



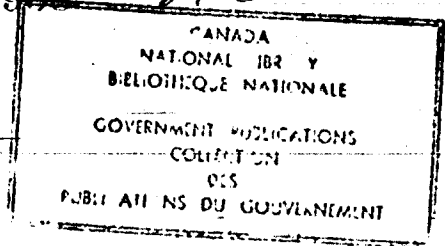
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GEORGIAN BAY FISHERIES COMMISSION

1905-1908

97 COMM



REPORT AND RECOMMENDATIONS

(WITH APPENDICES)

OF THE

DOMINION FISHERIES COMMISSION

APPOINTED TO ENQUIRE INTO THE

FISHERIES OF GEORGIAN BAY AND ADJACENT WATERS

Mr. JOHN BIRNIE, K.O., &c., Collingwood

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Commissioner of Fisheries (Chairman)

Commissioners

JOHN BIRNIE, Secretary of the Commission

OTTAWA

GOVERNMENT PRINTING BUREAU

1908

GEORGIAN BAY FISHERIES COMMISSION. 1905-190

I. GENERAL REPORT AND RECOMMENDATIONS

II. REPORT ON GEORGIAN BAY GAME FISH PRESERVE (APPENDIX A.)

III. REPORT ON THE SQUAW ISLAND FISHERY GRIEVANCES (APPENDIX B.)

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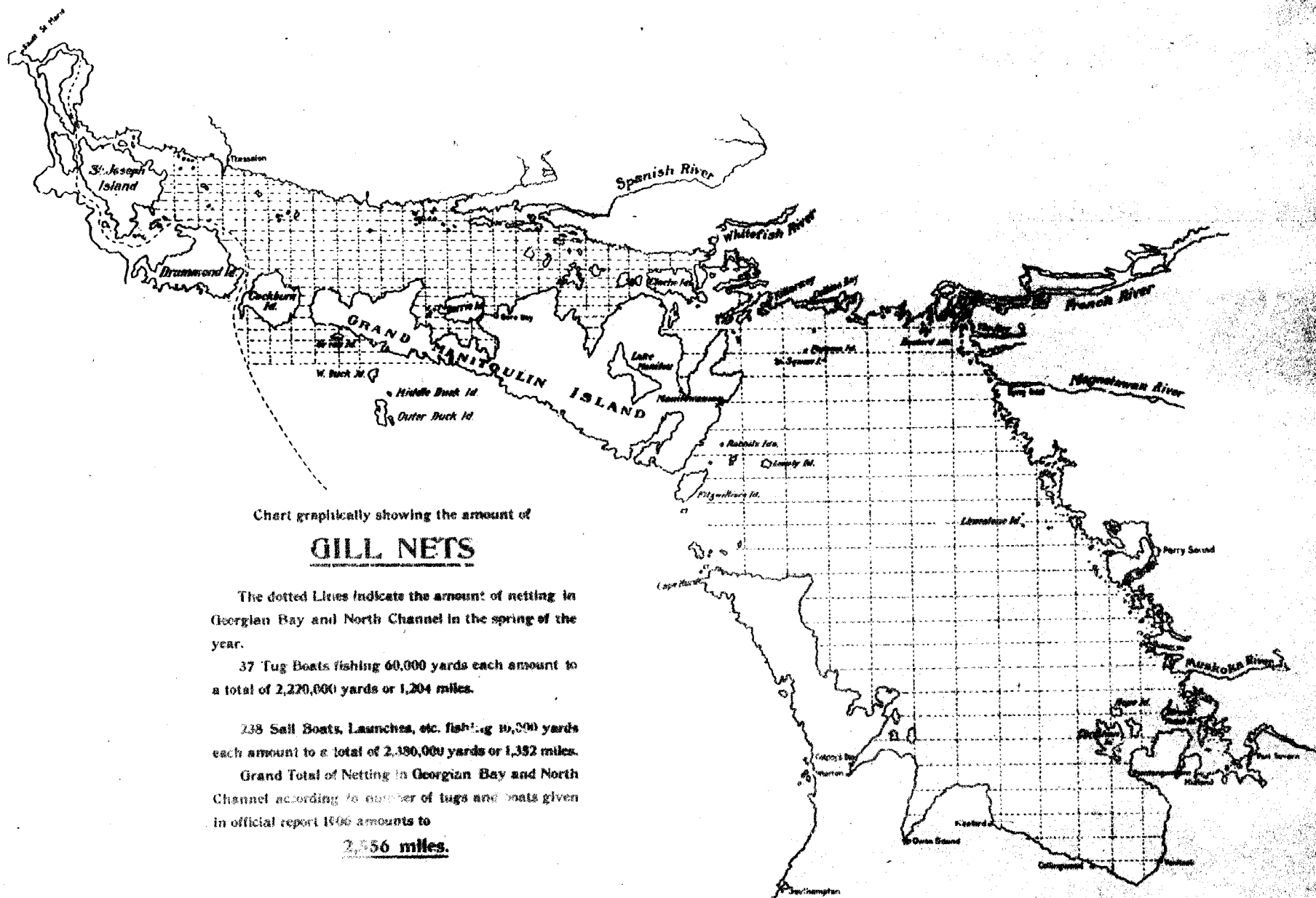


Chart graphically showing the amount of

GILL NETS

The dotted Lines indicate the amount of netting in Georgian Bay and North Channel in the spring of the year.

37 Tug Boats fishing 60,000 yards each amount to a total of 2,220,000 yards or 1,204 miles.

238 Sail Boats, Launches, etc. fishing 10,000 yards each amount to a total of 2,380,000 yards or 1,352 miles.

Grand Total of Netting in Georgian Bay and North Channel according to number of tugs and boats given in official report 1906 amounts to

2,656 miles.

GEORGIAN BAY FISHERIES COMMISSION, 1905-1908.

To the Honourable LOUIS PHILIPPE BRODEUR,
Minister of Marine and Fisheries.

SIR,—We, the commissioners, appointed by order in council, dated July 15, 1905, to inquire into the fisheries of the Georgian bay, the north channel, and other Ontario waters, especially with respect to the past and present state of the fishing industry carried on in the said waters, the amount and kinds of the gear used in catching fish, and, generally, all conditions pertaining to the fisheries of Georgian bay, have the honour to present our report and recommendations as follows:—

SITTINGS OF THE COMMISSION.

We have held an extensive series of sittings at practically all the fishery stations of the Georgian bay and north channel, and have interviewed and taken the evidence of a majority of the fishermen engaged in operations in these waters. We have also practically tested certain kinds of fishing gear, with a view to deciding crucial points regarding the kinds of nets used in fishing. We have accompanied the fishermen, both gill and pound net, out on the waters, and have observed their methods of fishing, and the kinds of fish obtained, and have generally inquired most closely into all conditions which would affect the fisheries of Georgian bay. In the course of our itinerary, we visited the following fishing stations and held meetings, which were well attended by those engaged or interested in fishing operations in each particular locality:—

Collingwood, Thornbury, Meaford, Owen Sound, Wiarton, Lion's Head, Tobermory, Duck Island, Thoburn Island, St. Michael's Bay, Providence Bay, South Bay, Cape Hurd, Southampton, Port Elgin, Kincardine, Goderich, Point Edward, Sarnia, Nottawasaga River, Lafontaine, Penetanguishene, Midland, Go Home River, Minard Bay, Parry Sound, Mink Island, Shebeshekong, Point aux Baril, Sturgeon Bay, Byng Inlet, French River, Bustard Islands, Killarney, Squaw Island, Spanish River, Spanish Mills, Spanish Station, Cutler, Algoma Mills, Blind River, Thessalon, Sault Ste. Marie, Meldrum Bay, Gore Bay, Kagawong, Little Current, Medford Island, Manitowaning, Manitou Lake and Wikwemikong.

We found the fishermen at these various places intensely interested in our work, and were given every assistance and facility for prosecuting our inquiry, and have acquired at first hand a valuable mass of evidence which we think will be of the greatest assistance in enabling you to come to a proper and just decision upon the matters which we now have the honour to submit to you. In order to give as great a completeness as possible to this report we have included as an appendix (Appendix A) the text of our interim report and recommendations on the suggested Game Fish Preserve in the waters of Georgian bay.

The several matters pertaining to Squaw Island, which is one of the principal fishing islands of the Georgian bay, were also referred to us to investigate and report; and we have the honour to append a separate report dealing with the matters referred to us regarding Squaw Island.

INTRODUCTION.

Apart from their piscatorial value, the waters and shores of the Georgian bay possess many features of interest to the historical student. Georgian bay has been the scene of many stirring incidents in the rise and progress of the Dominion of Canada, and its evolution from the primeval backwoods state to the more ordered culture of present-day civilization. Upon its southern and western shores were grouped in their numerous villages, many traces of which are observable to-day, the Indian tribe of Huron, whose history bears such eloquent tribute to the great self-sacrifice and the indomitable pluck and perseverance of the old Jesuit Fathers, who first came to

Canada in the early days of the French régime. Smiling farms now lie where once was impenetrable forest, and palatial steamboats and all kinds of commercial craft ply over the waters over which once floated the birchen bark of the Indian and the rarer batteau of the French. It was on these shores that the Iroquois Indians descended in ferocious hordes on the peaceful Indians and utterly exterminated them; and, going down with the Hurons to death and destruction, were the courageous and saintly Brebœuf and Lalemant. On the Christian island, opposite the mainland of Tiny, there still remain the ruins of the old fort, built by the Jesuit Fathers and the Huron Indians in which to make their last desperate stand against the Iroquois; and, after a constant siege of one autumn and winter, during which they suffered incredible hardships, those of them who were left sailed forth north on the waters of the Georgian bay, and became scattered amongst its countless islands.

At that time, as very little agriculture was carried on by the Indians, their principal food supply was derived from the woods and waters; and, from the accounts given in the *Rélations des Jesuits*, we find that the waters of the Georgian bay literally teemed with many kinds of edible fish, particularly the whitefish, the trout and the sturgeon. And quite a trade was carried on with the Indians by the Hudson Bay Company's posts, a number of which were established at various points on the bay, notably at Penetanguishene, LaCloche and Missassauga. This plentitude of fish continued down to the year 1850, that is, up to the time when the white man began his operations on an extensive scale, there was an abundance of the valuable fish named.

GENERAL DESCRIPTION OF GEORGIAN BAY AND CONTIGUOUS WATERS.

