any obstacle, and they do. It is part of their business to reach their spawning grounds, and nothing will be allowed to interfere with that. Many animals, birds and insects are the same; they have the same stubborn homing nature. The lead can only be operated when it is definitely working. If it is open they will find their way through, if it is closed they will find their way around.

Mr. REID: I think that can be disputed later on.

Mr. TAYLOR: I am stating it right now.

Mr. MACNEIL: You are not suggesting that the fish go by a direct route from the sea to the spawning grounds, are you? Do they not linger?

Mr. TAYLOR: That is precisely what I am not suggesting. It does not matter how many little twists or turns they have to navigate, they have their ultimate objective always in mind, and they go there.

Mr. MACNEIL: Do they not school from time to time?

Mr. TAYLOR: No. I think Mr. Whitmore will answer that.

By Mr. Taylor:

Q. Mr. Whitmore, will you kindly give us the difference between schooling and massing up?—A. It is characteristic of the salmon runs that they do school at certain points occasionally coming in the Juan de Fuca straits. At times they will be massed in schools; at other times that condition will not be found. Then again they school at the mouth of creeks, preparatory to going up to spawn. I may say the salmon purse seine gear is mainly successful because of the schooling characteristics of salmon. If salmon did not school the purse seine could not be successfully operated inasmuch as the principle of operation is encircling the fish. The salmon purse seine is not successful in all waters of the province; only in certain areas where it is found that fish do school do they make their catches.

Hon. Mr. MICHAUD: Now it is schooling time for us.

Mr. MACNEIL: Shall we meet at the call of the chair?

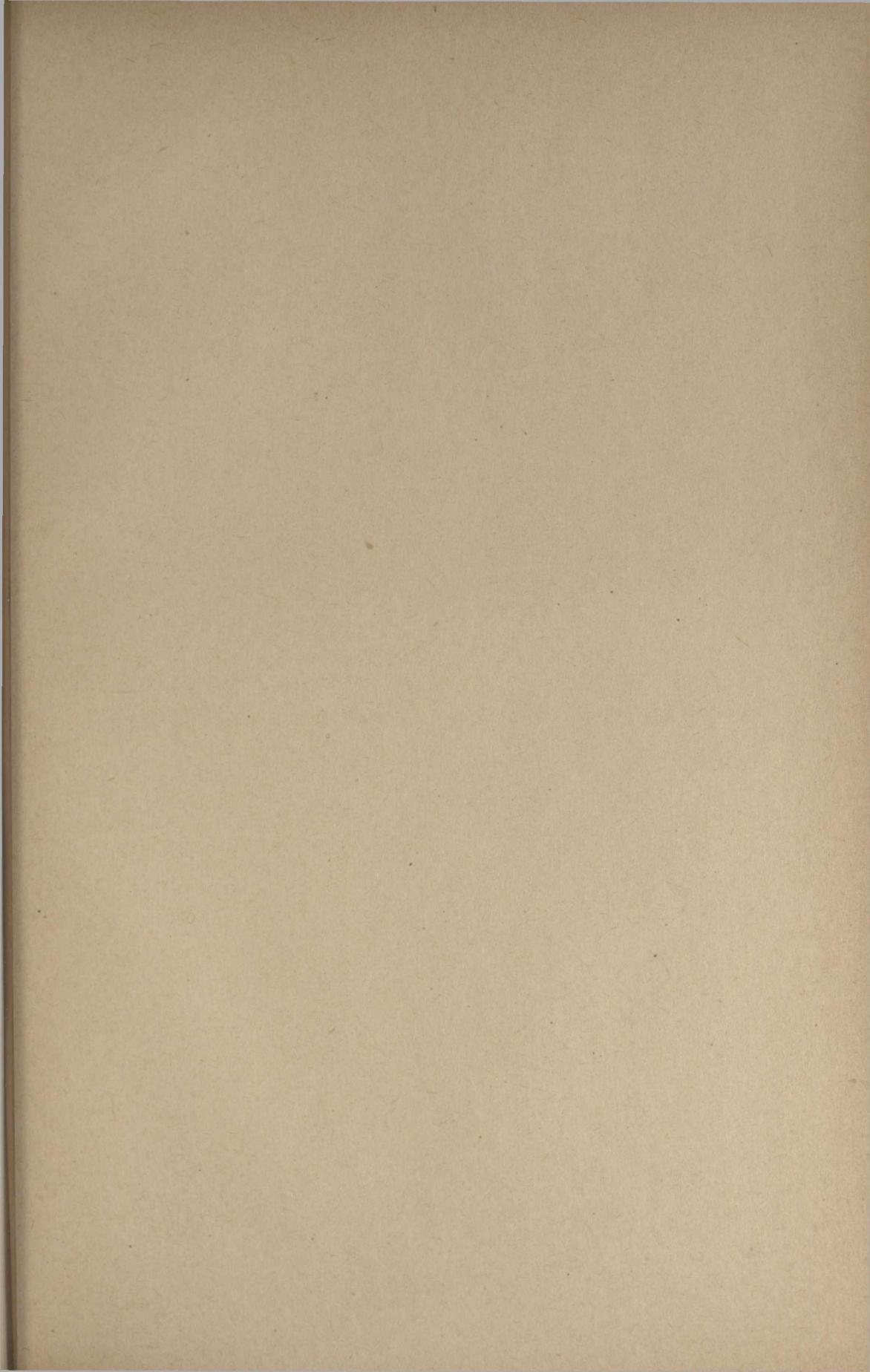
The CHAIRMAN: When do we meet again? Shall we try to meet to-morrow morning?

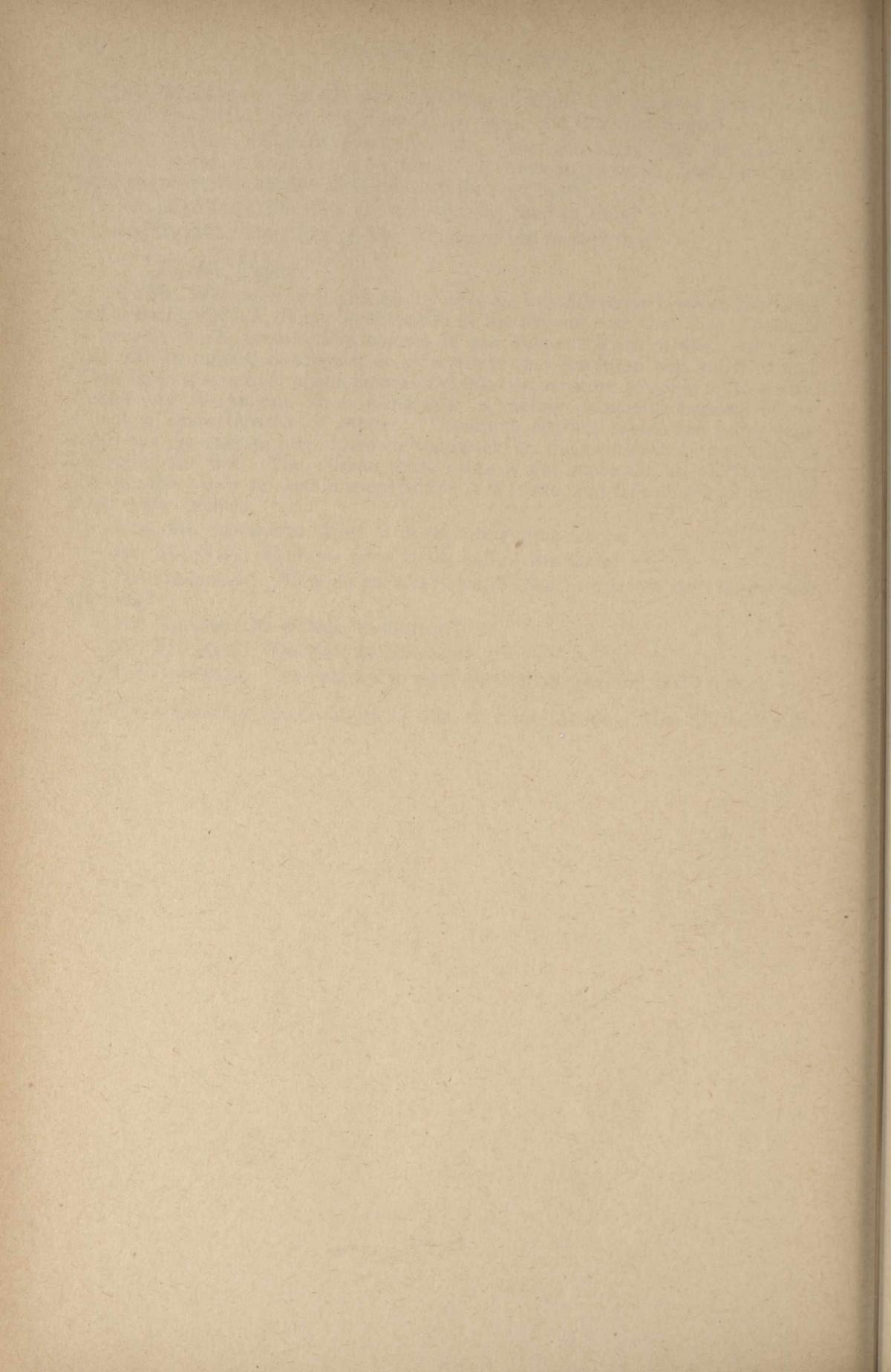
Mr. TAYLOR: 10 o'clock to-morrow?

