

The Daily Herald.

VOL. VIII.

FREDERICTON, N. B., WEDNESDAY, APRIL 15, 1903.

NO. 88

PROVINCIAL FISHERIES CLAIM.

Able Presentation of the New Brunswick View

BY HON. DR. PUGSLEY

Mr. Clarke's Clever Maiden Effort.

In the legislature, Tuesday evening,

Hon. Dr. Pugsley

said that in the absence of the Premier the duty devolved upon him of moving the resolutions of which notice had been given by the Premier some days ago in regard to the claims of the provinces to the Halifax fishery award.

He did not propose to make any very extended remarks, but he thought it exceedingly desirable that the House should place on record its views as to the proprietary rights of the province in the inshore fisheries, and also its opinion of the action the government has taken with regard to them. Almost from the day when the act of confederation was passed there had been a conflict between the Dominion and the provinces as to the rights of the fisheries. In the first place the Dominion government claims not only the fish in tidal waters, but also those in non-tidal waters, and it even went so far as to say that riparian owners had no right to fish in the rivers running through their own lands. Riparian owners when attempting to fish were turned off their properties by officers of the Dominion government. Finally these owners, among others Judge Steadman, asserted their rights, and in the end succeeded in getting a decision which showed that in inland waters the fish belonged to the riparian owners and in the case of crown lands to the province. This was followed up by a claim on the part of the provinces that the fish in the beds of tidal rivers and in the sea within three marine miles of the shore belonged to the provinces. They took the position that while the Dominion government for national purposes had the right to regulate and to protect the fisheries, the property in them remained in the provinces. At last in 1898 in a case before the judicial committee of the Privy Council it was decided, that while the Dominion government had the right to make regulations, that was a very different thing from any right of property and that all property that was in the provinces before confederation remained in them afterwards. That settled the question of right, and no one who has studied the subject can fail to come to the conclusion that the right to the fisheries remains today in the provinces as it was before confederation. By the Treaty of Washington of 1871, it was provided that the fishermen of the Colonies and the fishermen of the United States should enjoy the fisheries equally and that the difference in the value of the Canadian fisheries as compared with those of the United States should be settled by arbitration. The whole case of the provinces is presented in a brief which has been prepared on behalf of Quebec, New Brunswick and Prince Edward Island, and which deals with their proprietary rights. The fisheries arbitrated upon under the Washington Treaty were the inland fisheries which it has been decided by the highest court of the Empire belonged to the provinces. Honourable members who read this brief will see that the Halifax commissioners only considered the inland fisheries in making the award and eliminated from it all questions as to commercial advantages. The award was made in November, 1877, and the amount of the award \$5,500,000 was paid over by the United States in November 1878. Of this sum \$1,000,000 was paid to the colony of Newfoundland while \$4,500,000 was paid to the government of Canada and went into its treasury. Now the question is, did this money belong to the Canadian government. He submitted that it did not and that Canada had no more right to it than Germany. The Dominion had no right to property