The fisheries of Georgian bay and the north channel are, in many respects, the most valuable fresh water fishing grounds in the world. They are so for two main reasons: the physical and biological conditions which they provide are precisely those most favourable to fish life, especially certain species of prime value for commercial and food purposes, while they possess the advantage of being exclusively within the Canadian territory, and not liable to injury and contrariety in regulations resulting from divided international jurisdiction and control. With the exception of Lake Superior, the vast area thus opened to the operations of Canadian fishermen exclusively, and restricted by law to exploitation by British subjects under the fishery regulations of Canada, is larger than any other inland fishing area in the Dominion, being more than twice the area of the Canadian portion of Lake Ontario, almost exactly twice the extent of the Lake Erie fishing grounds, and more than one thousand square miles vaster than the part of Lake Huron which lies within British territorial boundaries. Lake Winnipeg, in the province of Manitoba, it may be added, approaches the area of the Georgian bay waters, but its fishing grounds, particularly the whitefish grounds, are very much more restricted, as the southern half is a pickerel and coarse fish resort, rather than the habitat of the superior kinds. The great lake trout, which constitutes one-third of the annual catch in Georgian bay waters, is absent from Lake Winnipeg; whereas, that valuable fish and the lake whitefish abound in these western Ontario fishing grounds dealt with in this report.

The area of the Canadian waters in the Great Lakes may be estimated as follows: Lake Ontario, less than 4,000 square miles; Lake Erie, about 5,000 square miles; Lake Huron, 11,000 square miles; whereas Georgian bay and the north channel exceed 12,000 square miles in extent. From Collingwood, at the northern end of the bay, to the outlet of St. Mary's river, the distance is 225 miles, and the greatest width is 54 miles. The fact that, in the Great Lakes and other contiguous waters, Canada shares the fisheries with the United States; that fully one-half of the area of these waters is within the bounds of the republic to the south; and that the vast operations of the American fishermen and fishing firms are carried on under less restrictive and in all cases wholly different legal conditions than those applying to Canadian fishing operations, most vitally affects the problem of preservation and development.

It is entirely different with the Georgian bay fisheries, for they are wholly within

Canadian limits and under Dominion laws and regulations, and no such disadvantage affects them as affects the Great Lake fisheries. Moreover, the conditions vary on the United States' side of these waters, because each of the bordering states has adopted a separate and often conflicting policy. At the western extremity of the north channel, the international boundary, it is true, passes between Cockburn island and Drummond islands, and skirts the southern and western margin of St. Joseph island, passing up the narrow channel by Sault Ste. Marie rapids to Lake Superior. But the fisheries of chief importance are not contiguous to the territorial boundary, and the protection, as well as exploitation, of these fishery resources is solely under the control of Canada. Thus the assurance of their prosperity and permanence depends upon the policy and protective methods adopted by the Dominion government. The question of the rights of the province of Ontario, of course, is vitally connected with such policy; but reference to that important feature of the matter, and the conclusions of your commissioners regarding it, are made in their proper place on a later page in this report.

That the physical characteristics of the bay and its northwestern continuation, called the North Channel, are favourable in every way for fostering great and varied fisheries, admits of no doubt.

The tour of your commissioners in the course of their investigation afforded ample evidence of these remarkably favourable conditions, and the almost unique possibilities of vastly extended and increasingly valuable commercial fisheries. The southern shores, with the exception of some short stretches, are lofty and abrupt, and the eastern and northern parts are much broken up, indented by deep channels and dotted with rocky islands. No waters could be more favourable for the best species of fish. The esteemed black bass finds here ample feeding grounds and nesting resorts along the shelving shores and in the numberless bays of the west shore. This romantic coast, with its hundred thousand or more islands, has given it a reputation as a game fish region not to be surpassed. The southern and western parts of the bay have long been regarded as remarkable lake trout or salmon trout grounds; while the northern and northwestern portions, including the wide extent of open water east of the north channel entrance, are, undoubtedly, now the chief resorts for the great schools of whitefish. To these far-reaching waters must be added the prolific waters abounding in pickarel, with some trout and whitefish, from Killarney to Little Current and Sault Ste. Marie. In the deeper parts, summer whitefish fishing is carried on at an average depths of twenty-five fathoms, by means of gill nets, while, later in the season, in July and August, operations are conducted nearer shore, and the nets may be set in seven to ten fathoms or less. Of course the large lake trout are scattered generally all over the waters here referred to, just as the whitefish occur in most localities, but the main fisheries may be geographically distinguished as stated above. Pickarel (yellow pickarel or wall-eyed pike) are of great commercial importance, and abound in moderate depths generally, while sturgeon, yellow perch, lake herring, speckled trout, maskinonge, catfish, &c., are also generally distributed, some being of moment for the markets, while others are principally of sporting value; but there are few portions of these waters along the shores of the Georgian bay where the species named may not be taken.

No words can exaggerate the former plenitude of fish in the past, and the great, if declining, fisheries at the present time testify to the extraordinary productiveness of the Georgian bay in spite of excessive and wasteful fishing in former years, and the enormous amount of gear which, the evidence showed, is still set in these waters. The records demonstrate that the catch of whitefish in all the Great Lakes did not, in 1890, equal the yield of Georgian bay, viz., 2,912 tons, or, if the Manitoulin island fishing be included, as is usually done, the total catch amounted to no less than 5,296 tons.

KINDS OF FISHES, HABITS, ETC.

It is generally conceded that, at the head of all food fishes, stand the Salmonidae or fishes allied to the salmon. It also goes without question that the fresh water

lakes and rivers of Canada are par excellence the habitat of the Salmonidæ. The fishes embraced in this family are, in many instances, the best of game fishes, while they are no less most famed for their unsurpassed food qualities. They include not only the migrating salmon, which ascends rivers from sea in order to reach its spawning grounds, but the smelt, various kinds of land-locked salmon, the lake whitefishes, the tullibee, the lesser whitefishes, commonly called lake herring, as well as the ponderous great lake trout, grey trout and various esteemed river and brook trout. They are all of excellent table qualities, the flesh being massed in large, thick flakes and the bones very few as compared with the true herrings, carp, perch, &c., in which the meat or muscle masses are thin and delicate and interspersed with numerous bones, such as supplementary ribs, small, needle-like interspinous bones, &c. Of the whitefishes of Canada, there have been recognized no less than eight species, while of the lesser whitefishes, or herrings, there are, at least, four different kinds, all quite distinct from the true species of herring, some of which, like the ale-wife or gaspereau and the shad and moon-eye herring, are found in fresh water. The true lake whitefishes and the lesser whitefishes found in the Great Lakes are *Coregonus clupeiformis*, Mitchell, the round or Menominee whitefish, *Coregonus quadrilateralis*, Richardson, which is less in the depth of the body and rounder than the common species, the Labrador whitefish, *Coregonus labradoricus*, and the moon-eye whitefish now classed with the Ciscoes or lake herring, *Argyrosomus hoyi*. The so-called lake herring include the Cisco *A. arctedi*, the long jaw or bloater, *A. prognathus*, the Ciscoette, lake smelt or least whitefish, *A. osmeriformis*, and the blue fin or black fin, *A. nigripinnis*, which is regarded as a particularly fine species by the fishermen. All these fish are alike in being excellent for food, bright and silvery in external appearance, and non-predatory in their feeding habits. The principal kind is, of course, the common whitefish first named, and it ranges from two to sixteen or eighteen pounds in weight. It is somewhat deep in the body, while the shoulders descend rather abruptly to the head, especially in the fall when a distinct hump is developed. The head is very small, the mouth markedly so, and the jaws are toothless. The snout is somewhat blunt and flattened so that the mouth opening is slightly below the head. Its food consists of minute shrimp-like creatures called copepods, small snails or shellfish and insects, though on rare occasions these fish have been found to capture and swallow minnows. In the fall, when they are very fat and in good condition, the organs of the abdomen and the peritoneal membranes being loaded with white fat, the desire for increases, and the stomach and intestines acquire a hard, rigid character as though it were solid instead of being a hollow digestive sac or tube. After ceasing to feed they fall off in condition, and any taken during the three or four months after the end of the spawning season must be in very poor emaciated condition. A quarter of a century ago whitefish ranked first in importance from a commercial and food point of view, but about twenty years ago it fell to second place in the fisheries of Georgian bay and Lake Huron, fifteen years ago it occupied third place, and later it is found in the fourth place, as indicated in the table on a succeeding page. It still ranks first in public esteem, and its market value has increased as its scarcity has grown.

The great lake trout for about twenty years has been the premier fish in the Georgian bay waters, excepting in the north channel. Several varieties are popularly distinguished, but scientifically they are all *Cristivomer namaycush*, the great lake trout, which ranges from a weight of 3 pounds or 4 pounds up to 40, 60 or even 100 pounds. Like the brook trout, it is not a true trout, but really a gigantic char, and has an unenviable reputation for voracious predacity. As the whitefish decline in numbers, owing to their destruction by commercial netting, the trout hasten the diminution by preying on them in the young and the older stages of their growth. They spawn earlier than the whitefish, as much as five or six weeks earlier in some localities, hence the establishment of an earlier close time has been strongly urged. In a special report published by the Department of Marine and Fisheries, the following observations are made:—

'It is usually most desirable to protect every spawning fish possible, of valuable

kinds; but in other cases, as in the great lake trout or salmon trout of the lakes, there is much to be said in favour of the present season, viz.: November, in Canada. Their main spawning period is late in October, and as the law stands great numbers of ripe spawning fish are taken annually, although this year they were later than usual. The great lake trout is a strong, predacious, and in some respects, undesirable fish, making war upon whitefish and all other kinds. It does not require the same amount of legal protection as a defenceless weak species, like the toothless whitefish, hence it suffices for the 'fresh-water shark,' as the great lake trout has been called, to be partially protected only, so that they may not exterminate equally valuable kinds and overrun the waters. The present close season for the great lake trout is perhaps too short, but it has sufficed in Lake Huron and Georgian Bay at any rate to ensure the maintenance of a fair supply of these fish. It is plain that predacious species call for less protection than more harmless and defenceless species.'

