

fee, license fee it might be called, as the Dominion Parliament may choose or as may be fixed by the Dominion Government by order in Council. It has been pointed out that the Dominion Government might so use or abuse their power as to practically bring the two Governments to a deadlock; the Provincial Government having the right to issue licenses, the Dominion Government may by imposing so heavy license fees as to prevent people taking out these licenses practically render the judgment void. The Council points out that there is no reason to assume that so arbitrary an act will be resorted to by either the Provincial or Dominion Government.

#### Arrangement With the Dominion.

At an interview which he had with the Minister of Marine and Fisheries

the contention was made that it was quite consistent for the Province to have authority to issue licenses for pound nets, and that the right to permit the use of shifting nets was still reserved to the Dominion Government under the clause allowing the Dominion Government to impose license fees for revenue purposes. He had asked the Minister of Marine to take the opinion of the Minister of Justice on the point, as he was very strongly of the opinion that no such power remained in their hands. On a subsequent day he had the honor by appointment of meeting the Minister of Marine and Fisheries and the Minister of Justice. The Minister of Marine did not at that interview press that contention, but took an entirely contrary view of the matter after consultation with the Minister of Justice, and he decided to leave the one branch of the fisheries almost entirely under the control of the Province. A partial arrangement was then made, about which there has been a good deal said in the newspapers, placing it upon a broader footing than it really was. Some hon. member has spoken of a *modus vivendi*; that a joint arrangement was arrived at between the Province and the Dominion with respect to the officials. That was not so. The Dominion representatives conceded that they had no right to collect the license fees, but it was arranged that they should collect the fees for the licenses already issued, and it was understood that Provincial officers would not interfere with the holders of licenses that had been issued by that Government during this year, that is, perhaps as far as it went, that they should pay over to this Government any fees which will be received by them during the remainder of the year or which were received subsequent to the date of the Privy Council's judgment, and that the Province, on the other hand, should not interfere with the holders of licenses or leases they have issued so long as they observed the general law and regulations. He did not go any further, and could not go any further. Something was said as to what extent the Dominion would still undertake the other regulations respecting fisheries. Under the judgment of the Privy Council the Dominion may employ men and officers to enforce the law and regulations, and under the same judgment the Provincial Governments are bound, when the Dominion Government do

not, or when they do it for that matter, to protect the fisheries and to appoint such officers as may be necessary for the purpose. So that it will be necessary to appoint officers to carry out the law of the Province, but it was decided that the Province would require very much fewer officers. With respect to the patrol vessels to protect the fisheries on the high seas of Canada, the Dominion Government will maintain the service. Although they give no undertaking, they still preserve their patrolling power over the great lakes for the reason that difficulties might arise; international questions may crop up for which the Dominion would be held responsible, and it was therefore desirable that the Dominion retain the control of the patrol vessels for the purpose of protecting both Canadians and Americans from those men who are disposed to conduct illegal fishing. Beyond that the Minister of Marine was not then prepared to go, and that is his present attitude. Therefore it is possible and quite probable that the Provincial Government will have to protect the inland fisheries, and for that purpose to appoint persons along the great lakes for issuing licenses and to carry on the work. It will be necessary to employ a certain number of persons in the fisheries branch to conduct the business which is now carried on at Ottawa. Just what that will require is at the present moment unknown. There is a very large staff at Ottawa with large salaries, but the Provincial staff will be on a smaller scale so far as salaries go. There is at Ottawa a deputy commissioner with a salary of \$3,000, quite a number of officials at salaries of \$1,800, \$1,500, \$1,400, and so on clear down to \$500. Just precisely what the Provincial staff will be cannot be said at present, but will be known at a later date; perhaps at the winter session of the session, if it is ever reached, he would be able to bring down some information. In the meantime it will be necessary to appoint some one with experience to organize the branch and make preparations for issuing licenses at the beginning of the year, and for that purpose at the proper time he would move the resolution of which he has given notice.

#### The Regulations.

He proposed to meet the question of regulations somewhat in this way:—It will be borne in mind that the act of 1897 is a very full act; the difficulty in bringing it into force was this, that a great number of sections were *ultra vires* of the Legislative Assembly, and they could not well ask the Lieutenant-Governor to bring into operation by proclamation an act containing a large number of clauses which are *ultra vires*. The Government felt that one way, the proper way, would be to submit the matter to the House to eliminate all such sections as were of that character. Hon. members would observe that in order that they might have full control of their own licenses provision is made for attaching such terms and conditions to the licenses, which would be agreed to by those accepting the licenses, something perhaps in the way of a contract as to the