in the fishery for which this award was made, and the provinces ought to receive the money because it was paid for property that belonged to them. Among the fishing privileges accorded to the fishermen of the United States was the right to land and dry their fish on the foreshore. It has never been pretended that these foreshores did not belong to the provinces, yet the Dominion government received this money and neglected to pay it over to the provinces. Most lawyers would agree that the position of the provinces with regard to the ownership of the fish was a sound one. Yet it is said by some that even if this is the case the money should remain in the hands of the government of Canada because it is being administered for the benefit of the fishermen. That is a view of the matter with which he had no sympathy. We have no right to say that the money which belongs to the provinces shall be kept by the Dominion government because it is being put to a good purpose. How absurd it would be to say that a trustee should be entitled to retain the property of another for ever because he was expending it on works of charity and benevolence. In this case the duty of the provincial government is plain because the money belongs to the people of the province to whom the government are acting as trustees. It is the duty of the government to press the claim by every means in their power. But it is said that the interest of this money is being devoted to our fishermen. In 1882, several years after the award was paid over the Dominion parliament decided to appropriate \$150,000 a year for the encouragement of deep sea fisheries. This was the first act that gave fishery bounties. The member for Northumberland, Mr. Loogie, has stated that the interest of the money paid for the Halifax award has been appropriated to the fishermen of the four eastern provinces of Canada. This is not the case, for it was given to the fishermen of all Canada, and those of British Columbia are just as much entitled to it as those of Nova Scotia. This sum of \$150,000 a year was to be paid out of the consolidated revenues of Canada. This act was continued in 1887 and the only change that was made in it in 1891 was to increase the amount of the bounty to \$160,000 a year. No regulations were made or could be made under the act limiting the bounty to the fishermen of the four eastern provinces, and if Newfoundland came into the confederation tomorrow, notwithstanding the fact that Newfoundland received \$1,000,000 as her share of the award the fishermen of that colony would be entitled to enjoy the bounty. The amount of the bounty paid to the fishermen is not large considering the great importance of that industry and the number of men who are employed in it. It is a mere bagatelle compared with the sum paid for the encouragement of the steel industry. The fishermen have claims on the Dominion government from a national point of view, and are we to be told that because the provinces demand their rights the Dominion government will take away the small encouragement they are giving to this great industry. He had no fear that the Dominion government would act in any such way, but if they did the government of this province would see to it that the fishermen receive justice. If New Brunswick gets that sum of \$2,000,000 it will be its duty not only to see that the fishermen receive their bounties, but to expend even more than the paltry sum of \$13,000 a year, which is the amount given to the fishermen of this province. It did seem to him that under these circumstances it would be difficult for any hon. member to refuse to support the resolution that had been presented.

Another cry that was raised was that if the provinces enforced their rights and obtained the award the Dominion government would cease to protect the fisheries. He denied that. The question of protection was an entirely separate matter. What justification would there be for the Dominion government with its great resources and its powers of taxation to refuse to protect this great national industry. The British North America Act imposed upon the Dominion government the duty of making regulations with regard to the fisheries and should have when this duty was cast upon them. They were also charged with the duty of

enforcing the regulations. For this part he entertained very strongly the view that the province is entitled to this money and that if the case is brought before the supreme court the decision will be favorable to New Brunswick. The question which the supreme court has to decide was, were the proprietary rights and privileges which are referred to in article 22 of the Treaty of Washington and in respect of which Her Majesty recovered the compensation of \$5,500,000 from the government of the United States, vested in Her Majesty in right of the United Kingdom or in right of the Dominion of Canada and the colony of Newfoundland, or were they vested in Her Majesty in right of the provinces of Quebec, Nova Scotia, New Brunswick and Prince Edward Island. The leader of the opposition had referred to the question of how this sum of \$4,500,000 was to be divided between the provinces. That question does not enter into the present discussion. The only question to be decided is, are the provinces entitled to this money. When it is decided that they are entitled there will be no difficulty in dividing it. The proper way will be to take the value of the inshore fisheries for participation in the use of which the award is given. Whatever attitude the opposition may take on this question he was satisfied that the people of this country and a large majority of the House would approve of the steps taken by the government to enforce the rights of the people of New Brunswick.

Mr. Clarke

said that this was by no means a new question, for as early as 1878 the government of New Brunswick forwarded a memorial to the Dominion authorities, asking for the payment over of New Brunswick's share of the Halifax award; and in 1880 the matter was fully discussed in Dominion parliament under a resolution moved by the member for Inverness. To this resolution Mr. Ritchey of Halifax moved an amendment, setting out in effect that the award properly belongs to the Dominion. In 1883 the bounty act was passed, providing that an amount equal to the interest on the portion of the award given to the Dominion should be paid to the fishermen, and the establishment of this bounty bears out the contention that the provinces have no claim. Notwithstanding that, the attorney general had claimed that all the provinces were entitled to the bounty it was a strange fact that none but the maritime provinces had participated therein. That they are the only ones entitled to it is borne out by the fact that when the bounty was proposed Sir Leonard Tilley said it was for the sole purpose of benefiting the fishermen of the Maritime provinces, to reimburse them for exclusive privileges which they had once enjoyed, and that British Columbia did not come within the terms of the treaty. This refutes the argument that interest on the award can be properly claimed by the province. Bounty to the fishermen has been paid since 1882.

