

NO NEED FOR LEGISLATION.

Premier and Opposition Leader Agree that N. B. Land Company Have no Intention of Shutting Hunters off their Property.

THE QUESTION FULLY DISCUSSED ON MR. TWEEDDALE'S RESOLUTION, AFTERWARDS WITHDRAWN.

In the legislature on Tuesday morning Mr. Tweeddale moved, seconded by Mr. Burgess, the following resolution of which he had given notice on a previous occasion:

"Resolved, That whereas it has appeared by a petition of 600 ratepayers submitted to the House, that there is an attempt on the part of the New Brunswick Land and Railway Company to exclude the public from the right to go upon their forest lands and kill and take away the wild game and

"Whereas, it has always been the undisputed custom in this Province for any one possessed of a license in open season to exercise that privilege, and

"Therefore Resolved, that the undisputed rights and privileges which up to the present have been enjoyed in this country be perpetuated by the government by the people of the north-western part of the province and more particularly by the people of Victoria, owing to the lands in that country owned by the New Brunswick Railway Co. being mainly situated in that country. It has been announced in the public press that the Company intend to form these lands into a large game preserve. As their holdings take up large tracts of forest lands and sportsmen from different parts of this and other countries have been in the habit of hunting over these lands, the action proposed by the Company will, if it is allowed to go on unchecked, result in considerable loss to the inhabitants of the district. It has always been a recognized principle that game forms part of the public domains, and large sums of money have from time to time been spent by the treasury in the protection of such game and to make the forests more attractive to sportsmen and this has given cause for the employment of numbers of men as guides and in other ways. It is manifestly unfair that any corporation should be allowed to make a game preserve of any part of the forest and thus take advantage of the public monies so spent for their own private gain. In the district round the Tobique River alone, the number of heads brought out of the forest each year is from 70 to 80. The money expended by sportsmen in obtaining these heads is not less than from \$300 to \$500 each. Hitherto, any one holding a license from the surveyor general has had the right to go upon these lands for the purpose of hunting and if the government is to be bound by the resolution, it will be found to be very largely in favor of it. There can be no objection to the owners of small tracts of lands enclosing the same as a game preserve, but when it comes to a large corporation owning many square miles of land, it is a different thing, and no damage or hardship accrues to them by the public having access to their land.

AFTER RECESS.

Mr. Tweeddale.—In moving this resolution, I wish to say that the necessity for such legislation has been urged by the people of the north-western part of the province and more particularly by the people of Victoria, owing to the lands in that country owned by the New Brunswick Railway Co. being mainly situated in that country. It has been announced in the public press that the Company intend to form these lands into a large game preserve. As their holdings take up large tracts of forest lands and sportsmen from different parts of this and other countries have been in the habit of hunting over these lands, the action proposed by the Company will, if it is allowed to go on unchecked, result in considerable loss to the inhabitants of the district. It has always been a recognized principle that game forms part of the public domains, and large sums of money have from time to time been spent by the treasury in the protection of such game and to make the forests more attractive to sportsmen and this has given cause for the employment of numbers of men as guides and in other ways. It is manifestly unfair that any corporation should be allowed to make a game preserve of any part of the forest and thus take advantage of the public monies so spent for their own private gain. In the district round the Tobique River alone, the number of heads brought out of the forest each year is from 70 to 80. The money expended by sportsmen in obtaining these heads is not less than from \$300 to \$500 each. Hitherto, any one holding a license from the surveyor general has had the right to go upon these lands for the purpose of hunting and if the government is to be bound by the resolution, it will be found to be very largely in favor of it. There can be no objection to the owners of small tracts of lands enclosing the same as a game preserve, but when it comes to a large corporation owning many square miles of land, it is a different thing, and no damage or hardship accrues to them by the public having access to their land.

I do not say that the Company should not be allowed to exercise their rights and privileges in the way they desire to do so long as they do not exclude the general public from their land. Any such attempt to exclude the public will prevent sportsmen from coming from other countries and the large sums of money which would in consequence be distributed by them amongst the inhabitants of the district would be lost. This is an important question and one that the government should deal with in the public interest.