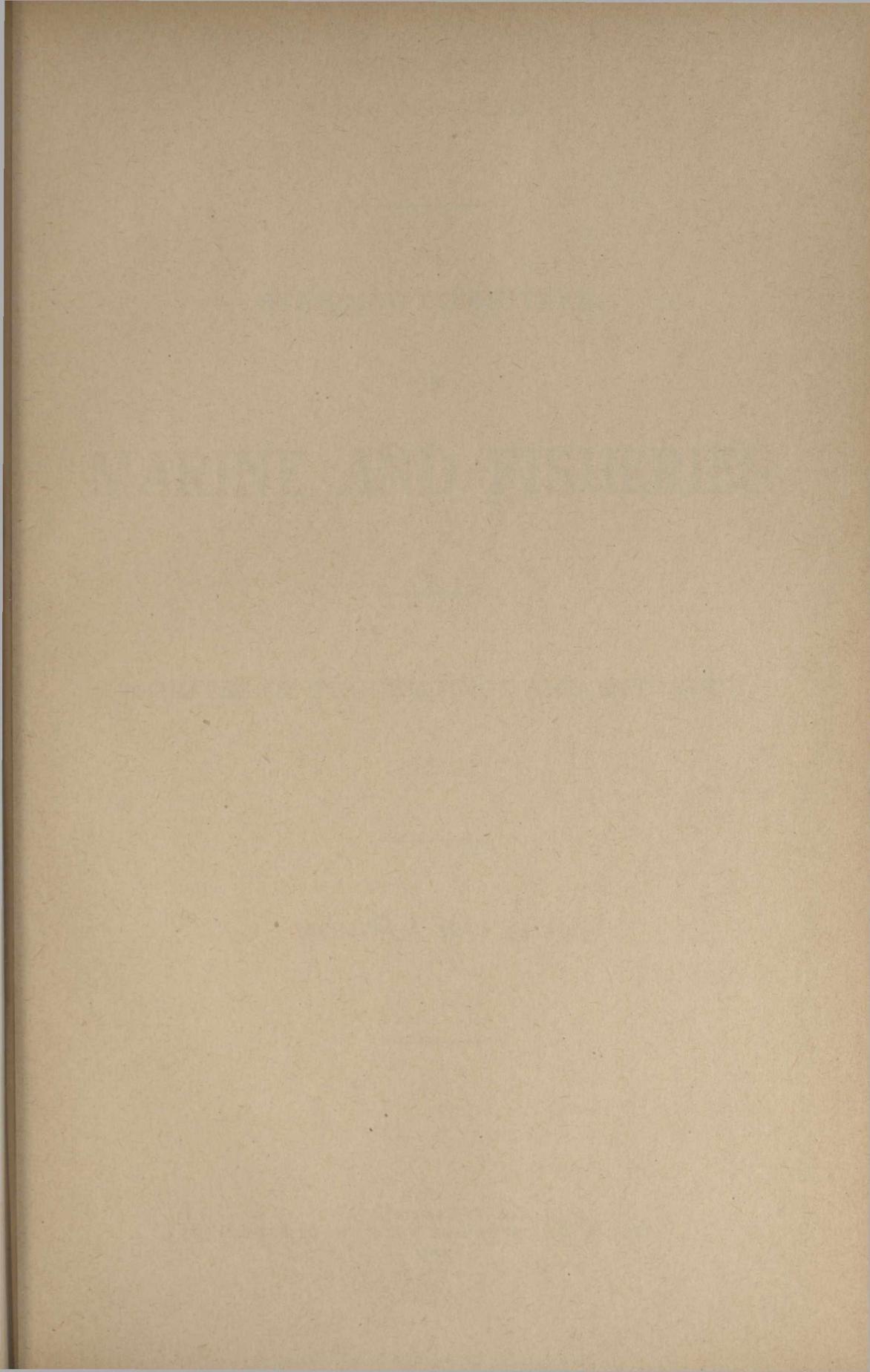
Mr. MACNEIL: The call of the chair.

The CHAIRMAN: We will try to meet to-morrow morning at 10 o'clock.

The committee adjourned at 11 a.m. to meet Monday, May 15, at 2 p.m.









SESSION 1939
HOUSE OF COMMONS

STANDING COMMITTEE

ON

MARINE AND FISHERIES

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 8

MONDAY, MAY 15, 1939

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1939

DEPARTMENT OF COMMERCE
BUREAU OF FISHERIES

STANDING COMMITTEE

MARINE AND FISHERIES

MINUTES OF PROCEEDINGS AND REPORT

FOR THE YEAR 1910

WASHINGTON: GOVERNMENT PRINTING OFFICE: 1911

MINUTES OF PROCEEDINGS

MONDAY, May 15, 1939.

The Standing Committee on Marine and Fisheries met this day at 2 p.m. The Chairman, Mr. A. E. MacLean (*Prince*), presided.

Members present: Mrs. Black and Messrs. Clark (*Essex South*), Farquhar, Green, Hanson, Kinley, MacLean (*Prince*), MacLean (*Cape Breton North-Victoria*), MacNeil, McAvity, Michaud, Neill, Reid, Robichaud, Taylor (*Nanaimo*), Telford, Veniot, and White—19.

In attendance: Mr. A. J. Whitmore, Head of the Western Division, Department of Fisheries.

The Committee resumed its study of trap-net fishing.

Mr. Neill placed on the record, along with a resolution, a letter dated May 11, 1939, from the Greater Vancouver Youth Council.

The Honourable Mr. Michaud, reverting to the briefs already submitted, suggested that the matter of trap-net fishing be referred to a judicial commission for investigation, including the taking of evidence under oath, and that this committee should so recommend to the House.

After discussion, Mr. Mayhew moved that the Minister's suggestion be adopted. The motion was carried.

On motion of Mr. Kinley,—

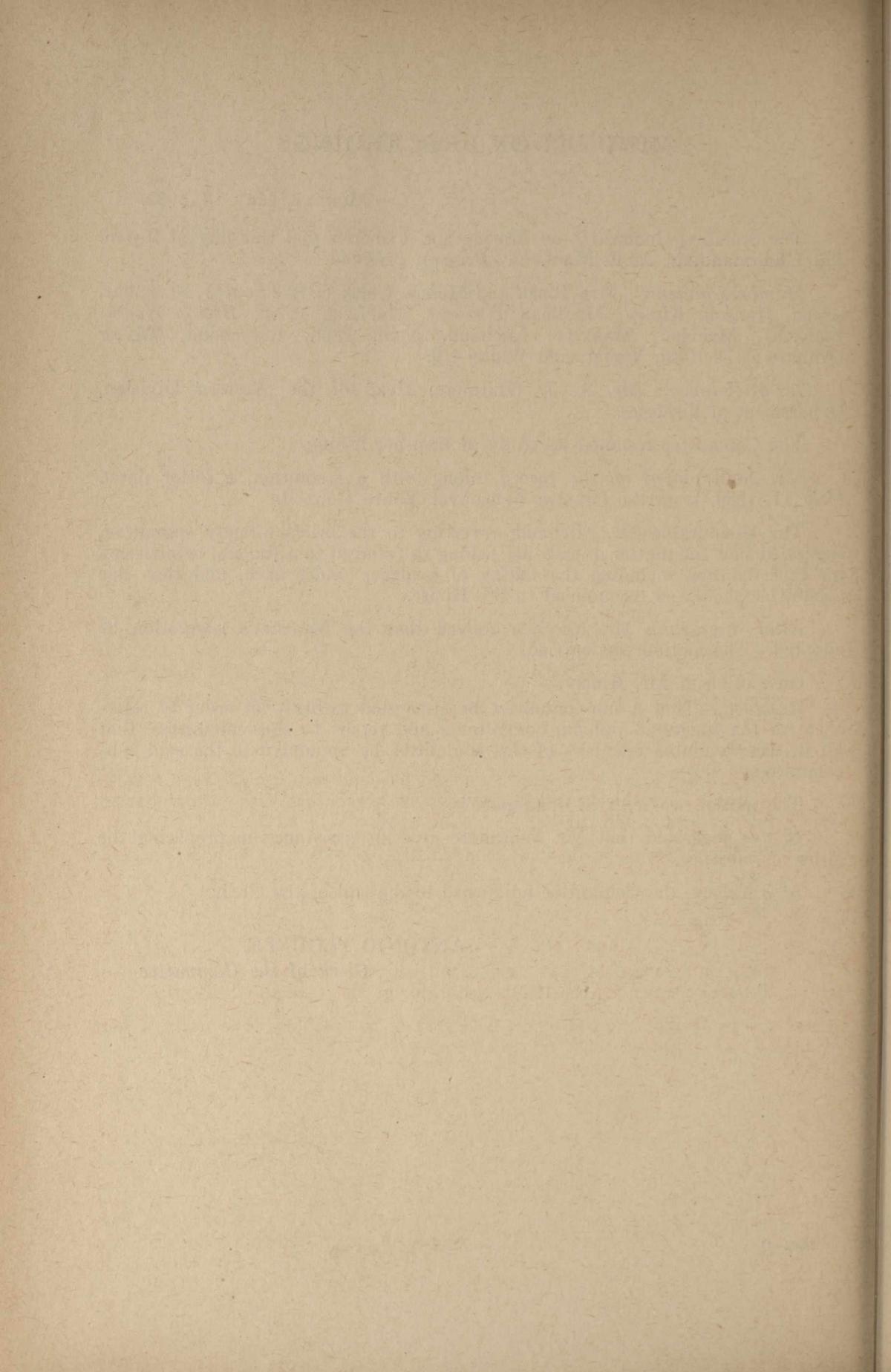
Resolved,—That a sub-committee be appointed to draft an order of reference for the suggested judicial commission and report to this committee, that all British Columbia members of this committee be appointed to the said sub-committee.

The motion was carried unanimously.

It was suggested that Mr. Whitmore give his assistance in preparing the order of reference.

At 3 o'clock, the Committee adjourned to the call of the Chair.

ANTONIO PLOUFFE,
Clerk of the Committee



MINUTES OF EVIDENCE

HOUSE OF COMMONS

Room 429, May 15, 1939.

The Standing Committee on Marine and Fisheries met at 2 p.m. The Chairman, Mr. A. E. MacLean, presided.

The CHAIRMAN: Ladies and gentlemen, I think we have a quorum.

Mr. HANSON: I think we should be complimented on having one lady member.

The CHAIRMAN: Yes, I think we should put that on record. If there is nothing anyone wants to bring before the committee immediately, we will have Mr. Taylor proceed.

Mr. NEILL: I have a letter I should like to put on record if I may?

Mr. REID: Probably it is the same resolution that has come to the rest of us.

Mr. NEILL: It is from the Greater Vancouver Youth Council and dated May 11, 1939, and reads as follows:—

Dear Sir:—

At the recent British Columbia Youth Congress held at Vancouver, April 7-10th, 232 delegates from 56 major youth organizations representing a total of 45,113 young people met to discuss the many vital issues facing them.

The following resolution was passed referring to the fishing problem:

WHEREAS the dominion government in 1937 passed legislation prohibiting fish traps in B.C. waters, but allowed seven trap sites located at Sooke, Vancouver Island, to remain; and

WHEREAS there is no guarantee that at some future date trap interests may not have this legislation revoked and traps legalized in any part of B.C. coastal waters, and

WHEREAS we consider that Canada's insistence on allowing seven traps at Sooke after the State of Washington had removed 219, constitutes a convincing argument for trap interests in that state to have them restored, and

WHEREAS the State of Washington has again this year voted traps out, while our government has just issued licences again for the operation of the Sooke traps, for the 1939 season, though they are still held up,—

These words, "though they are still held up" are a mistake. The licences were being held up, but they are not held up now.

—and

WHEREAS there is an amendment now before the federal house, calling for complete elimination of the Sooke traps in 1940,

THEREFORE be it enacted by the youth of B.C. in congress assembled that this Youth Congress respectfully petition the dominion government to pass the necessary legislation during the present session prohibiting the taking of salmon by means of traps in the waters of B.C., from 1940 on; and that we forward a copy of this resolution with our official endorsement to the Honourable J. E. Michaud, M.P., Minister of Fisheries.

This is the considered opinion of the young people of this province and the outcome of the present debate will be watched with considerable interest.