The movements of the schools of lake trout have been closely followed by the fishermen. They occur in moderate depths in spring, but after the middle of June resort to rocky reefs not far from shore, or in the more distant shallows which occur in Georgian Bay. Later, in September, they are found in the shallows again, and especially so during October when they are spawning. Such are the movements of the great body of fish. It is evident, however, that many remain in the deep water during the summer and fall, and at all seasons the species may be caught in rather shallow water. Even in winter, trout are taken through the ice in moderate depths off Iosco and Huron counties, Michigan, by means of set lines and gill nets and often by gill nets. There is similar diversity in the vertical distribution, independent of the depth of water. They appear at one time or another to swim at all levels from the bottom to the surface, although the nets are only set for them on the bottom.

The only pronounced movement appears to be shoreward and on to the reefs in the fall for spawning. At that time the trout do not seem to travel any considerable distance, but only to proceed from comparatively deep water to the nearest shallows. There are, apparently, at least two, and perhaps more, distinct bodies of fish concerned in this movement. The first or early run is composed of what the fishermen term shallow-water trout, and upon certain grounds these fish will run into three or four and sometimes even two feet of water. The later run does not approach so close shore, and is more extensively represented on the reefs.

Herring, minnows of various kinds, and whitefish appear to form the staple food of this valuable but very destructive fish. In spite of the vast quantities captured, its abundance is maintained remarkably, as is demonstrated by the table given later. Of the various species of pike-perch, pickerel or doré, as the wall-eyed pike of the American fishermen is called, the yellow pickerel (*Stizostedion vitreum*), which is in reality the true doré of French-Canadians, is the most important, while the sauger (*Stizostedion canadense*), and the blue pickerel appear either to be scarce or not to occur in most localities in the waters here referred to. The wall-eyed pike is very perch-like in appearance, with its hard scales, rounded body, spiny dorsal fins, and large well-armed jaws. It is a predaceous species and feeds upon other fish, but owing to its firm white flesh and good keeping and carrying qualities, it has risen to almost first importance in the fishery products of Georgian Bay. It is a spring spawner, and deposits its small crystalline pellets, which cling together in spongy layers, during the months of April and May. The grounds selected for spawning are, as a rule, shallow creeks and mouths of rivers, or clean sandy stretches in small streams. The spawning usually lasts but a short time, 10 to 15 or 20 days. They are not a deep-water fish, and in some localities reach a large size. Near the mouth of River St. Clair they were at one time captured in numbers ranging from 12 to 15 pounds weight; but 2 pounds to 4 or 5 pounds would be the size commonly taken by the fishermen.

The sturgeon has so risen in public esteem that a good-sized specimen, as was stated in the evidence, brings as much to the fisherman as a small cow. The ripe eggs, which form when salted and prepared the valuable caviare, are the chief source of the returns which sturgeon bring; but the flesh is highly valued, and the bladder

and entrails are in demand for the purpose of making isinglass. The sturgeon reaches a large size in the great lakes, as much as 140 or 150 pounds; but specimens 30 to 50 pounds are regarded as fair average examples for market purposes.

A prevailing opinion amongst the fishermen is that the sturgeon is predaceous, and an arch-eater of spawn and young fishes. In their desire to capture all the sturgeon possible owing to their great money value, the usual argument urged is that their extermination, or at any rate their diminution, would be a benefit to the fisheries. The basis of this argument is their alleged destructive spawn-eating proclivities. Much evidence exists that the extreme view of many of the fishermen is erroneous.

As was stated in a special report in the Report of the Department of Marine and Fisheries, 1898: 'A more prolonged investigation and the examination of the food contents in the stomachs of a large series of sturgeons would show, there is much ground for thinking, that the rapacious character commonly attributed to the sturgeon is not justifiable. In view of the existing system of planting fry of salmonoids and other valuable fish, and of the precautions for protecting parent fish and their spawning beds, such a conclusion is of some value, and it indicates the probability that the sturgeon is not to be credited with the predaceous propensity and evil character so commonly attributed to it. Fish merchants and fishermen desirous, at all costs, of extensively pursuing the sturgeon fishery, and using the argument that in exterminating this valuable fish benefit must result to other fisheries, have no reliable evidence so far to support their contention. Their view may have some ground in fact, but the depletion of sturgeon in many well-known waters has not sensibly resulted in a great increase in other fishes to which the sturgeon was specially thought to be inimical. Wherever the sturgeon fishery has been actively prosecuted, the supply has been rapidly depleted, and extensive destructive operations inevitably end in this result, as the fish are specially sought after when loaded with the ripe spawn, from which caviare is made, and the immature sturgeon are caught ruthlessly on account of the value of their flesh, and the waste products from which isinglass is made.

'The famous St. John river sturgeon fishery rapidly succumbed, the abundant schools which were found in the great lakes, and especially the numbers found in the Detroit river and St. Clair waters have seriously declined. In Georgian bay, sturgeon were so plentiful that they were a nuisance in the nets, and in Lake Superior the fishery forms now a wholly inconspicuous element in the western fisheries. In Lake of the Woods the sturgeon fishery carried on vigorously for not more than four or five years; it did not long withstand the heavy strain put upon it. In British Columbia, the sturgeon of the Fraser river grew to importance, but overfishing, especially in the Pitt lake waters, resulted in a sudden and serious decline in the supply of these valuable fish, which on so many grounds it seems absolutely necessary to preserve and protect by the most effective and stringent regulations.'

Of the catfishes, mullets, perch, &c., it is not necessary to say anything, as these species rank so low in the total value of the Georgian bay fisheries; but in another place in this report reference is made to the superabundance of suckers, which have little market importance, and to the feasibility of reducing their numbers.

Such fish as the ling or fresh-water burbot, sometimes called 'the loshe,' appear to have no redeeming feature, and are undoubtedly most destructive. Like the feathered loons or great northern divers, which are taken in numbers each season in the pound-nets of the north channel, the ling and similar destructive fish must destroy vast quantities of other fish. The ling has been utilized for food in some regions; but a prejudice exists against it in Georgian bay, which renders it of no value, and no protective or regulative measures are called for. The carp (*Cyprinus*) has so far made little appearance, though so abundant in recent years in Lake Erie and River Detroit. Of the fifteen or sixteen different species, which in the markets are more or less valuable for food, the five first referred to in these pages are pre-eminent as the most valuable marketable fishes in the waters of Georgian bay. Their relative importance, as shown by the order in the amount of the annual catches, is

indicated in the following table, from which it is clear that, while the great lake trout maintain their importance, the other kinds have undergone very marked fluctuations:

IMPORTANT FISHES ENUMERATED IN THE ORDER OF THE SIZE OF THE CATCH IN RESPECTIVE YEARS.

1880.	1885.	1890.	1894.	1906.
Whitefish. Lake trout. Lake herring. Pickerel, pike or pike-perch. Sturgeon.	Lake herring. Whitefish. Lake trout. Pickerel or pike-perch. Sturgeon.	Lake trout. Lake herring. Whitefish. Sturgeon. Pickerel or pike-perch.	Lake trout. Lake herring. Sturgeon. Whitefish. Pickerel or pike-perch.	Lake trout. Pickerel or pike-perch. Whitefish. Lake herring. Sturgeon.

KINDS OF NETS AND GEAR USED IN GEORGIAN BAY.

Gill nets.—There have been at least five different kinds of nets used in the Georgian bay and north channel waters, the earliest of which was the gill net, which, in former days, was made by the Indians of cedar withes woven together like one side of a coarse basket. The mesh was six or seven inches across, and it was only necessary to use a few yards of net by each Indian to catch his fish supply during the spawning season when the fish came into shallow water and were easily accessible. When the white man came upon the scene, cotton and linen gill nets took the place of the bark, and operations, up to the early sixties, were conducted by the gill net. This net consisted of a wall of net about six feet high and of varying lengths. Along the upper margin passed the cork line, upon which floats of cedar, and at a later time of cork, were fixed at intervals of nine feet. Along the lower margin passed the lead line, which was weighted with pieces of lead, also at intervals of nine feet. Nets are fastened together and fished in lengths called gangs, and at each extremity of a gang is a brail, which consists of a perpendicular stick five or six feet long attached to an anchor stone from which the buoy line extends to the surface of the water and is there fastened to the buoy or float. Each gang has, therefore, two buoys, one at each end, the buoy consisting of a pole eight or nine feet long fastened through a wooden bowl which is weighted at the bottom end to keep it upright and with the staff four or five feet above. At the upper end of the staff is the flag, so that location of the gill net can be determined, as the net is sunk to the bottom of the lake at depths varying from five to seventy fathoms according to where the fishermen locate the fish. The principal fish caught with the gill net are the whitefish and trout. The gill net fishery in Georgian bay began about the year 1834. It was prosecuted from canoes and small boats. Stones were used for sinkers and pieces of cedar for floats. The nets were lifted every morning. In those days most of the catch was whitefish, and was nearly all salted, the traders dealing in the fish supplying the fishermen with salt and barrels. The first official report made by the Canadian Department of Marine and Fisheries was issued in 1868, and by that report it appears that there were 451 men engaged in the fishery, with 144,750 fathom of gill net. The catch amounted to 1,184,386 pounds of whitefish, 707,400 pounds of trout, and 7,800 pounds of pickerel. Gill nets were practically the only nets used down to 1881, although two American fishermen came over to St. Joseph island in 1858 and fished two pound nets and caught immense quantities of fish. Between 1870 and 1875 tugs were introduced into the gill net fishery, and their number increased, until 32 were employed in 1894. About the year 1890 the steam lifter was introduced, which facilitated the fisherman greatly in lifting his net, and enabled him to use more and larger gangs than he had done up to that time.

A gang of gill nets at the present day consists of from 18 to 20 boxes of nets with three pieces, weighing 9 pounds to the box. These pieces are about 250 yards

long, or 750 yards to the box. A gang of nets ordinarily, therefore, nowadays consists of 15,000 yards of net, or about 9 miles.

Pound nets.—Of the pound net, it may be said that it consists of an inclosure of net called the pot, or crib, with a number of devices or arrangements for leading the fish into this inclosure, being always set off shore. First there is a wall of net called the leader, which is attached to a row of wooden poles erected at intervals of about five rods. This leader extends from the shore and runs an average distance of 30 rods straight out to the hearts, this being the name given to the second portion of the net. It has two openings by which the fish, passing along the leader, enter, and, having entered the hearts, they find their way by a conical passage called the tunnel into the final part or crib. The mesh in the leader is of large size—7 inches extension measure. The heart and tunnel are of smaller mesh, 5 inches extension measure, while the walls of the pot are (three sides and bottom) 4 inches extension measure, and the back or outer side 3 inches extension measure. Formerly, a much smaller mesh was used in the back, as also in the sides and bottom. This net is supposed to be lifted every day. The fisherman comes to the net, and, passing inside of it with a small boat, lifts up the tunnel first, and then proceeds to raise the entire crib until the fish are all congregated at the back, which process is called 'shoaling up.' The fish are then dipped out of the back in a scoop net, and deposited in the boat. Pound nets were first introduced into the north channel and Georgian bay about 1833, although Americans, as stated, fished pound nets around St. Joseph island as far back as 1858.