MR. WHITEHEAD.

Mr. Whitehead—I think that the hon. member is unduly alarmed. There is no intention on the part of the Company to exclude the public from their lands. I would like to state the actual condition of things on the Tobique. There are a few professional guides, about five altogether, who have secured the rights of the Company on the lands of the Company. They build camps, peep standing timber, destroy everything they feel like destroying. The Company is obliged to keep a staff of men following these guides to prevent fires. As a matter of fact, they are doing themselves what they say the Company desires to do, excluding the general public from the use of the lands. They have even gone so far as to threaten other guides with personal violence. The Company has never made any effort or attempt to exclude the public from the use of their lands for hunting purposes, and I hope the hon. member will withdraw the resolution as it is at present.

Mr. Tweeddale.—I have heard nothing that would cause me to withdraw the motion I have made and I would ask for a vote on it. The announcement was certainly made that the Company intended to organize a club and lease the lands to that club. It was only when they found that the public sentiment was generally aroused that Col. McLean made this statement to a St. John newspaper that there was no intention to exclude the public from the lands, but an assertion of this character is no protection to the people.

Mr. Whitehead.—The Company has made no attempt to keep the public off during twenty-five years.

Mr. Tweeddale.—It is only recently that the lands have become valuable for hunting purposes as the result of the protection the government has afforded to the game of the country. As the matter stands at present, it is competent for the Company to allow the timber to stand and grow, more valuable each year and still obtain a very considerable revenue from the hunting. They could lease the land to a club of wealthy men, and realize from the privilege granted them that the Company would have sold for some years ago. If such a course was pursued the business interests of the district would suffer, and government interference would become necessary. At the present time the Company contributes nothing in the way of revenue to the province and if they close their domain to the public the revenue derived from hunting licenses would be materially interfered with.

Hon. Mr. Speaker.—Is the gentleman closing the debate?

Hon. Mr. Speaker.—The gentleman speaking with the unanimous consent of the House and is not closing the debate.

Mr. Tweeddale.—I want to say something with regard to the fishing privileges of the Tobique. I am heartily in accord with the general policy of the government so far as the leasing of the fisheries are concerned, but, the regulations as applied to the Tobique, are not fair. The riparian rights of the province are leased to a club for the nominal consideration of \$50 annually.

Mr. Hazen.—Are there not other conditions? Mr. Tweeddale.—It is the other conditions that are objectionable, as they require that 14 wardens shall be kept on the river during fishing season and who is there in this country to pay the salary of such wardens? The public in New Brunswick are entirely excluded from the Tobique River, the whole benefits going so foreigners.

Mr. Hazen.—Are there no riparian holders on the river?

Mr. Tweeddale.—The holders of grants prior to 1884 enjoyed riparian rights, but all grants issued since that date entitle the holders of the fishing leases to the use of a strip of land four rods wide on either bank of the river, whether the land is planted in wheat or is in pasture. The operation of the fishing lease on the Tobique is directly opposite to the operation of the game laws for the latter requires the residents to pay fifty dollars for the privilege of hunting while the residents only pay the nominal sum of \$2. The game law is one of the best in the statute book and is heartily endorsed by the people. While it is beyond question that some of the best fishing pools on the Tobique are on the lands of the N. B. R. Co., yet when they get the riparian rights controlled by the government for the nominal sum of \$50 it is a great injustice to the inhabitants.

Mr. Hazen.—Are those rights not sold at public auction?

Mr. Tweeddale.—Yes, they are, but the conditions are prohibitive. It would be better for the government to put the wardens and pay for the protection than lease the privileges to any applicant at the rate of \$2 a rod for non-residents and 50 cents for residents. If this were done the Tobique River would swarm with people during the summer season. It is 60 miles from the mouth of the Tobique to the forks and each branch has a length of about 30 miles. The revenue derived from leasing the privileges in this way would more than reimburse the government to our people in many ways. Yet submit that it is a question of very great consideration as to whether it

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and the benefit to the district would be greatly increased because of the large number of persons who would avail themselves of the fishing. Were some such course as this pursued every citizen would become a warden and see that the law was respected. It is the manner in which the fishing rights on the river have been dealt with that makes the people feel that some restraining power is necessary. I feel that the good sense of the House will see the necessity of the resolution.