The New Brunswick government knew that it represented the interest on the award and their acquiescence debared them from all claim for interest. Under Sir John MacDonald's amendment the Dominion parliament deliberately declared that the money belonged to the Dominion, and Sir John gave it as his opinion that it could not properly be paid over to the provinces while the responsibility of protecting the fisheries fell upon the federal authorities. Further, Sir Wilfrid Laurier, Finance Minister Fielding and the province of Nova Scotia are on record as being opposed to the claim put forward by the provinces, and there is no reason to believe that a decision in our favor will be arrived at in the parliament of Canada.

Mr. Clarke moved the adjournment of the debate and on motion of Hon. Mr. Tweedie it was made the order of the day for today.

The Critical Time of Life.

Is between the age of fifty-seven and sixty-two. Nature's power slows down, vitality becomes less, and the progress of decay sets in. A means of extending old age and renewing decreasing vigor is to take Ferrozone after meals. Ferrozone keeps up the appetite and in the formation of red vitalizing blood, imparts clearness to the firing brain, force, energy and spirits just when they are needed most. To take Ferrozone regularly means adding from ten to twenty years to life. Large boxes 50c., or 6 boxes for \$2.50, at Druggists, or Polson & Co., Kingston, Ont. Dr. Hamilton's Pills are certain.

IN THE SPRING

Nature Teaches a Lesson That Tired Exhausted Men and Women Should Follow.

The spring is the season when nature prepares for summer. All the trees and plants are filled with new sap to build and brace them up to withstand the coming hot season. Without new sap in the spring a plant would wither and die beneath the midsummer sun. It is the same with men and women. All physicians are agreed that everyone needs a fresh supply of new blood in the spring. Without the new blood you would be as helpless in the summer as a tree without new sap.

What you need at this season is a tonic to give you new blood, and the very best tonic medical science has discovered is Dr. Williams' Pink Pills. Every pill makes new, rich, red blood, braces the nerves and overcomes all weakness, headaches, backaches, indigestion, loss of appetite, skin eruptions and other troubles so common in spring. This is an established fact, proved by thousands in every part of the world.

Miss A. M. Tuckey, Oxdrift, Ont., says: "I do not know what would have become of me had it not been for Dr. Williams' Pink Pills. My blood seemed to have turned to water and I was troubled with dizziness, headaches and nervous prostration. I got so weak that I could hardly go about, and notwithstanding that I was constantly doctoring I got no relief until I began using Dr. Williams' Pink Pills. They completely cured me and have given me back all my old-time health and strength."

What these pills have done for Miss Tuckey and thousands of others they will do for you. They will make you bright, vigorous and strong. Don't take a substitute nor any of the "just as good as" medicines which some dealers push because of a larger profit. See that the full name "Dr. Williams' Pink Pills for Pale People" is found on the wrapper around every box. If in doubt send direct to the Dr. Williams' Medicine Co., Brockville, Ont., and the pills will be mailed at 50 cents a box or six boxes for \$2.50.

Actions have an inevitable eloquence of their own. Deeds, not words, prove a lover.

Valuable Advice to Mothers.

If your child comes in from play coughing or showing evidences of an approaching attack of Grippe, Sore Throat or sickness of any kind, first thing get out your bottle of Nerviline. Rub the chest and neck with Nerviline, and give internal doses of ten drops of Nerviline in sweetened water every two hours. This will prevent any serious trouble. No liniment or pain reliever equals Polson's Nerviline, which is a necessity in every household. Large bottle costs only 25c.

Give the right man time and he will stand above his critics.

Putnam's Painless Corn Extractor.

Is the only remedy of standing that is guaranteed to cure corns and warts, without pain. Insist on having only "Putnam's"; it's the best.

Society's upper crust should be composed of high-bred people.

He alone is truly a king who has subdued his rebellious passions.

Hell is paved with good resolutions.

AFTER EQUINOX

The season has changed. Cold winds, damp air, coughs, colds, grippe, pneumonia—that's the order of events.

This is the time of year for those with weak lungs or a tendency to heavy colds to fortify themselves against exposure by taking Scott's Emulsion.