Hoop nets or fyke nets.—The hoop or fyke net is almost identical in principle with the pound net, except that, instead of a crib, it consists of a series of hoops arranged one behind the other, a funnel of net diminishing in diameter until the final compartment or pot is reached where the fish are congregated, and the end of the net is then undone and the fish dumped into the boat like potatoes out of a bag. The outer hoop, or entrance, is of the largest diameter, and leaders and wings, which are walls of net arranged perpendicularly, lead the fish into this entrance. This net is set in very shallow water.

Trap nets.—A trap net which, although illegal, is still used extensively on Georgian bay, is practically a sunken pound net of smaller dimensions and completely submerged, the main difference being that the pot, or crib, is closed at the top—not open as in the pound net. It is held in place by three anchors, and, being simply a floating net, is removable at any time by the fishermen. Owing to the extreme difficulty of regulating these nets, they have been made unlawful in the Georgian bay.

Seines.—A drag seine consists of a piece of net with a small mesh, and shaped in the form of a sling. It varies in length up to 300 yards. It has a cork line along the top and a lead line on the bottom. One end is fastened to the shore, and the fishermen, awaiting an opportune time to inclose a school of fish, row out into the lake with the other end, and, making a wide sweep, bring it to shore, inclosing whatever fish may be within its sweep. Both ends are then overhauled until the bunt or centre of the net is brought ashore containing the fish. Immense hauls have been made by means of the seine, and, owing to the damage which it does to the spawning beds and the small, immature fish which are necessarily brought ashore, its use has been prohibited. It has been claimed that as the wings are terminal end portions of the net on each side of the bunt, or centre, are of larger mesh, the small fish should escape; but, owing to the way in which the net is dragged, the large meshes are closed, and few fish escape. The bunt, or bag, is of small mesh to prevent the fish gilling.

PRESENT STATE OF THE FISHERIES.

Whitefish.—Forty or fifty years ago immense quantities of lake whitefish were caught all over Georgian bay from Collingwood northward. Some thirty years since, a marked diminution was noticed, and your commissioners in the course of their investigation were profoundly impressed with the rapid and serious decline which has

continued from that time in the supply of this valuable fish. At the present time the depletion is so alarming in the Georgian bay waters that, unless drastic measures are immediately taken for its protection and preservation, this most valuable of all lake food fishes will become well-nigh extinct. The whole evidence gathered from witnesses at the most diverse points leads irresistibly to the conclusion that the present catches of whitefish are only a small proportion of the earlier catches, even with the largely increased machinery and amounts of nets and gear. The figures given below are startlingly instructive:—

Quantity of whitefish taken in different years, from 1875 to 1906, inclusive:

1875..	2,340,800 lbs.
1880..	1,042,000 "
1885..	1,421,160 "
1895..	1,355,275 "
1900..	1,403,101 "
1906..	1,259,450 "

These are the takes recorded for the Georgian bay and the north channel, compiled from the Dominion and provincial reports. But we cannot forbear saying that, in our opinion, these reports are not reliable. No doubt the officials who prepare the reports do their work to the best of their ability, but the system under which such statistics are obtained is grossly defective, and must yield erroneous totals. For instance, we find that some catches of fish are credited several times over. The catches from Squaw Island, Killarney, and other fishing stations, are credited in the returns from these ports, and are again credited at Owen Sound as being caught from there, whither they are shipped from the fishing stations to be distributed, and there is no doubt that the catches from other fishing stations are not only credited at those points but are again credited at the points of distribution. The fishermen are not obliged to make a sworn return to the government, but the statistics are compiled from the overseers' reports, who have actually no definite means of ascertaining the quantities of fish caught, and who are always anxious to make good reports from their districts. Again, take one example from the table of published statistics showing the amount of boats, nets, &c., engaged in fishing. Last year's reports show that twenty-one boats are operating from the harbour of Collingwood, whereas, as a matter of fact, there are only four sailboats, including gasoline launches, operating from Collingwood for a number of years back. And, from the evidence which we have gathered, we have come to the conclusion that, although there are far more nets fished to-day than there used to be, there are far less of these valuable fish caught than are credited in the official reports. We have also had demonstrated in the evidence the fact, which is very significant in itself, that the average size of the fish caught is far smaller than formerly. The evidence shows us that, when the whitefish were most plentiful, immense numbers of immature fish were caught, and destroyed because they could not be placed upon the markets; and, in fact, at some periods the catch of whitefish was so immense that the market became glutted, and large quantities of these valuable fish, after capture, were buried and destroyed. In addition to the immense draughts which the licensed fishermen made upon the whitefish, they were ruthlessly pursued to their spawning beds by illegal fishermen, and large quantities of them taken by means of the seine and trap net. The whitefish is a non-predaceous fish, and yet its prolific capabilities were such that it was enabled to hold its own against the attacks of its natural enemies in the waters. But, owing to the immense slaughter carried on by man, the balance of nature was destroyed, the supply has declined, and the extinction of the whitefish will inevitably follow, as we have pointed out, unless effective protective measures are immediately adopted.

Lake trout.—This fish is next in importance to the whitefish as a merchantable commodity, although of late years the pickerel is coming very fast to take rank above the trout in commercial importance. We cannot say that the evidence points to the conclusion that the trout are diminishing at anything like the rate of the whitefish.

The fishermen themselves give the following reasons for the survival of the trout in much larger quantities than whitefish: They say that the whitefish spawn on flat rocks near the shore, and that the spawn is destroyed by suckers and other coarse fish; that, years ago, when great quantities of sawlogs were towed upon the Georgian bay to American ports, the bark from these millions of logs was worn off in transit across the water and covered up the feeding grounds of the whitefish, but did not interfere so much with the trout. And then, they say, and urge very strongly, that the trout has been reproduced in hatcheries in large quantities and placed in the Georgian bay and contiguous waters to a far larger extent than the whitefish. Further, the trout spawning grounds, it is claimed, are shelving rocks in the centre of the lake, where suckers do not resort. While giving due weight to the arguments of the fishermen in this respect, we have also come to the conclusion that the trout is better adapted by nature for self-protection and reproduction, and that to this cause particularly, the still large quantities of trout which frequent the Georgian bay is attributable. The following table shows that the supply of lake trout taken by our fishermen averages about the same in each year. In other words, there is no marked decline shown in these statistics:—

Quantity of lake trout taken in the Georgian bay and north channel in the several years from 1880 to 1906, inclusive:

1880.	1,100,800 lbs.
1885.	3,369,860 "
1890.	3,496,240 "
1895.	3,002,604 "
1900.	2,807,233 "
1905.	3,498,390 "
1906.	3,535,610 "

At the same time, it must be remembered in considering these large catches that, although the quantity of fish taken remains about the same, the quantity of nets used is largely increased, while the mesh has grown smaller. So, although the diminution in our lake trout is not so marked as in the case of the whitefish, there is still a decline, and we think that some measure should be adopted, which we will deal with hereafter, for increasing the supply of this valuable fish.

Pickereel.—The supply of pickereel or pike-perch or doré in the Georgian bay seems to be on the increase, or else they are coming more plentifully into the net of the fisherman. While pickereel has been considered a coarse fish, the yellow pickereel, which is the most abundant species in the Georgian bay, is rapidly coming to the forefront as a food fish, and is almost, if not as valuable, from a merchantable point of view, as the trout. There seems to be a more particular demand for this fish in the American market, and, on account of the firmness of its flesh, it is a fish that is easily kept for a considerable length of time, and is in prime condition when offered for sale. During the winter months, pickereel brings specially a high price in the American markets, where it is esteemed highly by the Jewish people, and has been sold for as much as forty cents a pound.

No attempt has been made on an adequate scale to propagate pickereel, and it is only of late years that any measures have been designed for their protection. Probably one of the principal reasons for the increase of pickereel is owing to the fact that it is of a hardy species, and well able to maintain its own in the battle for existence. It is a predaceous fish. The fact also that the pickereel spawns in the spring instead of in the fall would give it an advantage over both the trout and the whitefish in the preservation of its species, inasmuch as its spawn is less liable to attack by other fish, which perhaps might do so if it spawned at some other season of the year. These fish are principally caught with pound nets in the north channel of the Georgian bay, where it, with coarser species of fish, seems to abound. Large numbers of them have been cut off by the illegal trap net, but the evidence clearly shows that the fish has been maintained in abundance, and, possibly, has increased during recent years.

We are recommending the erection of a special hatchery for the propagation of this valuable fish, and believe that, with artificial propagation, an adequate close season, and the maintenance of the fifteen-inch size limit that has been set upon the catch of this fish, it will greatly increase and multiply in the future.

Sturgeon.—From all the information before the commissioners, it is established that the sturgeon supply is in a critical state. For the last ten or twelve years the number of sturgeon has shown serious decline, and the quantity taken is insignificant. From the great market value of the flesh, which now brings ten cents per pound, apart from the valuable caviare which now is worth one dollar per pound bought from the fishermen, before being handled by the curers, they are now regarded as a prize—a forty-pound sturgeon being of the money value of an ordinary cow. Whereas formerly it was no unusual thing for a single firm to handle 150 to 200 sturgeon per day in June, now such a catch would far exceed the total take for a whole season, thirty or forty being the quantity recorded by some fishing firms in the season during recent years. Some drastic and effective measure for the preservation and increase of the sturgeon is imperative.

Lake herring.—The lake herring fishery has always been of secondary importance in these waters, though in the southern portion of the Georgian bay it has been of somewhat greater value to the fishermen than in other parts. The supply of herring has not apparently declined, and the value has slightly increased; but there can be no fully satisfactory enforcement of the whitefish and trout close season if herring fishing is allowed to continue, as heretofore, during the month of November. As the herring are more valuable as food to the superior commercial fishes than as a marketable product themselves, we are of opinion that no nets whatever should be allowed for the taking of herring. There can be no doubt that if the herring are seriously depleted, such fish as trout and pickerel will prey even more extensively upon the young whitefish, so that it is of more importance to the fisheries to discourage the netting of herring than to allow a herring fishery to continue which, after all, is of inferior value and importance to the fishermen of the Georgian bay.