PREMIER SPEAKS.

Hon. Mr. Pugsley.—I think that I should make some observation on this very important resolution. I fully recognize the fact that a very strong feeling of disapproval would pass through the minds of the people of this province if an attempt were made to prevent hunting forest lands hitherto our people have enjoyed, that privilege and as a result of the efforts of the Government to protect big game, strangers are coming to the province year by year to hunt. No doubt that is a great advantage would be desirable to pass a resolution so broad in its terms. For instance, the term used in the resolution, "Any forest lands" if passed in its present form would force the Government to pass a bill that any forest lands whether of large or small extent, whether closed or unclosed, should be open to strangers to hunt upon, and the same rights as the owners of the land. It were to declare this by law it is quite likely that considerable complaints would arise and therefore we should consider carefully whether there is any necessity for the passing of this resolution. The gentleman speaking with the unanimous consent of the House and is not closing the debate.

Hon. Mr. Pugsley.—The gentleman speaking with the unanimous consent of the House and is not closing the debate.

Mr. Tweeddale.—I want to say something with regard to the fishing privileges of the Tobique. I am heartily in accord with the general policy of the government so far as the leasing of the fisheries are concerned, but, the regulations as applied to the Tobique, are not fair. The riparian rights of the province are leased to a club for the nominal consideration of \$50 annually.

OPPOSITION LEADER.

Mr. Hazen.—I concurred entirely in the spirit of the resolution moved by the hon. member for Victoria and think he has taken the proper course in bringing this matter before the House. It is an important matter, and the resolution is pressed to a vote I will vote for it, but I agree with the leader of the government that the hon. member for Victoria has accomplished his object by bringing the resolution to the attention of the House. There is a general consensus of the opinion in this Province against any action that will close the public out from hunting over so large an area as that controlled by the New Brunswick Land and Railway Co. I do not think that it has been shown that there has been any attempt on the part of the Company to do this. Indeed the Solicitor of the Company has distinctly stated that there was never any intention on their part to prevent the public from hunting over their lands. I feel that the discussion that has taken place will be sufficient to convince the Company that this legislation will not tolerate any attempt on the part of the Company to shut out the public from hunting over their

lands. As I said before, I will vote for the resolution if it is pressed, but I think the mover would be acting wisely if he accepted the advice of the Premier and withdrew it.

RESOLUTION WITHDRAWN.

Mr. Tweeddale—I do not want to urge this matter too strongly. After hearing from the Premier and the leader of the opposition, I would be content to withdraw the motion. I may say, however, that the only evidence we have of any attempt to prevent the public from hunting the demand made on one of the guides to take a lease of the lands and the organization of a club to whom was to be conveyed the hunting and fishing rights on the Company's lands. It was these acts on the part of the Company that had excited public opinion. It may answer for the matter to stand for the present. The object of the resolution was really to obtain the sanction of the legislature to grant power to the Executive Government to act promptly in the event of any attempt being made to exclude the public from the lands of this or any other Company controlling a large area of forest lands. With the consent of the House I will withdraw the resolution.

Mr. Whitehead—I know the guide to whom the hon. gentleman refers. He has erected fifteen camps and has cleared considerable spaces about them all on the Company's lands. My suggestion to him was that he should take out a squatter's lease to prevent him from claiming the Company's land by right of possession.

OTHER BUSINESS.

Mr. Farris.—Introduced a bill to amend the Dairy Act of 1904. He explained the object of the bill was to acquire the proper marking of a dairy products produced in New Brunswick.

Mr. Murray gave notice of the motion for the suspension of rule to allow him to introduce a bill to incorporate the Chatham Hebrew Congregation.