Yours sincerely,

(Signed) J. S. HUNDAL,
General Secretary.

45,000 are a good many people out of the population of British Columbia.

Mr. TAYLOR: That petition is precisely on all fours with all the resolutions that have been filed actually, almost the same words.

Mr. REID: You had better associate my name with that petition, too.

Mr. TAYLOR: That comes from a common source.

The CHAIRMAN: Mr. Reid has a similar resolution.

Mr. HANSON: I have one, too.

The CHAIRMAN: Which he wishes to file also.

Mr. REID: Just associate my name with the same resolution.

Mr. HANSON: I have one too.

Hon. Mr. MICHAUD: Mr. Chairman, before Mr. Taylor is asked to proceed with the presenting of his views as opposed to the views presented by Mr. Neill, I would ask Mr. Taylor if he would mind if I be allowed to say a word or two?

Mr. TAYLOR: Surely.

Hon. Mr. MICHAUD: This question which has been before the committee for some time is very intricate, and I am sure to those who are not familiar with conditions on the coast it is hard for them to decide, just as hard as it has been for myself in the last three years and for my predecessors. We have had many sittings and we have heard what I would call hearsay evidence on both sides. We have had a brief presented by those who are in favour of the traps, and we have had a brief presented by the unionized fishermen of the coast. We have first the North Island Trollers' Cooperative; second, the Pacific Coast Fishermen's Union; third, Salmon Purse Seiners Union, local 141; and fourth United Fishermen's Union, local 44; and finally I have a letter endorsing the attitude of these people by the Youth Congress, I believe, of the province of British Columbia.

Mr. REID: And the B.C.F.P.A.

Hon. Mr. MICHAUD: I think also we have had representations from the gill-netters, at least through Mr. Reid, who claims to represent most of the gill-netters of the Fraser river.

Those who have read the brief presented by the organized fishermen must have noted the conclusion, the last paragraph of the brief which reads as follows:—

The Associations above named believe that only by securing the fullest evidence from all points of view can the Minister reach a satisfactory conclusion in the matter of fishing traps.

In order to enable all interested parties to present their views fairly, openly, and in a straightforward manner, it is now proposed that public inquiries be instituted by the department, with hearings in Vancouver, Victoria, New Westminster and such other fishing communities as are agreed upon by the department in consultation with fishermen's associations.

Adequate advance notice should of course be given of these hearings and the minutes should be recorded and made available to the public.

Only by adopting this procedure can the Department of Fisheries obtain a true and unbiased picture of the situation and thus be enabled to recommend the necessary legislation to the next session of parliament.

It is finally proposed that the public inquiry urged above should be held throughout the fishing season of 1939 and should extend until such time as all parties desiring to be heard have presented their views.

It is a difficult question to decide and I have felt right along that it is possible that the minister has not had all the information that he should have had in order to come to a satisfactory conclusion, and for some time I have thought of having the matter gone into more fully on the ground when all parties interested could be summoned to give their evidence under oath.

It will be impossible for myself, and I think it would not be accepted by all interested if I delegate my powers to an official of the department, to make that inquiry. And I have thought that in order to act fairly with all concerned we should have the matter referred to an unbiased, unprejudiced tribunal for investigation. My view would be to refer the matter to a judicial commissioner to be investigated as soon as the session closes so that the people interested have a chance to present their views in sufficient time before the next session of parliament and the recommendation of the commissioner or the tribunal be implemented at the next session. I am throwing out this suggestion with a possible view to curtailing the work of this committee for the present, and also to facilitate the work of members of parliament, and members of the committee; that this matter be referred for investigation to a royal commission or a commissioner appointed under the Inquiries Act, and my views would be in order to have as independent a tribunal as is possible, to have a judge either of the supreme court, the superior court or the county court for the province of British Columbia investigate this matter and give a chance to all interests to appear before him and present their evidence under oath; and the department, or so far as I am concerned, will be satisfied and willing to abide by the recommendation of that body.

Mr. TAYLOR: Would that be a one man commission?

Hon. Mr. MICHAUD: If a judge were appointed I think it would be a one man commission. With respect to the appointment of laymen for that work, I am afraid it would be difficult to find any man or three men among laymen who would be considered absolutely unprejudiced or unbiased and be satisfactory to all sides, but if we select a judge who is independent of all parties and who does not have to depend either for his position or for his profession on the public we shall be more likely to have an unprejudiced and independent opinion. That is my suggestion to the committee.

Mr. REID: While there is considerable merit in the suggestion, on hearing this in committee for the first time I am of opinion that a judge might know very little in particular about fishing, and unless he had sitting with him another person who was familiar with the fisheries in British Columbia the judge might not be able to get full information. Those are my views at the moment.

Mr. HANSON: He would have the benefit of all the evidence that has been presented to this committee in the last three or four years.

Mr. NEILL: If you appoint a three-man commission one would have to be a representative of the traps, one would have to be a representative of the fishermen, and the other would preside, with the result that in the final analysis the decision will be made by the chairman; so you might as well start with the chairman and have him a judge. That is what it would amount to. A judge would be supposed to be impartial and he could get his information from the evidence before him and there would be representatives to put up the case for both sides. I personally would regret very much to see this thing done. I hardly think it is justified. We have been listening to this subject for three years—both sides of it. We have had the sworn evidence of Mr. Found and Mr. Goodrich at great length which could not be improved upon or extended

from bodies which are not lightly set aside. For instance, there is this civic very much. We have had numerous petitions, not only from fishermen but body from Vancouver; then there are the boards of trade and chambers of commerce from Vancouver, Prince Rupert and other important points; and finally to-day there is this petition from the youth council. The thing has gone beyond the scope of a little fishermen's dispute now, it is a provincial matter. The minister says he wants to have evidence. We have all the evidence in one form or another likely to be presented, and this committee is supposed to be impartial; and if we cannot decide it is rather a reflection on our ability. We have been sitting for three years and we can't make up our minds, and now we are going to turn it over to be all heard again by men totally unfamiliar with the matter.

Hon. Mr. MICHAUD: If you take the evidence which has been presented before us in committee since 1937 and make an analysis of it you will find that we have had the evidence under oath of one man representing the trap owners, one of the owners, and against that we have had the evidence under oath of two men, one from the organized fishermen, and the other man had very little experience. And in 1937 I think the committee was satisfied that the evidence was not sufficient to justify any definite attitude, and they so decided. Since then all we have had are petitions which, as members of the committee know, are very easy to get, but we have had no direct evidence under oath by those who are opposed to the traps. As far as I am concerned I would not feel I was discharging the duties of my office if I were to act without giving every opportunity to all parties to present their views under oath, and to substantiate them. And for that reason I think we should have more evidence. It is not possible to bring these people from the Pacific coast down here for examination under oath, but I think it is proper and possible to refer this question to a body, a tribunal of one or three men—the number is immaterial—so that the matter may be fully investigated on the ground, and afford an opportunity for interested parties on both sides to appear before a tribunal properly constituted to investigate the whole thing, as it should be investigated.

Mr. REID: Might I ask this question, Mr. Chairman, of the minister: would you be prepared to abide by a recommendation of that kind and carry it out?

Hon. Mr. MICHAUD: Certainly, most certainly.

Mr. HANSON: He has said he would.

Hon. Mr. MICHAUD: Certainly. That is the purpose I had in mind in making this suggestion. As far as I am concerned, it would enable me to come to a decision and at the same time satisfy me that I am not doing an injustice to anybody. I want to do justice to everyone concerned in this matter.

Mr. MAYHEW: I think that the suggestion of the Minister is a good one, but my argument during this debate has been based on the belief that fishing cannot be carried on in this area during the whale-fishing season. I would therefore be glad to have it properly investigated. It would be necessary to get more than just a report. It would be necessary to include a report of weather conditions in that area during the fishing season, because if they are not able to fish, then our contentions that the traps should stay there are right.

Hon. Mr. MICHAUD: That is one of the arguments that has been advanced in favour of the traps. This is a matter which cannot be investigated by the committee right here in Ottawa. It is a matter that can only be investigated by a tribunal of men who can go on the spot and verify for themselves whether the statements are correct or not.

Mr. MAYHEW: If that investigation is carried out so that weather reports can be incorporated as to fishing conditions during the fishing season, I for one would be thoroughly satisfied with that arrangement.

Hon. Mr. MICHAUD: This is a matter, of course, which concerns most vitally the British Columbia members. The selection of the tribunal could be

made in consultation with the British Columbia members, and the order of reference could be framed after consultation with the British Columbia members. The points to be investigated could be outlined in the order of reference and we could include all the points that the British Columbia members have in mind pertaining to this intricate question.

Mr. GREEN: One of the most serious features, in my opinion, is the danger of the Americans putting back their traps. If that is done, our fishermen will be very much affected, and I doubt very much whether a tribunal such as the minister suggests could go into that aspect of the matter. After all, it is really a question for the members to decide. The responsibility rests right here.

Mr. TAYLOR: Mr. Chairman, that remark just shows how inefficient the opposition have been in presenting the charge against the traps. It is a well-known fact that the convention established the fact that British Columbia sockeye fishing had been depleted almost to the point of negligibility, and that the high governments of both countries had determined that there should be an equal division of the fish from the Fraser river area. With that in mind as one of the strongest arguments the Pacific Salmon Fisheries Commission was established. My work here, Mr. Chairman, has been simply taking up the statements in one form or another of the opponents of the traps and refuting them by the definite evidence that can be discovered in publications of record.

Mr. NEILL: I object to that statement; it is not correct.

Mr. REID: He means endeavouring to refute the statements.

Hon. Mr. MICHAUD: That is exactly the point. We are no further ahead than when we started. We have had some members of the committee making statements considered to be facts but which were merely statements of opinion possibly based on facts. On the other hand, some other members refute those allegations by counterstatements. I do not feel that the committee would be justified in coming to a decision in the nature of a permanent policy for the future simply on these statements of opinion. My suggestion is for the purpose of either verifying or substantiating those statements and counterstatements by evidence taken on the spot under oath from people who are vitally interested and concerned in the matter.

Mr. TAYLOR: Providing there is proper representation on the commission then I should be quite satisfied because, personally, I want nothing more than the truth in these findings. I entered into this business not because I was the mouthpiece of any trap owner but because I was convinced of the correctness of my stand, and I followed that up in spite of very definite opposition of a peculiar character. But I should be very willing to support the minister's suggestion if that commission can be properly representative and properly able to do its work.

Mr. MACNEIL: I understood the minister to suggest a judge.

Hon. Mr. MICHAUD: I suggested a judge. Some members have suggested that a judge should be assisted by a representative of the owners of traps and also by a representative of the opposition. I feel that it would not be practicable. I think if we had a good judge—they have to decide more difficult things than that in the courts—we can expect to have a very, very good report and very valuable suggestions, and no doubt I would have to abide by the recommendation.