Regular doses give great protection to the throat and lungs. What's the use of staying near the edge when such easy treatment will keep you out of danger.

For obstinate colds, for old coughs, for catarrh and bronchitis Scott's Emulsion is a standard remedy. You can feel the effects of even a small bottle.

We'll send you a little to try, if you like. SCOTT & BOWNE, Chemists, Toronto

MARYSVILLE NEWS.

(By our own Reporter.)

April 14.—Last Sunday being Easter there was an appropriate service in the Methodist church under the auspices of the Mission Band, and the following excellent program was successfully carried out. Miss Cadwallader occupied the chair. Hymn—Congregation. Scripture Reading. Prayer—Rev. Robert Crisp. Chant—Mission Band. Recitation, "Things we get by giving"—Grace Cochran, Grace Parkie, Helen Dunbar, Grace Bliss.

Recitation and chorus—Nellie Brewer, Flossie Robinson, Alice Nowland.

Recitation, "Whisper Song"—Master "Chippie" Brewer.

Exercise, "Messengers of Easter"—Misses May, Gladys and Effie Handley, Stella Clayton and Lottie Libbey.

Recitation, "Tapestry Weavers"—Mamie Robinson.

Chorus by band.

Easter voices—Alice Hanson, Helen Alexander, Ethel Parks, Stella Osborne, Alice Saunders, and Eva Templeman. Solo—Little Stella Clayton.

Exercise, "Secret of Easter"—Minnie Arnold, Blanche Dunbar, Maggie Moore, Laura Stafford, Hazel Love and Hazel Moore.

Chorus—Choir.

Exercise, "Messengers of Joy"—Twenty-two little girls. "Queen of Spring"—Birdie Boone.

Duet, "Easter Lilies"—Maggie Bird and Ivy Clegg.

Recitation, "Meaning of Easter"—Gladys Handley and Jessie French.

Solo—Nellie Robinson.

Motion Song—Members of Band.

Recitation—May Handley.

Chorus by Band.

The concert was a very enjoyable affair and the little ones took their parts well. The church was crowded to the doors.

Last evening the Free Baptist church was well filled the occasion being an Easter concert by the Mission Band, Samuel Hallett acted as chairman, and the following enjoyable program was carried out:

Chorus, "Welcome Day"—Mission Band.

Address of Welcome—Nellie Logan.

Exercise, "What boys can do—Three little boys.

Solo, "Hark the happy children sing"—Edith Staples.

Recitation—Wm. Grant.

Exercise, "An old song with a new meaning"—Eight girls.

Recitation—George White.

Whisper song—Six little girls.

Chorus, "Working for Jesus"—The band.

Exercise, Transformation—

Recitation—Edna Gilmour.

Recitation—Lillian Allen.

Exercise, collection—Three little boys. Recitation—Percy Collins.

Solo—Nellie Stafford.

Exercise, "What can I do"—Six girls. Recitation—Helen Dennison.

Solo, chorus—Five girls.

Exercise, "How a plant taught faith, hope, and love—Three girls.

Recitation—Vera Collins.

Chorus—Mission Band.

Recitation—Lily Stafford.

Exercise, "Easter Messengers"—Five girls.

Solo—Edith Staples.

Exercise—Five girls.

Recitation—Frankie Logan.

Duet, "Jesus Rose Today"—Laura White and Myrtle Staples.

Missionary Exercise—Eight girls.

Recitation—Annie McConaghy.

Exercise, "Foreign Missions"—Eight girls.

Closing Chorus—Mission Band.

The entertainment was a great success, and enjoyed by all present.

There will be a big time in the Reform Baptist church Wednesday evening on which occasion several members of the Salvation Army from St. John will be present and hold a rally meeting.

To Cure a Cold in One Day.

Take Laxative Bromo-Quinine Tablets. This signature *E. H. Shaw* on every box, 25c.

Don't dispute with a man whose purpose is wrong.

More of the Golden Rule, less of the golden calf.

Every oyster does not contain a pearl.

Lever's Y-Z (Wise Head) Disinfectant Soap Powder is a boon to any home. It disinfects and cleans at the same time.