Hon. Mr. Hill—I rise to a question of privilege. Some few years ago when Mr. McClellan was governor of the Province, no matter how much he might be interested in its affairs was not permitted to go on the floors of the House and listen to a debate. This struck me as a remarkable condition of affairs, but on investigation I found it had a very ancient origin. I can understand why in the days when first the King and King had serious differences, the King should be prohibited from attending the debates of parliament, but now, as arbitrary rule and under the changed condition I think that the present governor should be at full liberty to enter this chamber and listen to the debates of its distinguished members just the same as any other common citizen. I would like to have your ruling on this important question.

PROHIBITION.

Hon. Mr. Speaker.—This is a very important question, and I will have to take time to consider it.

Hon. Mr. Pugsley in answer to Mr. Maxwell's inquiry said:

The enquiry consists of two parts, in answer to the first, "Has the government made any reply to the Temperance Federation regarding the introduction of a prohibitory law into the Province of New Brunswick?" I might say no, but a further explanation is necessary. The communication from the Temperance Federation addressed to the government, while Mr. Tweeddale was Premier and had not been disposed of when he became governor. Since the matter came into my hands we have been very busy, but have given the question a great deal of consideration. It is one that hon. gentlemen will realize cannot be determined off hand but requires the greatest consideration. In dealing with such a question the government would require to be sure that the legislation suggested would be of a permanent character. We have not given an answer to the Temperance Federation, but I trust we will be able to do so shortly perhaps not before the close of the session, but very soon afterwards. Regarding the second part of the enquiry, touching complaints against the License Commissioners and License Inspector of St. John, I would say that no complaints have been made to the government respecting the Inspector or Commissioners of St. John. The government have received several petitions asking that the provisions of the act of last year should be carried out, but there have been no complaints of violations of the law. At a very important meeting at which the Temperance Federation and other temperance bodies were represented, reference was made to the law not being vigorously enforced, but no complaint was made to the government. Had any such complaint been made it would have received the most careful consideration.

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MAILS CLOSING.

In effect, October 1, 1906.

6 a.m.—For St. John, etc., St. Stephen and Charlotte Co., Carleton, Victoria and Madawaska Counties, and United States.

7.00 a.m.—Woodstock and Gibson Branch Stations, daily.

WAY MAILS.—East Side St. John River.

7.00 a. m.—For Keswick Ridge, Southampton, etc., Mondays and Thursdays.

West Side St. John River.

7.00 a. m.—For Springfield, Kingsclear, Prince William, etc. Mondays, Wednesdays and Fridays.

6.30 a.m.—St. John River via Steamer.—For Oromocto, Sheffield, Gagetown, etc.

9.15 a.m.—St. John, etc., C. P. Railway stations, East, Nova Scotia and P. E. Island.

10 a. m.—For St. Mary's Ferry, Gibson and Marysville.

WAY MAILS.

2 p.m.—For Nashwaakias and St. Mary's Ferry, daily, New Brunswick, New Maryland, Hanwell, Lower St. Marys and Royal Road. Wednesdays and Saturdays.

4.15 p.m.—For Gibson, Marysville, Boiestown, Doaktown, Blackville, etc., Chatham, and I. C. Railway Stations, north and south.

4.45 p.m.—For St. Stephen, Woodstock, United States, Montreal, Toronto, Ottawa and North West West Provinces.

8.15 p. m.—For St. John, etc., Nova Scotia and P. E. Island.

4.30 p.m.—British mails via New York, Mondays and Thursdays.

MAILS RECEIVED.

9.30 a.m.—From St. John, etc., and Nova Scotia.

From Hamtown, Royal Road, etc.

11.00 a.m.—From Nasonworth and New Maryland, Wednesdays and Saturdays.

12.00 noon.—From Montreal, Ottawa, Northwest Provinces, etc., and United States.

1.20 p. m.—From I. C. Railway Stations, North Shore and Quebec.

St. John River via Steamer.—

5 p.m.—From Oromocto, Sheffield, Gagetown, etc.

9.05 p.m.—From Woodstock and Gibson Branch Stations, daily.

8.20 p. m.—From Nova Scotia, P. E. Island and St. John.

WAY MAILS.

7.00 p. m.—West Side River, St. John.—From Meductic, and Way Offices, Tuesdays, Thursdays, and Saturdays.

St. John.—From Woodstock and Way Offices, Tuesdays and Fridays.

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