Mr. NEILL: Would the minister permit the terms of reference to be wide enough to take in what might be called the "political angle" as mentioned by Mr. Green, not exactly as between the fishermen and trap owners, but the bigger angle of international relationship?

Hon. Mr. MICHAUD: Certainly.

Mr. GREEN: It seems to me that is a matter for the house to act upon and not for a judge.

Hon. Mr. MICHAUD: If a judge, after taking the evidence of those advancing arguments and possibly looking into what has transpired on the American side of the line for the last four or seven years, recommends that the maintenance of traps there would induce the Americans to revert to their former policy of licensing traps and that it would be against public interest and the interest of the fishermen of British Columbia, there is no doubt that we would have to abide by such a recommendation.

Mr. NEILL: Mr. Minister, here is another question: Supposing we took a vote now and go against the traps, what would the minister's action be, or what would your attitude be?

Hon. Mr. MICHAUD: If you voted the traps out my attitude would be to look into the matter. But if the committee through legislation ties my hands completely I will simply have to abide by their decision and my hands will remain tied until they are untied. But I do not think it would be fair, Mr. Neill, for the committee or parliament to take that attitude on the evidence that has been brought before it.

Mr. HANSON: Mr. Chairman, I think that if we have established nothing else we have at least established during the last two years—if I understand the evidence—that 95 per cent of the fishermen in British Columbia are against traps. I also think we have established that at least 80 per cent of the population of British Columbia are against fish traps. Taking into consideration the representations from boards of trade and the resolutions which we have had from public bodies, I am convinced that 80 per cent of the population of British Columbia are against fish traps.

Mr. TAYLOR: I deny that.

Hon. Mr. MICHAUD: That is being disputed, Mr. Hanson, and even if it were true, I do not think I would be discharging the duties of my office if I were to deprive certain persons of their natural right to use that method of fishing just because there is a greater number on the other side interested in depriving them of those rights or claiming that they should be deprived. The very purpose of parliament, in fact, the very purpose of our being here, is to prevent such things happening.

Mr. TAYLOR: Hear, hear.

Hon. Mr. MICHAUD: Because if the argument was simply that those who do not use or resort to that method of fishing are opposing it because they want to have them disappear, I feel it would be our duty to prevent that sort of thing. It is the duty of parliament. That is the reason for the existence of parliament, to prevent that sort of thing. There are better arguments than that advanced. The argument of conservation is the only one that should be considered by us, the conservation of the fisheries of British Columbia. That is the very thing I want to have investigated. Ancillary to that the suggestion has been made by Mr. Green that the fact of keeping the traps there might cause the traps to be instituted again in the border line waters of the United States thus further depleting the amount of sockeye salmon, which is now very low. That is part of the conservation argument that has been advanced.

Mr. ROBICHAUD: Mr. Chairman, as an eastern member and one not directly interested in this controversy, I must say that in spite of the fact that I have read the evidence given in 1937—because I was not a member of the committee then—and in spite of the fact that I have read it most thoroughly, almost tiring my eyes out this last couple of weeks, and in spite of what I have heard here in committee, to tell you the truth, if it came to a vote, I could not vote on this question intelligently and be able to explain my vote either way. That is the way I feel about it. I should like to give an intelligent and conscientious vote, whether in the house or in the committee, as far as the merit of the case is concerned.

One of the big points that came up here was that it was depriving men of employment, that if you did not have the traps you would have more employment. I do not know—I may be all wrong—but I took the figures that I saw in the reports and I think I showed the other day that the figures would be the other way, that the traps and the cannery of that firm gave more employment in proportion to the fish they canned than the rest of the fishing industry. Another big point that was made here was, it seems to me, that it was a special privilege granted to certain persons. Well, as a democrat, I think there is nothing that would have more weight with me than the matter of special privilege. I certainly am not for granting anybody special privileges. But as I remarked the other day, to my mind this is not a special privilege to any persons. It is a district special privilege. If you want to call it a special privilege, it is a district special privilege. It is not people. It is not a firm that has a special privilege. It is the district. For what reason? It is advanced—and I do not know whether it is true; it seems to me it is true—that it is the only kind of fishing that can be done in that district. Therefore the special privilege is to the district. That is the way it strikes me. It is not to individuals, whether it be just one man or a big firm of capitalists or the fishermen themselves. Suppose the fishermen should buy this plant of Todd's, and wish to run that plant on a co-operative plan. Would you say that was a special privilege to the co-operative? No, I would say that is a special privilege to the district, because they cannot fish in any other way. That is the way it strikes me. As an eastern member, I should like to vote one way or the other on this thing if I could. But really, conscientiously, I can tell you that I could not to-day give an intelligent vote and explain my reason for that vote one way or another. I think the suggestion of the minister is really a providential suggestion, an inspirational one. I think it would go a long way towards solving this question. I think you would do away with a whole lot of things that perhaps are not there—things that are exaggerated; a whole lot of chaff—and we would come down to the truth of the whole matter. I believe that a judge of the supreme court or the county court, or of the superior court or county court, would be more competent than a layman or two or three laymen or two or three coupled with a judge. I think it would be better just to have one judge. We had an investigation in Nova Scotia a couple of years ago with one judge. Of course, he had counsel with him to prepare the case, get the witnesses and the evidence. We could have two counsel if we wanted to, one on one side and one on the other. If you thought one was not getting the evidence, the counsel on the other side would get it out. But I think really the judge—who is beyond politics, who can be absolutely neutral—would be the solution to the matter. I should like to see a vote to that effect, and I would support it.

Mr. NEILL: Let us bring this thing to a head. The minister has made a proposal. It is on record that there are certain members from British Columbia interested in this matter, of whom five are against the traps and two are favouring them. We have more or less divided into two parties on that matter. We have gone to a lot of trouble, the five men against the traps, getting out evidence, attending the meetings here and so on. It would be perhaps only fair to us to give us at least a run for our money. I would make this simple suggestion which I am sure the minister would see his way clear to agree to, that we take a vote here and if it goes in favour of the traps, that we accept the minister's offer.

Mr. TAYLOR: I object to that, Mr. Chairman.

Hon. Mr. MICHAUD: No, I do not think it would be fair to pass a vote in favour of the traps and then refer the matter. I am not asking that.

Mr. NEILL: I was not asking that either.

Hon. Mr. MICHAUD: That is what I understood you to say.

Mr. MAYHEW: There is no use in being foxy about things. What we want is a square deal all the way around.

Mr. NEILL: What is the word you used?

Mr. MAYHEW: I said there was no use trying to be foxy about the thing, or being foxy. We might as well try to get a square deal about it, and that is all.

Mr. NEILL: You are addressing yourself to me, are you?

Mr. MAYHEW: I am addressing myself to you through the chair, yes.

Mr. NEILL: There is no need to be what?

Mr. MAYHEW: I say there is no need to be foxy about it at all. That is a very foxy suggestion of yours, but we are not quite so stupid as to accept it.

Mr. NEILL: I thought it was a fair suggestion.

Mr. MAYHEW: No.

Mr. NEILL: We have been talking about this matter for three years and we have five representatives here now. Why not take a vote? If the minister says he will not agree with it, then I guess we will have to accept this thing with the consent of our colleagues. I expect the best we can do is to accept the minister's offer and hope that good may come out of it.

Mr. TAYLOR: I am perfectly content.

Mr. MAYHEW: I quite agree with the minister's suggestion. What we want is fairness in the thing. We want to get the evidence. I would be prepared to support that.

Hon. Mr. MICHAUD: I think what Mr. Neill intended to suggest was that a vote be taken on my suggestion.

Mr. MAYHEW: That is all right.

Mr. NEILL: I am afraid to open my mouth for fear my friend will think it foxy.

Hon. Mr. MICHAUD: That is what you intended to suggest. There is no doubt of that.

Mr. NEILL: I suggest that we know when we are beaten. We will accept the minister's suggestion and hope that good may come out of it.

Mr. MAYHEW: Is there going to be a closed season on fish traps? I notice there was not one in the house the other night. It was introduced again.

Mr. NEILL: Yes.

Mr. MAYHEW: Will this mean a closed season for fish traps?

Mr. NEILL: Mr. Mayhew has well suggested a further point of reference which should be considered, in connection with doing away with fishermen in connection with naval reserves. That is a point which would have to be included in the reference.

The CHAIRMAN: Your department would be quite willing to allow counsel on both sides?

Hon. Mr. MICHAUD: Yes.

Mr. NEILL: No fishermen, no naval reserves; if there are no fishermen, there would be no naval reserves.

Hon. Mr. MICHAUD: But there is no intention of doing away with the fishermen.

Mr. NEILL: It will if you do not do away with the traps.

Hon. Mr. MICHAUD: You know better than that. You know that the traps that have been licensed there have not done away with any number of fishermen.

Mr. GREEN: Would it help to appoint a sub-committee to draft the reference—to help the minister draft reference?

Hon. Mr. MICHAUD: Yes.

Mr. GREEN: To assist the minister in drafting that reference?

Hon. Mr. MICHAUD: We have seven members from British Columbia here as members of the committee. Why should they not be appointed as a sub-committee to help draw up the reference? We have seven members from the province of British Columbia who are members of this committee and are interested in this matter.

The CHAIRMAN: We have seven members from the province of British Columbia on this committee who are interested in this matter.

Mr. HANSON: The majority of three to one is giving in now not to take a vote to-day. The majority against fish traps in British Columbia is practically seven to five or three to one, and we are giving up to a minority. However, I am in favour of the minister's suggestions because I think it is proper that there should be a fair decision in this matter and everybody should get a good break. A parliamentary committee has been sitting on this matter for three years and we have not been able to straighten it out, so we shall have to have somebody else do it.

Mr. REID: If the reference covers all the arguments pro and con it will be all right.

Mr. KINLEY: Do I understand that the British Columbia members have accepted the suggestions of the minister?

Mr. MAYHEW: I move that the suggestion of the minister be accepted.

Mr. KINLEY: It is up to the British Columbia members. I am going to make a motion that the reference to the sub-committee be dealt with by the members from the province of British Columbia.

Mr. TAYLOR: I cannot agree with that. First of all, I will ask the minister if the government will provide counsel for each side, or should both sides be expected to provide their own counsel?

Hon. Mr. MICHAUD: I think it would not be fair to ask the government to provide counsel for the owners of the traps.

The CHAIRMAN: No.

Mr. MACNEIL: Any judge sitting as a commissioner would have counsel who would act for the commission.

Hon. Mr. MICHAUD: The department would provide counsel to help the judge get the evidence before him. That is what we have been doing in all references of that kind and that is what will be done in this case.

Mr. TAYLOR: I am not aware—

Mr. MACNEIL: If any of the interests having matters to bring before the commission desire to have counsel I suppose there will be no objection to their being associated with counsel for the commission?

Hon. Mr. MICHAUD: Not at all, but there will be counsel designated by the government to help the commissioner in the matter. He would be an independent minded man.