Other coarse fish.—We find that suckers, carp, mullets and other species of coarse fish are undoubtedly on the increase in the Georgian bay, particularly in the north channel, but one important fact is thrust forward, and that is that the coarse fish are rapidly becoming a marketable commodity to a considerable degree. Although coarse fish in the Georgian bay do not command as high a price as these fish in Lake Erie, which is close to the American market, still they have a value, although it is perhaps too small to make the catching of coarse fish a paying business. Suckers and carp can hardly be sold in the province of Ontario to Canadians, and the cost of transportation to other markets is too large to make the capture of coarse fish profitable. There appears, therefore, to be no ground for any protective measures to be adopted for their protection, but, on the contrary, we think that their capture should be encouraged. We think it would be better for the preservation of more valuable species of fish in the Georgian bay if coarse fish were largely reduced, and have recommendations to make with that end in view.

FISHERY PROBLEMS AND RECOMMENDATIONS.

As we before had the honour to advise you, we have not only gathered from practically all the fishermen on the Georgian bay a mass of testimony bearing upon all the important questions affecting fisheries in these waters from the catchers' point of view, and which is appended hereto (Appendix C), but we have not been content with the testimony advanced by the fishermen, and have investigated the condition of the fisheries at first hand by personal observation and practical demonstration, and have come to a decision upon certain matters of great importance to the fisheries, which, perhaps, may not be acceptable to the fisherman from his purely personal and selfish point of view, and are prepared to make recommendations which we consider are

absolutely essential for the preservation of the fisheries in the interests of the public at large, and ultimately for the benefit of the fishermen themselves, and have embodied our views in the observations and recommendations set forth in the succeeding pages.

GAME FISH AND GEORGIAN BAY FISH PRESERVE.

That for the purpose of especially considering the condition of the game fisheries of the Georgian bay, the commission held sessions in different parts of the province where it was considered that most information could be obtained upon this branch of work, and not only took the views of the commercial fishermen upon the game fish of these waters, but had interviews with prominent citizens of the province, who are interested from the sportsmen's point of view in the preservation and repletion of the game fish of the Georgian bay; and, after due consideration of all the questions involved, we had the honour to report on January 17, 1907, in a special interim report upon the condition and requirements of the game fish in the Georgian bay. In that report (which is annexed hereto as Appendix A) we recommended certain very important amendments in the law, which may be briefly recapitulated here.

After pointing out the abundant supply of game fish which once existed in these waters, and traced the rapid depletion of these valuable fish during the past twenty years, and traced the causes thereof, and after showing the great value which the game fish, considered purely as a fish which may be caught by angling for sport, instead of being caught and used as a commercial fish, and drawing a comparison between the State of Maine, with its area of 25,000 square miles of hunting territory, which brought into the State directly in 1903 the sum of fifteen million dollars, with the area of the hunting portion of the province of Ontario, amounting to 150,000 square miles, and after dwelling upon the fact that the northern and eastern shores of the Georgian bay were peculiarly adapted for the breeding and preservation of game fish, and that, in fact, it was the haunt and the home of the game fish of the Georgian bay, we strongly recommended the setting apart as a game fish reserve of all that portion of the northern and eastern shores of the Georgian bay, extending from Killarney at the north to Cedar Point, in the township of Tiny, on the southeastern shore, describing by metes and bounds a line extending along the coast, and running outside of the hundred thousand islands of the Georgian bay, and following the sinuosities of the main shore to Cedar Point, should be set apart and reserved as a game fish preserve, within which no manner of net whatever should be set and no fish whatever caught except by angling, and wherein no person could angle without first obtaining a license therefor. The creation of this region into a game fish preserve would meet with the unqualified approval of all persons who are interested in the preservation of our game fish. It cuts off the natural breeding ground of this fish from the catcher of fish for commercial purposes, but it does not interfere with the lawful calling of the licensed fishermen, inasmuch as very few commercial fish are caught in the limits hereby defined, but any net set within those limits must have been set for the purpose of catching the game fish.

We recommended that this preserve should be called 'The Georgian Bay Game Fish Preserve,' and that everybody desiring to angle therein should be obliged to take out a license from the chief game warden of the province of Ontario, and that such licenses be regulated in the following manner:—

- (a) That every person being a citizen of the Dominion of Canada, not resident on the shores of the preserve, desiring to take out a license to angle in the Georgian Bay Game Fish Preserve shall pay a license fee of one dollar;
- (b) That every person being a citizen of a foreign country desiring to take out a license to fish in this preserve shall pay a license fee of five dollars;
- (c) That any one permanently residing, winter and summer, upon the shores of the preserve shall be entitled to fish therein without taking out a license;
- (d) That such a license should be good only for sixty days;

(e) That the holders of such license should be allowed to catch only the legal number of fish per diem as may be allowed;

(f) That such license should contain the name, address and general description of the person by whom it is held;

(g) That the holder of any license should be compelled to produce it for the inspection of any one who might desire to inspect the same;

(h) That the holder of any license should, within a period of one month from the expiration of his license, be required to send in to the chief game warden of the province of Ontario a declaration, on a form to be given to him with his license, of the number and character of the fish which he had caught through his license period.

We also made the following recommendations regarding the catching of game fish generally in the preserve and in the Georgian bay:—

(i) That no person should be allowed to take, catch or kill, in the waters of the Georgian bay, in one day, more than six bass, one maskinonge and six yellow pickerel;

(j) That no bass under eleven inches in length, and no maskinonge less than thirty inches in length, and no yellow pickerel less than fifteen inches in length should be permitted to be retained or kept out of the water; and that any person who takes and catches any of the fish mentioned of a less size should immediately return the same if possible without injury;

(k) That the close season for bass and maskinonge in the Georgian bay should be from the first of January to the thirtieth of June, both inclusive.

(l) That no black bass or maskinonge should be permitted to be exported or taken from, or sold within, the province of Ontario.

We also recommended in the said report adequate sanction for the observance of the regulations that might be imposed, specifying the penalty in each particular instance for a breach of the regulations. We also, in the said report, recommended that a more adequate system of inspection, protection and patrol should be devised, whereby all anglers fishing in this preserve should be obliged to live up to the regulations, and whereby poachers would be driven off, detected and punished, and the game fish preserved from the onslaughts of gill nets, pound nets, trap nets and seines; and in that connection recommended the following system:—

That a suitable person should be appointed as the Georgian Bay Game Fish Inspector, who should have supervision and inspection over all the game fisheries in the bay and all those who angled for them. He should be paid a sufficient salary to enable him to devote his whole time to seeing that the overseers employed under him properly and efficiently performed their duties. He should from time to time visit all the cottages, hotels and summer resorts within the Georgian Bay Game Fish Preserve and observe the number and quality of the fish brought in by the catchers, and should generally exercise supervision and inspection over the whole of the Georgian Bay Game Fish Preserve. He should be furnished with a power-boat of quick speed and such sea-going qualities as may enable him to exercise the duties of his office in all weathers. He should keep a vigilant eye on all shipments of commercial fish from the Georgian bay districts, in order to see that no game fish are among the shipments, and should have power to cause any package or car of fish to be opened at any time or place for his inspection. He should be appointed a magistrate, with power to try on the spot any alleged infraction of the law and to impose and collect the proper fines. He should be entirely untrammelled from political considerations, and should be enabled to exercise the duty of his office without fear, favour or affection. To assist the inspector in his work there should be a staff of six overseers appointed, one for each of the following six districts:—

- District No. 1, from Cedar Point to Split Rock;
- District No. 2, from Split Rock to Moose Point;
- District No. 3, from Moose Point to Mink Island;

District No. 4, from Mink Island to Point aux Baril;
 District No. 5, from Point aux Baril to Bustard Island;
 District No. 6, from Bustard Island to Killarney.

These men should not be the ordinary type of fishery overseers who have held office in past years, but should be more in the nature of detectives, who would go quietly about their work and ferret out transgressions against the law. Each one of them should be supplied with a small, quick power boat of light draught, enabling him to go anywhere among the inner channels and islands. It should be their duty to see that no one angles in the Georgian Bay Game Fish Preserve without a license, and that anglers obey the regulations, to seize and return to the department all nets of any kind or description which they might find set and used in this preserve, and bring the user thereof before the inspector or a magistrate. It should be the duty of each overseer to constantly patrol his district and see that the laws and regulations are observed, and should be paid a sufficient salary to enable him to devote his whole time during the summer months to this work. It would be well also if these overseers were not appointed upon political considerations, but that they should be free from any political bias whatever. It would be well if they were appointed only on the recommendation of the inspector, or of the Ontario Fish and Game Protective Association, as your commissioners find that overseers appointed in the usual way on the recommendation of the local member or defeated candidate are generally influenced by political consideration, when it is their duty to set the law in motion against offenders.

In this report, we discussed the matter of the divided jurisdiction between the Province and the Dominion, and after pointing out that in a very short time the amount of license fees received from anglers for permits to fish in the Georgian Bay Game Fish Preserve would exceed the amount that will be required annually for maintaining an adequate staff of inspectors and overseers, recommended that a conference should be held between the Dominion and the Provincial departmental heads, to see if some modus vivendi upon the lines suggested could be arrived at. We also pointed out in the said report that, in establishing a game fish preserve in the Georgian bay, the authorities were in a peculiarly favourable position for efficiently maintaining and guarding it, inasmuch as no international complications could arise, the Georgian bay being wholly within Canadian jurisdiction, and matters of difficulty which are continually appearing with regard to fishery questions in other lakes bordered by States of the American Union cannot arise in connection with the Georgian bay.

We feel bound to express our firm and profound opinion as commissioners on the urgent necessity, which exists for measures to immediately be taken to prevent the annihilation of the game fish of the province of Ontario, along the lines suggested in the report duly submitted, and printed on pages 34-41.

RECOMMENDATIONS REGARDING NETS.

The International Fishery Commission, which in 1896 gave expression to views so strongly corroborated by the evidence taken by us at our recent sittings, that we have no hesitation in quoting the same verbatim before we proceed to express our own particular conclusions. The International Commissioners said:—

‘For many years the Georgian bay has been one of the principal sources of the market supply of whitefish, as already stated, and the fishery has been carried on with more vigour and enterprise than anywhere else in Canadian fresh waters. Whitefish and trout are found over the entire area of the bay and north channel, and furnish almost the sole object of the fishery. Prior to 1885, the amount of apparatus employed had not varied much for about 20 years, and the output has been constant. As, however, the whitefish supply from other sources began to fail, increased efforts were put forth by the fishermen of the bay to meet the demand, fishing tugs were more

largely employed and the amount of gill netting was greatly increased. As the result of this, we find that between 1885 and 1890 the quantity of whitefish caught was quadrupled. The fishing kept up for a couple of years after 1890, the amount of gear being steadily increased, but here, as elsewhere, the thing had been overdone, and in 1893 and 1894 we find a sudden drop in the catch.

Reports since received show that the decrease has continued in 1895 and 1893. For several seasons back, complaints have been made by all who handle Georgian Bay whitefish at market, that the fish have been undersized. This sudden and alarming decrease in the catch of whitefish has been due mainly to overfishing with gill nets, although the returns show that 1,086,715 fathoms of gill net were licensed in 1894, it is everywhere admitted by the fishermen that much more than that quantity was being fished. The great bulk of the whitefish is caught in the bay with gill nets, fished by boats which operate from the various stations on the mainland or from the islands, about which the summer fishery is carried on. The nets are supposed to have a 4½-inch mesh.

That the depletion has been caused by the excessive use of this class of nets is evident from the fact that no other method of fishing for this species has been here employed; and if the whitefish now shipped to market are undersized, as they undoubtedly are, this can only be because the mesh in use is too small. In the north channel pound nets, as well as gill nets, are fished, and the blame for the failure in this particular region must be shared by two methods. The gill net fishery in the north channel has not been as extensive as in the bay. The decrease there evidently began about 1885 when areas were licensed without regard to the number of pounds fished or the size of their mesh. Fishermen in all parts of the region agree in saying that to the extensive and wasteful fishing by this means then carried on in the north channel, on the south side of Grand Manitoulin and at the Ducks must be attributed the falling off in both whitefish and trout. When this system of licensing areas was abolished, the number of pound nets fished was reduced. The number has, however, been again increased.

The same story has been repeated since the report was made, from which we have quoted, and we, as commissioners, have come to the conclusion that a vigorous effort should be made to correct the evils which have existed so long, and we have accordingly adopted recommendations leading to an increase in the size of mesh and involving also a restriction of the quantity to be legally permitted to be fished.

(1) MESH OF GILL NETS.

In recommending a change in the mesh of gill nets, we realize that it would be a hardship to bring into force a change without ample notice, and we think that a period of three years should be specified as time sufficient for the fishermen to use up the present nets, viz., the years 1908, 1909 and 1910; but in 1911 a mesh of 5 inches extension should be used universally in the Georgian bay waters and north channel, and should be specified as the minimum legal mesh. The effect of this gradual increase in the size of the mesh would, without doubt, go far to preserve the immature fish and raise the average size of whitefish and lake trout all over the waters referred to, without too harshly pressing upon the men actually engaged in the gill net fisheries, and who will ultimately derive great and permanent benefit by this step.

(2) QUANTITY OF GILL NETS.

The following table shows unmistakably how great has been the increase in the total amount of gill nets used during the period covered:—

Year.	Fishing tugs.	Fishing boats.	Gill nets, fathoms.	Number of pound net.
1875.....	6	264	431,174
1880.....	9	166	405,619
1885.....	15	253	380,163	62
1890.....	23	256	641,600	29
1894.....	32	345	1,800,715	62
1906.....	43	208	Quantity of gear uncertain	

In view of the serious decline in the whitefish which is demonstrated by the evidence, the time seems to have arrived for a decisive measure for limiting the quantity of gill nets fished each season by the licensed fishermen of Georgian bay. At the present time, the maximum quantity of net allowed to be fished by each tug is 24,000 yards, a sail-boat is allowed 6,000 yards, and under sail-boats, it may be noted, gasolene launches are included. As a matter of fact, the evidence conclusively shows that every tug, which by law is allowed to fish not more than 24,000 yards, actually fishes from 60,000 to 100,000 yards. Row-boats, sail-boats and gasolene launches fish as a rule 12,000 to 20,000 yards, or twice to three times the amount allowed by the regulations.

The foregoing table shows most clearly how serious the situation is, while the appended map graphically indicates the same seriousness of the crisis in these great and valuable, but threatened fisheries. Your commissioners, in considering the matter long and seriously, have had regard on the one hand to the imperative necessity of curtailing the actual amount of net placed in the water each season, and on the other hand the fact, not disguised by the fishermen, that they fished more nets than the law allowed, and that, if restricted to the 24,000 yards specified, or even 50,000 yards, they could not make it pay, have come to a conclusion as reasonable, in their opinion, as the case will admit. We have come to the conclusion that the amount specified by law is too small, while the immense extent of net actually fished is too large, and that the regulations should be changed so that the holder of a tug license shall not fish more than 45,000 yards, this amount to be fished in three gangs of 15,000 yards each, 20 boxes to the gang, and 750 yards to the box. Further, that each sail-boat and gasolene boat fisherman should not fish more than 11,250 yards, i.e., three gangs of five boxes to a gang and 750 yards to a box.

In order to ensure compliance with this requirement by the fishermen, we recommend that there be clearly set forth on each license the number of yards each licensee is allowed to fish. Also, that before the nets are wet in the spring, they be examined by the inspector of the district and measured by him. When set, each gang of nets should be buoyed with a buoy through which a cedar pole shall be fixed, projecting not less than five feet out of the water, and on each buoy shall be painted the number of the license, while to the post shall be affixed a flag. The licensee shall also be required in the fall, when submitting his sworn return of the fish caught, to solemnly declare that he has not used more than the legal quantity of nets, specified on his license. We are also in favour of restricting the number of licenses and reducing the same when licensees for any reason, drop out.

As a further safeguard, and as an additional means of ascertaining the quantity and size of the mesh of nets used by the licensed fishermen, we would suggest that every dealer in the province of Ontario, who supplies nets to the fishermen, should be obliged every spring to make a return under a solemn declaration of the quantity of net, and the size of mesh of such net, supplied by such dealer, or dealers, to the licensed fishermen, and be under a heavy penalty if he fails to do so.

Inasmuch as it was brought to the attention of the commissioners, and bitter complaint made by licensees fishing from small boats around Killarney, that they were unjustly used by the fishing tugs coming between Squaw island and the main shore, within ten miles of the main shore, and setting large gangs of nets across the smaller

ones of the boat fishermen, rendering it extremely difficult to lift their nets, we would recommend that, in fixing the several fishery districts, licensed tugs be prohibited from setting their nets west and north of a line drawn from Cape Smith to Squaw island, skirting the west shore of the said island and passing thence to Papoose island and Fox island and direct north to the mainland.

(3) POUND NETS.

Your commissioners found that in some parts of Georgian bay, a keen controversy has continued for many years on the relative destructiveness of gill nets and pound-nets, the gill-net men affirming with the utmost confidence that the pound-nets are responsible for the decline of the fisheries, and the pound-net men are emphatic in their opinion that the gill nets are the cause. Having looked into the matter very carefully, and having studied the pound net in all its bearings, making personal investigations and trials with various meshes of net in the pot, or crib, of the pound net, and having watched the setting and lifting the net, and the culling of the fish, and the removing of those illegal and unsuitable in size for the demands of the market, we find the pound net to be the most efficacious instrument for catching fish, inasmuch as all schools of 'leading' fish which strike the lead get into the crib, while the condition of the fish caught is far superior from a merchantable and edible point of view than gill netted fish. Gill netted fish are choked to death and may be left sometimes for days in the water before being brought to land, and a considerable proportion frequently cannot be marketed, but have to go to the salt barrel. On the other hand, the fish taken in pound nets are kept alive until actually put in the boat and taken ashore, and are therefore in a much better condition both as to appearance and hardness. The method of fishing is far easier for the operator than the gill net. There is some trouble and difficulty in setting pound nets in spring and taking them up in the fall, but being set close inshore they are usually accessible by boat. Further, the great benefit which the pound net undoubtedly performs for the fisheries is that it captures a large number of the coarse predaceous species, which would otherwise be left in the water to wage their destructive warfare against the more valuable kinds. The gill nets do not catch these fish, and indeed are set as far as possible from the localities favoured by these inferior fish. The proportion of rough fish caught in the pound net is estimated at more than one-half of the catch, if pickerel be included. Suckers, carp, mullets, grass-pike and other common species are taken. These fish escape the gill net. Another merit, from an official point of view, is its stationary character. It is readily perceptible above the surface of the water, and easily regulated and controlled. In the case of the pound net, the fish must come to the net, whereas in the gill net it can be moved at any time, the schools of fish followed up and the nets set in their immediate vicinity.

(4) EVILS OF POUND NETS.

The prevalent evils connected with pound net fishing are plain and easily remediable, and we think that to the lack of proper restriction and control in past years may be largely attributed the depletion of the fish supply. There has been the most reprehensible laxity in the supervision and regulation of pound nets in Georgian bay. They have been permitted to be set in close proximity to important whitefish spawning beds, and too small a mesh has been allowed to be used in the pot, so that immense numbers of immature fish, not fit for the market, were captured. These had to be thrown away, as the meshes used, 2, 2½, 2¾ and 3 inches, captured all the small fish which went into the net. The use of pound nets began early, as United States fishermen in 1858 set them in Canadian waters around St. Joseph Island, and caught such multitudes of fish that the Canadian fishermen were stimulated to imitate the American methods, and wasteful fishing thus began fifty years ago, although Canadians did not fish pound nets in the north channel until about 1860. The most serious evils, as we have said, were that too small a mesh was used, that too small fish were cap-

tured in quantities, and no effort was made to return them alive to the water. Another grave drawback was that coarse predaceous fish, like suckers and spawn destroyers, instead of being taken ashore and destroyed, were liberated, thus not diminishing in any way the enemies of the valuable commercial fish. If these evils can be overcome, as we believe they can, the pound net, with proper restrictions and regulations, is a legitimate mode of catching fish. We have reached the conclusion, however, that it is only desirable in suitable localities, and there are areas where the pound net is not commendable. It has been strongly urged by gill-net fishermen that it was impossible for pound-net fishermen to release immature fish uninjured, and that in the pot the thrashing of the larger fish and the rude handling by the fishermen mortally injured the small fish, even if returned alive to the water. We heard much evidence pro and con upon this subject. Without coming to any conclusion regarding these views, we do not think it to be advisable to leave the matter of returning the fish to the water solely in the hands of the fishermen, but consider that a much larger mesh, sufficient to allow under-sized fish to escape, should be made obligatory in all pound nets. Of course, the pound net, being made of a different thread, thickly tarred before using, and hung in a more rigid and unyielding manner than the gill net, will allow a larger fish to pass through than a gill net of similar mesh. The gill net, being of thin thread, and hung loosely, entangles the fish, even if not properly noosed or gilled; but in the pound net the fish cannot be thus tangled up, but can go straight through if the mesh is large enough. After hearing all the evidence, and personally testing various sizes of meshes, and actually watching operations on the fishing grounds, your commissioners have decided to recommend a mesh which will, they feel assured, permit immature and illegal fish to escape uninjured, and to pass into the open air unhandled.