Mr. REID: His job would be to get the agenda ready and line up the evidence.

Hon. Mr. MICHAUD: Yes, to get all the evidence that can be gathered to substantiate the points referred to the judge in the reference.

Mr. KINLEY: In regard to what the minister said a few moments ago, I make the suggestion that the members of the committee from British Columbia should be invited to decide the terms of the reference, and it was for that reason that I made the motion which I did and which was ancillary to the suggestion that they be the ones to make the reference, and I made that motion as a part of the whole scheme, but Mr. Taylor objects to it.

Mr. TAYLOR: I object to it only on these grounds, that there are seven B.C. members and five of them are definitely opposed to traps and only two are in favour of the traps.

Mr. MACNEIL: But they represent the people.

Mr. ROBICHAUD: Had we not better decide on the first motion first?

Mr. MAYHEW: It has been moved and seconded—

Mr. REID: I want to put this on the record before the motion goes through, because Mr. Kinley a few moments ago asked: do I understand that the British Columbia members are going to accept this? I for one say that they are accepting it with reservations as the second best.

Mr. NEILL: With reluctance.

The CHAIRMAN: Now, ladies and gentlemen you have heard the motion moved by Mr. Mayhew and seconded by Mr. Taylor, that the minister's suggestion that a judge either of the supreme court or a county court be appointed as a commissioner to investigate the whole question be appointed.

Mr. MACNEIL: That is by way of recommendation to the house.

The CHAIRMAN: Yes, by way of recommendaion to the house.

Mr. NEILL: And were you not going to propose a sub-committee to draw up the reference to this committee and to include that reference in our reference?

Mr. MAYHEW: That is another matter.

The CHAIRMAN: Perhaps it would be better to have a separate motion for that. Are you ready for the question? I notice that some did not vote, but the motion is carried.

(Motion agreed to).

Now, we are open for a motion to appoint a committee to assist the minister or the department in drawing up the terms of the reference.

Mr. KINLEY: I move that motion, seconded by Mr. MacLean of Cape Breton.

The CHAIRMAN: It is moved by Mr. Kinley seconded by Mr. MacLean of Cape Breton that a sub-committee to help the department to map out an order of reference be appointed. Do you want to add to that that the members be British Columbia members?

Mr. KINLEY: Yes.

The CHAIRMAN: The motion would then read that a sub-committee to help the department map out the reference be appointed, and that the members of this committee from British Columbia be the members of that sub-committee.

Hon. Mr. MICHAUD: That the members from the province of British Columbia sitting on this committee be members of that sub-committee.

Mr. MAYHEW: On a point we would be entirely ruled out, being only two against five. We would have no chance at all to get a fair representation.

Mr. HANSON: We have agreed to the minister's suggestions.

Mr. GREEN: It is only a matter of making the reference as broad as possible, and I think my good friends from Nanaimo and Victoria are going a little far in suggesting that the rest of us might be a little unfair. I am very busy with the Public Accounts committee, and I would be glad to drop off that sub-committee.

Mr. HANSON: You are not the only fair man on this committee, I hope.

Mr. NEILL: We need a lawyer.

Hon. Mr. MICHAUD: As far as I am concerned, I think Mr. Green would be a valuable member on that sub-committee.

The CHAIRMAN: There have to be five or seven, and we should have Mr. Green on the committee.

Hon. Mr. MICHAUD: I think it is the wish of the whole committee that that reference be as broad as possible, and that all possible points and angles of the question be submitted for investigation to this tribunal. That is my view of the matter, and I am sure it is the view of the committee. That is the intention. Mr. Green has expressed that very well.

Mr. MAYHEW: I am prepared to leave it to Mr. Green and Mr. Reid.

Hon. Mr. MICHAUD: No, no.

Mr. MACNEIL: There is no contentious matter involved now.

Hon. Mr. MICHAUD: No, no. So many arguments have been presented, and they will all be lined up and included in the brief, and if there are some that have not been brought out and we think of them we will include them, so that the whole matter will be thoroughly gone into. I do hope it will be the last time this matter comes up.

Mr. NEILL: The sub-committee will report to this committee with a reference and we will accept it and put it into our reference.

Hon. Mr. MICHAUD: Yes.

Mr. NEILL: That is satisfactory.

The CHAIRMAN: All in favour? Carried unanimously.
(Carried)

Mr. NEILL: Somebody should be appointed chairman. Of course, we have our own chairman.

The CHAIRMAN: Well, I may not always be able to be there.

Hon. Mr. MICHAUD: We will take care of that.

Mr. REID: I suggest that, perhaps the department might draw up a rough draft of the reference to start with and the sub-committee can work on that.

Hon. Mr. MICHAUD: Yes. Mr. Whitmore, who is the director in charge of western fisheries, will prepare a draft and he will submit it to the sub-committee and the sub-committee can add to it in any way they like. The draft will be ready for submission to the full committee in a short while.

Mr. TAYLOR: Now, Mr. Chairman, what about my submission. I can furnish that in written form if you wish, but I contend that it should form part of the minutes of these proceedings.

Mr. NEILL: I move that we adjourn. A motion to adjourn is in order.

Mr. MACNEIL: It is almost 3 o'clock.

Mr. TAYLOR: All I want, Mr. Chairman, is that the evidence placed before this judicial committee shall be as complete as it should have been if the suggestion of the minister had not been accepted and dealt with as a part of these proceedings.

The CHAIRMAN: How long will you take?

Mr. TAYLOR: I might be 40 minutes or I might be an hour, or maybe two days.

Mr. MACNEIL: In view of the fact that Mr. Taylor has been attacking other members of the committee it is, of course, quite impossible that we should allow it to be placed on the record without objection. He said he might take two days.

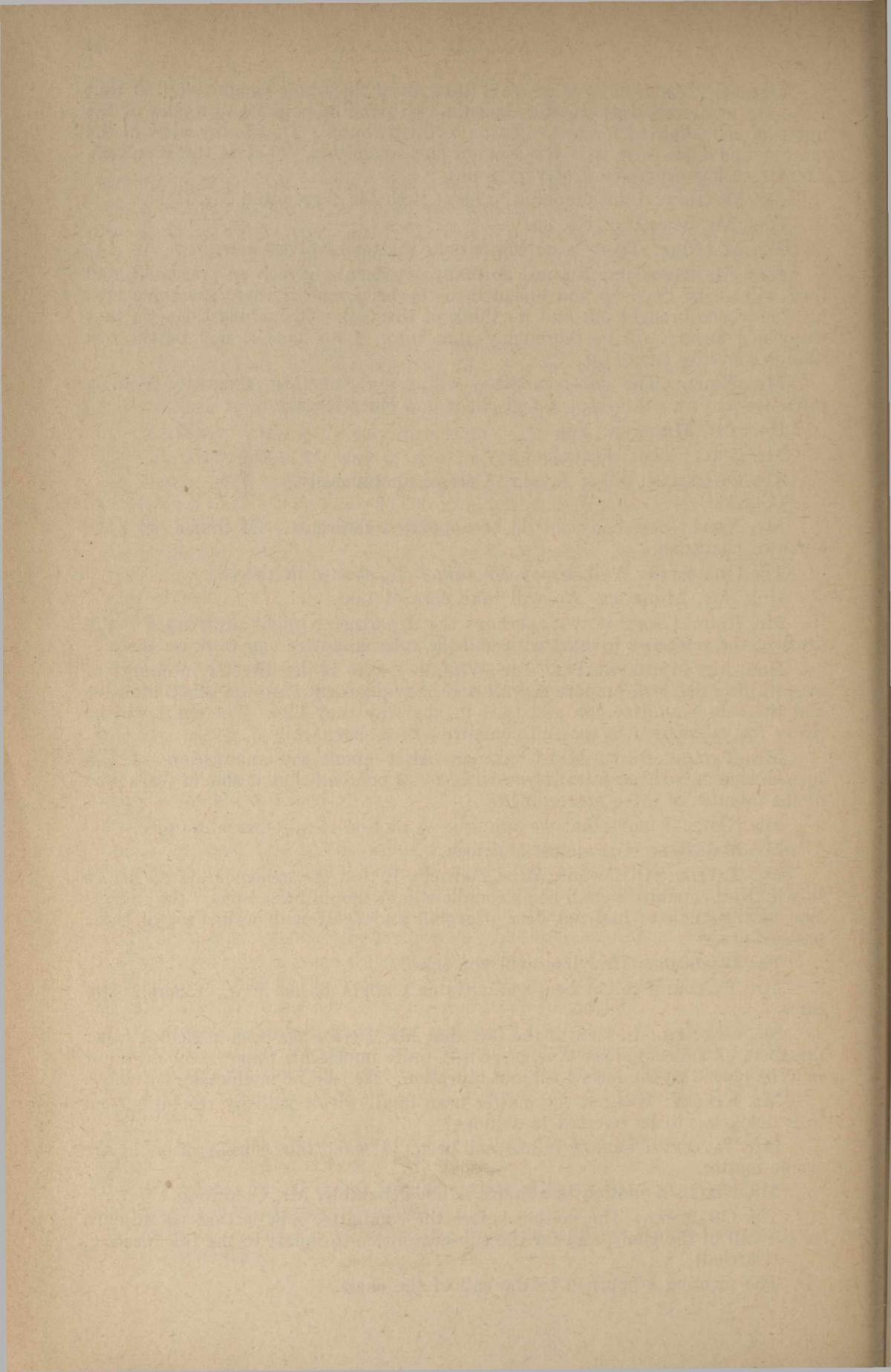
Mr. KINLEY: Has not the matter been finally dealt with by resolution and is it not going to be referred to a judge?

Mr. TAYLOR: I submit it has not been. I want fair consideration in the whole matter.

Mr. NEILL: A motion to adjourn is not debatable, Mr. Chairman.

The CHAIRMAN: The motion before the committee now is that we adjourn to the call of the chair, and for the sub-committee to report to the full meeting.
(Carried).

The meeting adjourned to the call of the chair.



SESSION 1939
HOUSE OF COMMONS

STANDING COMMITTEE

ON

MARINE AND FISHERIES

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 9

TUESDAY, MAY 23, 1939

INCLUDING FINAL REPORT TO THE HOUSE

OTTAWA
J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1939

MINUTES OF PROCEEDINGS

TUESDAY, May 23, 1939.

The Standing Committee on Marine and Fisheries met this day at 2 p.m.

Members present: Mrs. Black and Messrs. Deslauriers, Green, Hanson, MacLean (*Cape Breton North-Victoria*), McCulloch, McDonald (*Souris*), Michaud, Neill, Pelletier, Pottier, Reid, Robichaud, Taylor (*Nanaimo*), and Veniot. (15).

In attendance: Mr. A. J. Whitmore, head of the Western Division, Department of Fisheries.

In the unavoidable absence of Mr. MacLean (*Prince*), Chairman, Mr. Michaud moved that Mr. Reid act as Chairman.