(5) RECOMMENDATIONS re POUND NETS.

We, therefore, recommend that a mesh not smaller than 4½ inches extension measure, in the green before being tarred, be required in the front, back, bottom and sides of the pot, or crib, of all pound nets licensed to be used in Georgian bay and the North Channel, to come into force in 1909. This year (1908) we recommend that the mesh be not less than 3 inches back, and 4 inches side and bottom, extension measure. When we speak of pound nets in Georgian bay waters, we refer more particularly to that portion called the north channel, as it is there where pound nets have been chiefly used, and where the evils to which we have referred have obtained in the past.

The western shores of Georgian bay proper are, in our opinion, not adapted for this pound-net fishing, by reason of their abrupt and precipitous character, the water running in deep close inshore generally, and, as we have recommended that all the shore and islands on the east coast, from Cedar Point to east end of Killarney channel, shall be a game fish preserve and breeding ground, pound nets will be thus restricted to the North Channel.

Previous to 1899, it was the policy of the Dominion Fisheries Department not to sanction pound net licenses east of an imaginary line from Cape Hurd to Spanish river, and in that year an order in council was passed providing that no such licenses should be issued east of that line. From time to time, since the issue of licenses has been in the hands of the provincial government of Ontario, licenses have been issued, with the sanction of the Dominion authorities, for the use of certain pound nets east of the line, indeed as far east as French river. As these licenses east of the line have been sanctioned practically for a period of nearly ten years, and as a large amount of capital has been invested, and certain moral rights established which cannot be fairly ignored, we do not feel justified in recommending the restoration of the line from Cape Hurd to Spanish river, but would strongly recommend that it be henceforth established and drawn from Cape Hurd to the east end of Killarney channel, and that east of that line pound nets be rigidly excluded. Pound net fishing would thus be confined to the north channel strictly, and there, on account of the configura-

tion of the bottom and the hordes of coarse fish abounding, those waters are better adapted for the pound-net fishing methods. In urging such a line, your commissioners are impressed with the absolute necessity of in this way protecting the spawning grounds, some of the most important on the whole of these shores occurring between Killarney and French river, where whitefish and game fish resort to breed.

Our investigations showed that pound nets fished in recent seasons off French river have had such grave consequences that they should never have been allowed. Near important breeding grounds, such nets must work irreparable harm to the fisheries over a large area.

COARSE FISH AND RECOMMENDATION *re* REDUCING THEIR NUMBERS.

Coarse fish, such as mullets, yellow perch, carp, suckers, grass-pike, &c., were formerly of no commercial value, but they have become very important as the superior fishes have decreased in abundance, and they may bring as much as four cents a pound during the spring, though, on an average, during the season half a cent or two cents is the usual price. Such a fish as the grass-pike has within the last five years doubled in price, rising from one and a half cents to three cents. Hence, these fishes are now of real commercial value for food; and yet, in spite of the fact that they have been captured along with the other fish in large quantities, they have shown no sign of decrease, but on the contrary have increased in the most marked manner in many localities. One of the principal reasons for this increase, no doubt is the fact that the fishermen, as a rule, liberate them alive, and they seem to be more hardy than such fish as the whitefish, and survive handling without serious injury. There appears to be no ground for recommending any protective regulations for these coarse fish. They are, as a rule, spawn destroyers, and are very particularly destructive of the small fry of whitefish and of the better classes of commercial fish. We are indeed convinced that it is advisable to encourage, rather than curtail, their destruction, if the supply of whitefish, lake trout, &c., is to be substantially increased. Nay, more, we have come to the conclusion, after carefully considering the matter, that it is necessary to encourage the destruction of these fish in order to keep their numbers down, and we are of opinion that the spawning schools of suckers and similar fish should be exterminated by some more effective means than the usual net operations carried on by the fishermen. There are many streams, such as those on the northeastern shores of the Georgian bay, which are frequented by suckers in vast multitudes at the spring spawning time. Vast schools of these fish crowd up into the waters of these streams, and a ready method of destroying them would be for the government to arrange that screens of wire should be stretched across the mouths of these streams after the suckers have ascended, and immense numbers, under government supervision, could thus be captured and destroyed, where it is not possible to market them. In trusting this necessary work to the government agents, it would ensure that the privilege would not be taken advantage of, if entrusted to the hands of the ordinary fisherman; and that the better class of fish, as pickerel, caught at that time with the coarser fish would be returned unharmed to the water. We also think that it is most essential, by strict regulation, to require the net fishermen to bring ashore all suckers and coarse fish taken in their nets, and to insist that such fish be not returned, either dead or alive, to the water, as is the common practice now, but disposed of in some suitable manner on shore.

UNAUTHORIZED NETS.

In addition to the vastly increased amount of gill nets, pound nets and hoop nets used in the Georgian bay fisheries, extensive fishing has been carried on by those kinds of nets for which no legal permit is granted. For many years, hundreds of submerged traps, or trap nets, have been illegally set, and although these have been decreased during the last two or three years, there is no doubt that whole schools of pickerel and whitefish have been exterminated by these means. Drag seines, which, for many

years, have been strictly prohibited, have been used, and are still used in spite of the fact that they are not licensed. Just at the close of the legal fishing season, and during, it is claimed, the first part of the spawning season, drag seining is carried on upon the shallow shelving shores where the ripe fish come in to spawn. Such destruction of the crowded schools of spawning whitefish and other species must result in the extinction of the fishing industry, and no efforts should be spared to put an end, once for all, to these illegal methods. Such methods are most unfair to the law-abiding men who pay for licenses, as the poachers pay nothing for the use of their illegal traps and seines. Moreover, enormous catches are often made close to the very grounds where the legally licensed fishermen are operating, and, possibly, securing very poor and inadequate takes of fish. Unfair to the legitimate fisherman, and destructive of the fishery itself and the permanent fish supply, no steps should be neglected to put an effective stop to trap nets and seines. The most serious objections to these nets are:—

1. Trap nets can be used in number far in excess of the licensed number, with no possibility of detection, were such trap nets once licensed. The nets are submerged at some depth, and their position is known simply by the owner taking his bearings. The fishery officer, by the use of grapnels, and by dragging over large areas of the bottom with great labour, may detect many of them; but he could never be sure of the number fished. A man might have a license for five nets and fish at least fifty with impunity.

2. The trap net is set in the direct route of migrating schools of fish, and, owing to its closed cage-like character, it entraps a whole school at a time, big and little. The takes are often incredibly large, and it is impossible to avoid this wholesale destruction if trap nets were ever legally licensed.

3. Drag seines are a form of net used of necessity on the shallow inshore flats, where the fish come in to spawn, or where the small fish resort for security from their large predaceous enemies. The use of a small mesh is necessary as the seine is not intended to gill the fish, hence small fishes are inevitably hauled ashore along with the large, in a confused mass. Quantities of immature fry, $1\frac{1}{2}$ to $2\frac{1}{2}$ inches long, have been seen in the close and tightly-drawn meshes of a drag seine. Black bass and game fish are also taken. Hence, from the nature of the seine and the nature of the areas where the seine alone can be used, it is a most injurious net, and should be prohibited. Pound nets and gill nets are used on entirely different kinds of ground, as we have seen, and those fish only which impound themselves, or enmesh themselves, are taken, small fry escape, and the fishery officers can not only readily see the character of the takes, but can easily check the number and amount of nets, as both forms of nets are readily detected when in use, and they cannot be set without risk of immediate detection by the fishery officer when on patrol.

GOVERNMENT FISH AGENCY.

There have been constant and repeated complaints for many years regarding the control of our inland fisheries by United States fish companies and combines. An American journal of repute, *The Marine Record*, put the matter with extreme plainness, when it said: 'The Canadians ought to enquire into and determine who are the bona fide owners of their apparently locally-owned and managed fish markets. . . . The industry is not fixed on the basis that they think it is, and that the yield of fish is probably farmed out to an unresident corporation. It is not the duty of governments to bolster up an influential and wealthy syndicate to the exclusion and derogation of the humble toilers and fishers of the lakes. The fishermen must, perforce, endure "fisherman's luck," though we would like to see it tempered with equity and justice, and the aquatic labourer receiving fair recompense in all that he can win in his calling,*'. It is, however, difficult to see what remedy can be successfully devised to obviate this admitted control, for the following reasons:

**Marine Record*, Cleveland, O, May 8th, 1902.

1. The great demand for Canadian fish is in the United States markets, which are supplied by the companies complained of.

2. The home demand on our Canadian markets is too limited, too uncertain, and frequently too unremunerative to permit of our fishermen placing sole reliance upon it for disposal of their catches. Only the best kinds of fish are desired by our people.

3. The United States companies have an organized system for purchasing the "takes" of our fishermen, and shipping them to the great markets. Our fishermen have neither the means nor the facilities in most districts for readily disposing of their fish and sending them to market. Were they not to sell to these companies, the fish would remain on their hands, and never reach the markets at all.

4. The imposition of a small duty on fresh fish caught by Canadians, while not insuperable, is evaded by the United States buyers, and is a disadvantage.

In view of these considerations, it would be an injury to our fishermen to rashly disturb the existing system and overturn the present trade arrangements, however one-sided and unfair they may, to most persons, appear to be. Something must be first devised to take its place before interfering with it.