The motion carried and Mr. Reid took the chair.

Mr. Taylor concluded his remarks in favour of trap-net fishing in British Columbia waters.

On motion of Mr. Hanson:—

Resolved,—That the Committee proceed in camera.

The Committee proceeded with Bill No. 15.

Clause 1, carried.

Clause 2—Moved by Mr. Hanson that, in line 13, after the word "Obstruction," the words "which he deems necessary for the public interest" be inserted. Amendment carried.

Clause 2, carried as so amended.

Preamble and title carried.

Ordered:—That the chairman report the Bill as amended.

The Chairman informed the Committee that the sub-committee appointed on May 15 and composed of Messrs. Green, Hanson, Mayhew, MacNeil, Neill, Reid and Taylor (*Nanaimo*), had prepared a draft report for its consideration.

The said draft report was considered.

On motion of Mr. Veniot, the sub-committee's report was adopted, as amended, viz:—

Your sub-committee met on Thursday, May 18, and on Monday, May 22, and begs to recommend that the following order of reference be submitted to the suggested Commission.

"To fully investigate and hear evidence under oath, and to determine and report whether or not it is in the public interest that trap-nets for the capture of salmon should continue to be authorized in the Sooke area, British Columbia, i.e., between Beachy Head and Sombrio Point along the southwest coast of Vancouver Island, such investigation and report to have regard to all such points as in the judgment of the Commission require consideration, and without restricting the generality of the foregoing to include the following:

1. Destructiveness of trap-nets from the standpoint of conservation and or depletion, as compared with the use of other varieties of fishing gear.
2. Feasibility of successful operation of other types of fishing in Juan de Fuca Straits and waters of and adjacent to the Sooke area, keeping in view, among other things:
 - (a) Nature of waters, specially exposed or otherwise.
 - (b) Tidal and current conditions.
 - (c) Unusual phosphorescence, if any, in water.
 - (d) Proximity of International Boundary.
 - (e) Fog, prevalence of sharks, etc.
3. The significance of continued operation of trap-net fishing in the Sooke area in relation to the possible re-introduction of trap-nets in the State of Washington.
4. Whether or not unemployment is accentuated by the operation of trap-nets in the Sooke area.

Your sub-committee further recommends that all parties wishing to do so be allowed to attend and give evidence, and that all transactions and evidence be recorded and obtainable by the public."

The Committee having considered and amended a proposed final report to the House, it was resolved, on motion of Mr. Taylor (*Nanaimo*), that the said final report, as amended, be adopted and that the Chairman be authorized to present same to the House.

The Committee adjourned *sine die*.

ANTONIO PLOUFFE,
Clerk of the Committee.

TUESDAY, May 23, 1939.

The Standing Committee on Marine and Fisheries begs leave to present the following as its second and final Report.

Your Committee has had under consideration an Order of Reference dated Thursday, March 2, 1939, viz:—

That Bill No. 15, An Act to amend the Fisheries Act, 1932, together with the proposed amendment of Mr. Neill thereto, be referred to the said Committee.

The Committee has held twelve meetings and has heard three witnesses, including representatives of the Department of Fisheries.

Your Committee has agreed to recommend the adoption of Bill No. 15 with the following amendment: Insert after the word "obstruction," in line 3 of 57 A (1), the words "which he deems necessary for the public interest."

In connection with Mr. Neill's amendment, your Committee recommends that the question of salmon trap-net fishing in the Sooke area be referred to a Royal Commission forthwith for investigation and report, and that the following be embodied in the order of reference to the Commission:—

To fully investigate and hear evidence under oath, and to determine and report, whether or not it is in the public interest that trap-nets for the capture

of salmon should continue to be authorized in the Sooke area, British Columbia, i.e., between Beachy Head and Sombrio Point along the southwest coast of Vancouver Island, such investigation and report to have regard to all such points as in the judgment of the Commission require consideration, and without restricting the generality of the foregoing to include the following:

1. Destructiveness of trap-nets from the standpoint of conservation and/or depletion, as compared with the use of other varieties of fishing gear.
2. Feasibility of successful operation of other types of fishing in Juan de Fuca Straits and waters of and adjacent to the Sooke area, keeping in view, among other things:
 - (a) Nature of waters, specially exposed or otherwise.
 - (b) Tidal and current conditions.
 - (c) Unusual phosphorence, if any, in water.
 - (d) Proximity of International Boundary.
 - (e) Fog, prevalence of sharks, etc.
3. The significance of continued operation of trap-net fishing in the Sooke area in relation to the possible re-introduction of trap-nets in the State of Washington.
4. Whether or not unemployment is accentuated by the operation of trap-nets in the Sooke area.

Your Committee further recommends that all parties wishing to do so be allowed to attend and give evidence, and that all transactions and evidence be recorded and obtainable by the public.

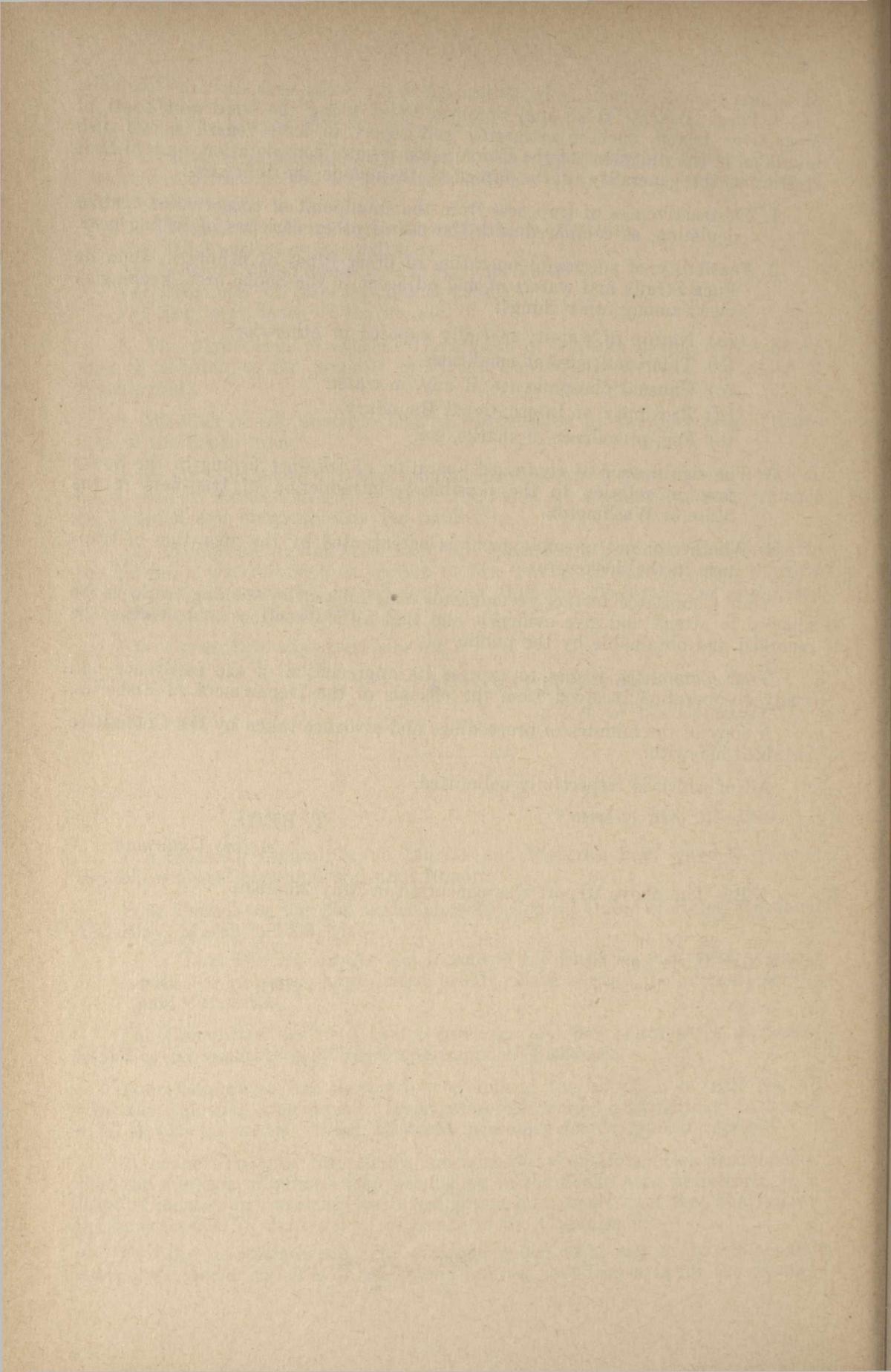
Your Committee wishes to express its appreciation of the assistance and ready co-operation received from the officials of the Department of Fisheries.

A copy of the minutes of proceedings and evidence taken by the Committee is tabled herewith.

All of which is respectfully submitted.

T. REID,
Acting Chairman.

N.B.—The above Report was concurred in May 25, 1939.



MINUTES OF EVIDENCE

HOUSE OF COMMONS, Room 429, May 23, 1939.

The Standing Committee on Marine and Fisheries met at 2 o'clock.

Hon. Mr. MICHAUD: I move that Mr. Reid take the chair, in place of the chairman, who is sick.

Motion agreed to.

The Acting CHAIRMAN: Gentlemen, if you will kindly come to order, we shall proceed. When we broke up at our last meeting there was some discussion about completing the remarks of Mr. Taylor before dealing with the report. I think that should be disposed of first. Is it the wish of the committee that Mr. Taylor be permitted to complete his statement? I think that should be done before we go into camera for the adoption of the report. However, I leave that to the committee.

Mr. PELLETIER: May I ask if the report of the sub-committee has been altered in any respect?

The Acting CHAIRMAN: It was discussed at the last meeting. The alterations are not very important. There was the odd one, but there was no change in substance.

Hon. Mr. MICHAUD: Just two words, I think.

The Acting CHAIRMAN: Is it the wish of the committee to hear Mr. Taylor?

Mr. TAYLOR: Thank you, Mr. Chairman. I have written my remarks out in order that I may stay close to the text and reduce the time taken as far as possible.

The ACTING CHAIRMAN: May I ask, for the information of the committee, how long you expect to be?

Mr. TAYLOR: About 20 to 25 minutes.

Mr. Chairman, it will be remembered that at the last session I delayed a continuance of my submission in order that the Minister of Fisheries might make his very excellent suggestion that the whole fish traps problem be referred to a judicial commission.

Obviously, then, I should be permitted, without question, to continue to present the case for the traps and to have it filed with the rest of the proceedings in order that the whole history of the case as it developed in 1937, and as it has continued during this session, might form material for examination by the commission to be appointed.

Continuing, therefore, I was dealing with the descriptive statement of Mr. Neill as recorded in Commons Hansard of 1939, page 1617, 2nd March, 1939, when he described exactly what the fish would and would not do and wound up by saying that 90 per cent of the fish stay there from Friday morning to Monday morning milling round and round in front of the lead.

It will be interesting to see what the department has to say about this. Minutes No. 1 of these proceedings, appendix 1, recommendation No. 7, page 22:

Observations reveal that while some salmon passed through the lead openings during weekly close times, larger numbers passed on by following the lead of the traps and around the outside piling until clear of the traps.

Then there was that statement about 86 per cent of the sockeye having been taken in the Fraser river and Sooke areas in 1936. I asserted that the percentage attributed to Dr. Found at page 11 of the Minutes of Proceedings of the Standing Committee in 1937 was a misprint and I repeat that assertion,

supporting it by three spoken references by Dr. Found—one on page 9 (line 32) and two on page 11 (at lines 13 and 40). It can also be refuted by the chart I have drafted showing totals of sockeye for Fraser river and Puget sound areas since the year 1891 taken from both U.S. and Canadian records.

Appendix No. 2 of No. 1 of this session's proceedings in Standing Committee at page 24 thereof also officially supports my contradiction of the figures submitted by Mr. MacNeil (page 1624 this session's Hansard). I had commenced analysis of the resolutions submitted by various bodies and pointed out their imitation each of the other, but it is well that this should be stressed. However, reference is made to the various resolutions: three and often four submissions common to all are made. One submission is in these words:

Whereas the fishermen on the Pacific coast have gone on record many times in favour of the abolition of fish traps and other destructive gear.

It has been asserted and cannot be disproved that the troll, the seine, and to a limited extent, the gillnet, are each destructive gear, therefore this general condemnation cannot be regarded as wholly applicable to traps.

Whereas regardless of the fact that the Dominion government in 1937 passed legislation prohibiting traps in B.C. waters (with the exception of seven traps at Sooke, Vancouver Island) there is no guarantee that at some future date trap interests may be successful in having this legislation revoked and traps legalised in any part of B.C. waters.

Evidently the resolvers, copying their preambles from the same suggested form have all fallen into the same grammatical error and the sentence should read:—There is no guarantee that at some future date trap interests may *not* be successful in having this legislation revoked and traps legalised in B.C. waters.

Obviously this may happen under any change of thought or heart on the part of the government but no one is at present fighting for the retention of the right to set traps all over the waters of the province of B.C. Again:—

Whereas several bills are now before the Washington legislature drafted with the express purpose of getting traps back in Washington where previous to 1934 (this was the year when Initiative No. 77 was passed and they were taken out) traps in that state took 70 per cent of the Fraser River sockeye.

If the value of any resolution or petition lies in the veracity of its claim and the absolute truth of the preambles, there can be little merit in any of those presented to this committee or to the house. Each statement proves to be wrong and there is no exception in this case for if figures are taken from official U.S. and Canadian sources since 1891 to 1938 inclusive, 47·66 per cent of the sockeye were taken in Canadian waters proper to the Fraser river and only 52·45 per cent in the Puget sound waters, not 70 per cent as alleged. Further, as every type of fishing gear was permitted on the U.S. side up to 1934 (when traps were taken out at the initiative of the sports fishermen) it can be no more than wilful inexactitude to say that U.S. traps took 70 per cent of Fraser river sockeye when every type of gear took an average over 48 years of only 52·34 per cent, and this in spite of large percentages for every type of gear in certain years, of which 1934 was one with 71·7 per cent (see No. 1 Minutes appendix 2, page 24).

It is further interesting to note that all these resolving and petitioning bodies claim that these fish were Fraser river sockeye. Let us read the contradiction from the Minutes of this Standing Committee, session 1937, at page 340—Mr. A. J. Whitmore being interrogated:

By Mr. Moyer:

Q. Would you tell us your experience with the sockeye tag?—A. Well, we would have to review the results of the sockeye—

By Mr. Neill:

Q. That is, the sockeyes tagged in the Sooke traps?—A. Yes, in 1918. This was an international arrangement between U.S. and Canadian authorities for the purpose of gathering information on the migration route of the sockeyes. The sockeyes were tagged at tagging stations along the route, the Sooke traps being the first tagging station. Four other stations in Puget sound were used, the last of the four, point Roberts, just on the international boundary. There was an award of 25 cents offered for the return of any tag recovered with information as to where and how it was taken. At Sooke traps 871 sockeye were tagged.

By Mr. MacNeil:

Q. What is a distinctive tag?—A. All numbered, every tag had a different number. They were fish caught in the traps there. Recaptures came from all along the generally recognized migration route right up to the headwaters of the Fraser. Full details of date and place of each capture are shown in the official publication.

In all from the 871 fish that were tagged there were 147 recoveries—3 were from points far up the Fraser above the commercial fishing limits—2 were at points which suggested the fish were not going to the Fraser for spawning—1 up in Burrard inlet and the other away down in Puget sound—8 were recaptured at Sooke traps and 136 were caught in commercial fishing operations in either Canadian or U.S. waters.

Of these 136 fish only 14 were caught by Canadian operators, whereas 122 were recaptured in U.S. waters.

Again:

Whereas we consider Canada's insistence in allowing seven traps at Sooke after Washington had removed 219 constitutes a convincing argument for trap interests in Washington to have them restored.

Here again, for 1937-38 and again this year, the Sooke traps number five NOT seven, and it does not have to be repeated that never at any time have 219 traps operated against the Canadian Fraser river sockeye.

I read Director Brennan's letter setting the figures for 1934. Let me repeat extracts for better acceptance:

Of the total 96 operated for the year 1934 only 67 were operated in the waters related to the Fraser river salmon migrations.

And again:

The number operated in 1934 is also higher than the average in view of the fact that the 1934 sockeye runs were expected to be above normal. The records for the number operated in outside waters or in the waters related to the Fraser river are as follows: 1933, 53; 1932, 29; 1931, 59.

Surely with every statement grossly in error and with every resolution framed from one pattern, is it not evident that there is an emotional attempt to get rid of traps not in any spirit of just trial and condemnation but in a fight of one type of fisherman against another?

Now it will be noted that in the house on the 2nd March, 1939, as reported at page 1617 of unrevised Hansard, column 1, the same looseness of statement is found where Mr. Neill states:

Then for some unknown reason the fish proceed across to Puget sound which is the U.S. waters and where there are no spawning streams.

I recall that Mr. Neill called these rivers of Puget sound "creeks" when I drew attention to these facts in the fisheries committee in 1937. I was told that I did not know what I was talking about, but I was able to retort that the Skagit was 200 miles long and had its source in B.C. from where it flowed many miles at the foot of the Cascades before entering U.S. territory to reach the sea.

John N. Cobb in fisheries document No. 1092 of the U.S. Department of Commerce dealing with Pacific salmon fisheries, answers this very clearly at page 413 where he states "In the Puget Sound region where it is known as the sockeye, this species ascends only the Skagit river in commercial numbers although a small run appears in the Lake Washington system of lakes and possibly in the Snohomish, Stellaguamish and Nooksack rivers.

Now let me come to another phase of the argument. At page 1618, Hansard, 2nd March, 1939, Mr. Neill says of the trap:

It is an enormously destructive method of fishing and the whole idea that one man or two men should be allowed such a particular privilege is against all sense of common decency and what we call public policy.

At page 1625, Hansard, 2nd March, 1939, Mr. MacNeil also says:

I cannot be too emphatic with regard to the traps. They violate the regulations under the Act, as was shown in evidence; they violate the principles of conservation, particularly with regard to catching immature fish and the mutilation of fish which are held when milling round within the spiller and the heart of the trap. Piracy is sometimes described as an act of depredation on the high seas, but these traps are committing acts of depredation on the fishing industry just as much as if they were boarding Canadian fishing vessels and looting them. It is piracy on the high seas. I think at this time the minister should make clear his intention to discontinue the issuance of licences for the stationary traps at Sooke.

Mr. MacNeil has worked himself into an immodest frenzy in this matter but it will be more interesting to read how another opponent of traps takes the hook when fishing in other waters.

At page 2545, Hansard, 28th March, 1939, Mr. Tom Reid says:—

But I point out that the seine boats in the estuary of the Fraser river *can be more destructive than traps* because while it is true that the fish meet the traps, follow the lead into the heart of the trap and are thereby caught, the seiners watch just like hawks and when the fish gather together in schools preparatory to heading up the Fraser river, the seine boats swoop into the midst of them, encircle their nets around them, pull tight the string at the bottom and bring the fish up, and a catch of 10,000 salmon at one haul is not unusual.

Now note, if these salmon weigh an average of only 5 pounds each a rope net is thus enclosing 25 tons. Can it mean anything else than that many hundreds of fish are bruised and battered as a result?

On page 2546, Hansard, Mr. Reid again speaking, states:—

Spring salmon have been getting scarcer as the years go by and fewer of this variety of fish have been caught by the gill net fishermen ever since 1933 when the seine boats were first allowed to operate. . . . I have before me a letter from Edmunds & Walker Limited which states: [in part, when pointing out that better prices are paid to the gill net fisher-

men for this variety of salmon than are paid to the seine fishermen] "The reason for this is that these fish in the process of being brailed and of being transferred from the seine boat to the collector are being so badly bruised and smashed that they must be classified along with white salmon and sold at an equivalent price."

There is no element where predatoriness is so much the law of life as the sea. Please remember that the so-called trap is a net and every net is destructive—catches everything it can. No apology lies to the capture of any fish and no prayer for forgiveness is breathed by any fisherman whether he baits his hook or spreads his net. When the fish is caught on a troll line, does the fisherman slow down so that the hook will not hurt too much, or does he not in these days of keen competition keep going and often tear the jaw right away from the body of the fish? It is commonly reported that in the open waters on the west coast of Vancouver island trolling fishermen are fortunate if they land 65 per cent of the fish they hook, the remainder having the jaw torn away, the gills torn out or the head torn off. The rough waters, the speed of the boat and the mechanical aids used when the signal along the troll line indicates the catch of a fish, all contribute to this enormously destructive method of fishing. I wonder what would be discovered if a scientific observer went from troller to troller and purse seiner to purse seiner and reported back to the government on the catch and the conditions of the catch! These men cry Wolf! Wolf! They had better look to themselves and their own methods.

Here is a form of destructiveness which cannot possibly be laid to the Sooke traps. I refer to Bulletin 27 U.S. Bureau of Fisheries, where George A. Rounsefell and George B. Kalez dealing with coho salmon on page 782 say: "Gilbert (1913) reported the cohoes at Cape Flattery to average 13.35 fish per case 23rd July and 7.56 per case 2nd September. Smith (1921) stated that the average weight of cohoes taken by trollers in the same season increased from 5.63 pounds 8th July to 9.75 pounds 2nd September."

These early cohoes are caught playing around before proceeding on their biological run. Is it not wholesale destruction and deplorable economic waste to take these soft immature fish in the early summer when they would be at least 40 per cent heavier in September as well as greatly improved in quality? This is not the Sooke trap; it is the purse seiner and the troller.

At page 1624, Hansard, 2nd March, 1939, Mr. MacNeil says:—

These traps have been operating under licence since 1918 at the southwesterly tip of Vancouver island where they may intercept the main migration of the sockeye before they pass through U.S. waters to the mouth of the Fraser river. It is an extraordinary monopoly. These people are permitted to operate under conditions that are denied thousands of commercial fishermen who stake their livelihood on the operation of their vessels and gear in the coastal waters of B.C.

And later:

When I think of all the restrictive regulations imposed upon the ordinary commercial gill netter, purse seiner and troller in the waters of B.C., I think I have a right to feel indignant at the extreme privileges enjoyed by the operation of the Sooke traps.

And again:

It is true that the regulations in regard to closed seasons apply to the Sooke operators as well, but it is a well known fact that . . . the fish are held under favourable tidal conditions waiting until the apron of the trap is lifted at the expiration of the closed season.

Mr. Neill at the top of the same page says:

There is the issue. It is not the fishermen vs. the canneries; it is the common people vs. one gigantic firmly entrenched, all-embracing monopoly. The people of B.C., will call their members and the government of the day to account when this question comes before them in the next election.

Strange how these arguments run together, but the one outdoes the other in the sentimental appeal infused into the statements.

At page 1626, Hansard, 2nd March, 1939, Mr. Green is reported as reading the recommendations asked for by the committee, and in spite of all that has been said as well as all that has hitherto now been quoted, Mr. Michaud stated as reported in Hansard, page 1632, 2nd March, 1939:

The hon. member for Vancouver South, Mr. Green, has quoted the recommendations of the committee which have been lived up to in every instance.

If further confirmation is required appendix No. 1 printed with No. 1 of the minutes of the Standing Committee, session 1939, makes it very clear on page 21, 22 and 23, under date of April 6, 1939. On recommendation 5 it is interesting to quote the following:—

Fishing at the traps was required to be conducted in accordance with general regulations applicable to other methods of salmon fishing in the area. The 48-hour weekly close season prevailed. Eight sockeye salmon taken in 1937 prior to May 15th—the legal opening date for fishing for that variety of salmon—were surrendered to the department. They were handed over to a charitable institution in Victoria furnishing free meals to needy persons. Any fish below minimum weight requirements were likewise given to needy persons. In 1938, operation of the trap nets for their scientific investigations by the International Pacific Salmon Fisheries Commission during the weekly close times was authorized. On five occasions advantage was taken of this permission, fish so taken being used to recompense the trap net operators for fish from legal catches utilized by the commission for tagging.

I did intend to animadvert on the scurrilous insinuations made by Mr. Neill about Mr. Chas. F. Goodrich and the entirely unwarranted assertion that I was his mouthpiece, but I shall not give it voice. This business is a legitimate business, legitimately conducted; it is profitable alike to its owner as to the government and under our system to the employees who work in it. It harms no one but those—and there are many I will grant—who find themselves unable to keep the 10th Commandment of the Decalogue. It is quite necessary, therefore, that the whole question be approached with a punctilious regard for the correctness of all statements made and for as much concern for the character of others as we desire for our own.

Before leaving the criticism of the muddy water in which this discussion has proceeded, I feel that I should read Mr. Neill at Hansard, page 2547, on March 28, 1939:—

The gill net catches any variety of fish but it cannot operate in clear water. The water must be muddy or discoloured because if it is clear the fish can see the net and readily dive under it and so escape.

The fact that he had already on March 2, 1939, stated as at Hansard, page 1618:

The general principle, too, is urgent on account of the work it will make for individuals—seiners, trollers, gill netters, shows the inconsistency of his statements.

There are important historical reasons for the whole situation being experienced to-day. I drew attention to this in committee two years ago but its importance was not accepted. I assert now that it is the basic reason for the prime necessity of all the international co-operation which has been called forth. In fisheries document 1092 of the U.S. Department of Commerce, J. H. Cobb says, on page 472, that there were 48 canning plants on the Fraser river in 1901, and then proceeds:—

During the period from 1902 to 1918 a number of new canneries were started in this region. The blocking of Hell Gate Canyon in 1913 by a rock slide—together with the dumping of debris from a railroad being built through the canyon described elsewhere in this report—was a great disaster to the salmon industry. The effects of this disaster which were not observable until the season four years later led to a tremendous decrease of the quadrennial big year—in one of which the blockade occurred—and this soon led to a corresponding decrease in the number of canneries operating. . . .

In 1928 the number had dropped to 4. The significance of this statement cannot be overestimated and it is perhaps better described at page 673 of the same publication where the following may be found:

In 1913, the year of the quadrennially big run of sockeye salmon on the Fraser River, the contractors who were building the new Canadian Northern Railway, in blasting their way along the banks of the river, threw the rock and other debris into the stream until in the narrow part of the canyon south of North Bend at Whites Creek, Hells Gate, China Bar and Scuzzy Rapids, all within a few miles of each other, the debris formed great sloping banks extending out into the stream at these points, and entirely changed the direction of the currents, and, of course, the velocity of the water. At best the salmon had a hard time getting through there, but the added obstructions rendered it practically impossible.

At a rather late hour the authorities woke up to the menace this work was to the run of salmon, and the dumping of debris into the river in such a manner as to obstruct their ascent was stopped.

How to clear the stream once more was now the problem, and this was seriously complicated by a slide of rock which took place in Hells Gate in February, 1924, which narrowed the channel of the stream considerably.

In March, 1914, the dominion Marine and Fisheries Department contracted with a private concern to remove the obstructions, and this was done from Scuzzy Rapids, China Bar and Whites Creek within a short period of time, but a couple of season's work were required to clear up Hells Gate so as to permit of passage for the fish. Some people claim that the fish still find it difficult to pass these obstructions.

But let us learn how our American cousins regard the whole situation. In the same publication Fisheries document 1092 at page 512, it may be noted:

On April 18, 1929, a convention between the United States and Great Britain, looking to the protection, preservation and extension of the sockeye-salmon fisheries in the Fraser River system, signed at Washington on March 27, 1929, was transmitted by President Hoover to the United States Senate for its action.

The convention reads as follows, *inter alia*:

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 United States of America and three on the part of the Dominion of Canada.

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.

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.

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.

The present convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty, in accordance with constitutional practice, 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.

Signed and sealed by Frank B. Kellogg,

Signed and sealed by Vincent Massey.

It will be read on page 29 of the Department of Fisheries eighth annual report for the year 1937-38 that the convention was ratified in July, 1937, and that thereafter the two nations established the International Pacific Salmon Fisheries Commission. I will not read this statement in extenso, but I will note the following:—

Approval of the convention was qualified by three conditions. One of these conditions was that the commission shall have no power to authorize any type of fishing gear contrary to the laws of the State of Washington or the laws of the Dominion. The second was that the commission "shall not promulgate or enforce regulations until the scientific deductions provided for in the convention have been made covering two cycles of sockeye salmon runs, or eight years." Under the third condition the commission was required to set up an advisory committee representative of various salmon interests in the United States and Canada, and this committee has already been created.

I am compelled at this point to observe that traps are not represented and I consider this to be an affront to a legitimate method of fishing although, perhaps, not intended.

Before leaving the general case, I think it well to cite from the annual report of the chief supervisor of fisheries for the western division (B.C.) Major J. A. Motherwell, which can be read at page 59 of the eighth annual

report of the Department of Fisheries. Dealing with the Fraser river area, he says:—

The pack of 66,583 cases from fish actually caught in this area compared with 53,481 cases in the brood year 1933. It is interesting to remember, however, that the catches of sockeye in Johnstone straits were unusually good. This was the result of more intensive seining operations in the straits area. These operations undoubtedly intercept, to some extent, at any rate, sockeye salmon proceeding to the Fraser river. Such catch is not credited to the Fraser river area.

The period under review, 1937, was the cycle year in what were previously known as the "big run" years but the quantity of salmon proceeding to the spawning grounds frequented in the previous "big run" seasons did not indicate any increase over the runs of average in between years.

I might pause here to say that the intensive seining operations spoken of by Mr. Motherwell really were initiated through the chance observance by an Indian fisherman out from Alert bay who saw the fish sporting in the Johnstone strait and went after them as soon as he noticed them, others copied his example and the run was thus discovered as of value.

Statement No. 15, showing the pack of sockeye salmon caught at or en route to the Fraser river, shows a total of 132,994 cases, from salmon caught at the Fraser river, the Canadian traps in Juan de Fuca straits, and in Puget sound waters. This, again, does not tell the whole story, as there is no information as to what proportion of the runs using the Johnstone straits approach are Fraser river fish.

But do not let us forget Article 7 of the convention already cited and let us keep it especially in mind in view of the unwise and selfish display of the fish trap antagonists as stated by Mr. Neill (page 1617 Hansard 2nd March): "It would pay us as sharp dealing people, let alone for reasons of fairness and humanity, to pension off the 41 employees who are engaged to operate these traps—although I think the number is less than that—in order to retain such a high proportion of the salmon.

Now, finally, I want to declare that in the 76 sections of the bill ample provision is made for the matter of this amendment to be dealt with at the discretion of the minister who is constantly advised by his departmental officials, one of whom is a member of the newly established Pacific Salmon Fisheries Commission. Reference to the fisheries regulations will show that, based on the Act, several prohibitions in line with Section 34 thereof cover methods of fishing which essentially include traps and nets in every phase of their work. The work of the Pacific Salmon Fisheries Commission, supported as it will be by the scientific fact finding of men whose interest is the truth and not political or commercial advantage, will become of increasing value as time goes on, and it would appear to be the policy of wise men to await the lead and direction of this body rather than to introduce an element of negation into the Fisheries Act by any amendment or bill of amendment at this time.

I am bound to say that I would not have taken up the time of the committee if I had not felt it compulsory to meet the exaggerations in statements or the half truths advanced to support the arguments against traps. I have attempted to bring the truth to the occasion wherever I could discover it in official records and if I have been prolix it is purely in the interests of that truth which I desired to place before the committee.

The Acting CHAIRMAN: That concludes the evidence to come before the committee. I suggest that it might be advisable to consider meeting in camera

and going ahead with our report. My own views regarding Mr. Taylor's evidence are on the record. I do not think his statement needs discussion. I think we have answered that very well in our previous observations.

We have to proceed to bill No. 15, which we are to discuss in camera, then there is the report of the sub-committee, and also the final report of the committee. There are those three things to be discussed in camera, and the final report at least should not be given out until such time as it is given in the house. It must be discussed here and presented to the house before we can give a report on it to the press.

Is it the wish of the committee that we sit in camera and try to get through?

Hon. Mr. MICHAUD: Someone might make a motion that we sit in camera.

Mr. HANSON: I would so move.

Mr. REID: There is a motion before the committee that we sit in camera.

Motion agreed to.

The committee continued its sitting in camera.