Your commissioners are aware that individual fishermen and fish firms have, in some cases, adopted an independent attitude, and have endeavoured to sell their fish to buyers outside the combines in the United States and in Canada with much success, usually realizing better prices than the big companies and syndicates pay. But such an independent course is not possible to the fishermen generally. They must dispose of their fish and secure money returns as soon as possible, while it is not in their power to take the responsibility of shipping them to distant markets and running the risk of loss by so doing. Thus they are in the hands of foreign combines.

The important fact remains that the American buyers must have supplies of fish from Canada, and cannot do without them. Is not some scheme possible which will give our fishermen better returns, and yet enable the American buyers to get our fish without placing our men wholly at the mercy of Chicago or other large firms?

If the Dominion Government were to establish at two or three centres a fish agency, managed by competent officials, and provided with ample refrigerator accommodation, the chief difficulty would be readily overcome. The fishermen in distant localities would know where they could safely ship their fish to, and the buyers in the United States or Canada would be aware of a reliable supply of fish at the agency, and could purchase them there at the current remunerative rates. The agent would require to be a competent business man, with a full knowledge of the fisheries and of the fish markets, and able to meet the respective demands from different markets, as the different centres in Canada and the United States show the most marked differences in regard to their demand for the various kinds of fish. Thus, Hamilton, it is said, will practically take only whitefish and lake herring; Toronto's demand is for the same fish, along with pike and pickerel; whereas New York will take practically every kind of edible fish, including carp, suckers, sheepsheads, &c.; while Buffalo, though taking similar coarse fish, is somewhat more scrupulous, especially as to the quality and condition of the fish. Detroit formerly was a most particular market, and even whitefish classed as 'No. 2's' were regarded as a drug, and there was little demand for such small fish under one pound, though, with the increasing scarcity in recent years, the Detroit market is now less strict, and will accept almost every kind of lake fish if in good condition.

Your commissioners are encouraged to make this recommendation because of the success which has attended the efforts of the Dominion Government in operating a large sea-fish dryer at Souris, P.E.I., which has not only demonstrated the possibility of carrying on fish-drying operations under government official management more efficiently than by the local fish-drying methods; but can stimulate new demands (e.g. boneless cod preparations) as well as successfully send to distant markets and sell there advantageously the Canadian fish products prepared in the improved government establishment.

A fish agency or several such agencies would be a much simpler matter. The

agent would merely act as receiver of the fish, as consignee from the fishermen, and pay them at current rates on the plan adopted at Souris, or at the government fish reduction works at various Atlantic points; he would place them in the government refrigerator, unless the market required the fish at once, and he would thus fill the orders as they reached him from the various markets in Canada and the United States. The fish agency would act as the middleman between the fishermen and the market buyers, and would leave out of consideration the large monopolies, who seek to crush out all smaller enterprises and fair competition. These unscrupulous combines who try, and with some success owing to the lethargy of the public and its indifference to its best interests, to monopolize the whole fish business on both sides of the line, keep the fishermen in their clutches, dictate the price of fish in the wholesale and retail markets, and, from a Canadian point of view, work ruin to the fishing population and the fishing industries.

At least five advantages would follow from a fish agency scheme:—

1. The control of the United States combines and monopolies would cease.
2. Every fisherman would have a central point to which he could, with confidence, send his catches of fish.
3. The fisherman could rely on receiving full value for his fish, based on the current market prices.
4. No waste of fish would occur, as the surplus, or such fish as were not at the time in demand, would be stored in the refrigerator until the demand came at a later date.
5. The Canadian demand for fish would be met, and the large surplus would reach the United States markets. The present high prices would allow of the payment of duty imposed by the United States. Pickersl. it may be stated, have recently brought the surprising price in Chicago of forty cents per pound. Of course, the Canadian demand for our own fish would first be met before any foreign buyers were supplied.

PROHIBITION OF THE EXPORT OF WHITEFISH.

For the reasons which we have stated in discussing and recommending the establishment of government fish agencies at different points in the Georgian bay, we have, after long and careful consideration, having due regard to the interests involved, determined that the present time is opportune for the establishment of a measure which will have a far-reaching effect upon the questions which we have just been discussing, namely, the supply of Canadian fish to Canadian consumers, and the increase and enlargement of the whitefish which frequent the Georgian bay, and which, at first blush, would seem to be a drastic measure, involving very serious consequences, both to the Canadian fishermen and the general public at large.

We recommend that it be forbidden to export any whitefish from the Dominion of Canada until such time as the Governor in Council may be pleased to order otherwise. As we have before pointed out, the whitefish in the Georgian bay, and, in fact, all over Canada, so far as our observation and knowledge teaches us, is becoming almost depleted, and there is no one but what will say that the adoption of any measure, however radical it may be, which will preserve and increase the whitefish of Canada, is justifiable. The only class who can at all complain of such a measure would be United States citizens, and a handful of fishermen in Canada. As to the first class, we need not concern ourselves; and as to the fishermen, we firmly believe that they will get, in any event, as high a price for the whitefish sold in Canada, as they are now paid by the American monopolistic companies who control their catch. That this measure would redound to the benefit of the Canadian citizen goes without question. We have met with innumerable complaints from all quarters of the province that Canadians cannot get Canadian fish to eat, and the extraordinary fact has been brought out beyond dispute that a large percentage of the Canadian fish which is used by the Canadian consumer, is caught in the Canadian waters, goes to the United States market, and is then brought

back into Canada and sold. The great objection which the fisherman will raise to this measure is that there is no fish market in Canada to consume all the whitefish which is caught, but we believe that such is not the case, and that, owing to the fast diminishing catch of whitefish, which is occurring from year-to-year, and the vastly increasing population that is pouring into Canada, that the Canadian consumer, if afforded opportunities of purchasing, will totally consume all the whitefish catch of the Dominion of Canada, and will pay as good a price as can be had for the fish to-day. More particularly, if the government agencies which we have recommended are established, will it assist the fishermen in disposing of his catch. There is no doubt that, after this measure should become law, a great number of the fishermen would build their own ice-houses and their own fishing stations, and not be dependent upon the American companies for the necessities of their calling; but, for those who do not, if the government agencies are established, to which the fishermen knows that he can at once, and without any extra trouble, dispose of his whitefish, it will, we believe, detract very materially and, in fact, do away altogether with any objection which he might raise to the prohibition of the export of whitefish.

In order, however, that fishermen may prepare themselves for such a change as this measure would naturally bring about, such as the establishment of ice-houses and refrigerators, we would suggest that the measure do not come into effect until the first day of January, 1909.

If this recommendation be carried out, it must also be remembered that the American market is still open for the vast quantities of fish, forming two-thirds of the total catch of Canadian fishermen of trout and pickerel and other fish of the coarser variety, which find a ready sale in their markets; and we believe also that, as the Americans are dependent upon our fish, the cutting off of one-third of their imports from Canada will necessarily raise the price to the Canadian catcher of those fish which can be taken into the United States.

PROPAGATION OF FISH.

(a) *Fish Hatcheries.*—Your commissioners found a strong feeling very prevalent among the fishermen in favour of the artificial propagation of valuable commercial fish, and they strongly favour the extension of the hatchery system and the erection of new hatcheries at suitable points. Witness after witness expressed the view, that a number of new hatcheries would be most effective in aiding the restoration of the whitefish, lake trout and pickerel. We also investigated the system of fish hatcheries as conducted in the various adjoining States, where they seem to place great reliance upon the artificial propagation of fish. We found that many millions of eggs were hatched into fish at the various hatcheries established on the great lakes by our American cousins, and the fry planted in the waters of Lake Huron, Lake Michigan and Lake Superior, and, from the evidence which we were enabled to gather from the fish wardens in the United States, they evidently have a firm belief in the efficacy of fish hatcheries and their instrumentality in restoring and keeping up the supply of fish. We have come to the conclusion that the restoration of the whitefish, lake trout and pickerel to their former plenitude, may thus be largely accomplished if the protective and preservative laws which we also recommend, be strictly carried out. We think strongly that it is not sufficient to rely solely upon the artificial propagation of fish, but that the reproduction in the manner designed by nature, and their protection while engaged in the process of spawning, is absolutely essential to the keeping up of the supply of our fresh water fish.

The location of such new hatcheries should, of course, be guided by certain necessary conditions, namely, water supply, nearness to the spawning grounds, ready communication for shipping fry and eggs, and other conditions conducive to success in fish hatching. The north channel, owing to its sheltered nature and the purity of the water, is a natural nursery for young fish and affords some of the most favourable conditions for carrying on fish culture. As the north channel, in which Little Current is situated, abounds in pickerel, which indeed has become a very valuable food fish, we think

that the establishment at Little Current of a fish hatchery, especially adapted for the propagation of pickerel, would be of great benefit, not only to the immediate vicinity, but to the fisheries of these waters at large. The commissioners are of opinion that Little Current, owing to its position, is more accessible during the winter season than some other points in this region which might be suggested as suitable. A wholly isolated location is very undesirable, as it is impossible to carry on proper official supervision over its operations, and, in case of accident or breakdown, it would be difficult to communicate with headquarters.

In regard to whitefish, we think that hatcheries should be established at the southern end of the bay, as some of the most important spawning grounds are situated in these parts, of which the Mary Ward shoals and Lafferty's shoals may be particularly instanced. One of these shoals lies about six or seven miles from the town of Collingwood to the west, and the other about three miles to the northeast, and, as that town is easily accessible at all times of the year, and has several rivers running through it, and is at all times abundantly supplied with fresh water, we think that it offers the greatest facilities for the establishment of the whitefish hatchery at this point.

The method of artificially propagating trout and whitefish differs materially, inasmuch as trout eggs are hatched in flat trays or baskets and whitefish in glass jars, and inasmuch as we have a purely trout hatchery established now at Warton, by the introduction of the hatchery for pickerel at Little Current and the hatchery for whitefish at Collingwood, the three classes of valuable commercial fish could thus be propagated with every adequate facility.

In strongly recommending these hatcheries, we do so because as yet there has been but very little attempt to do anything in the way of artificially stocking the Georgian bay with hatched fish, none whatever in the case of pickerel and whitefish, and as the Georgian bay lies wholly within Canadian territory any fish artificially propagated and planted in the waters would inure for the benefit of Canadian fishermen and Canadian subjects. We might say, sir, that it is with considerable diffidence that we venture to so strongly recommend the establishment of hatcheries at Little Current and at Collingwood, inasmuch as one of your commissioners resides at each of these places, but we are constrained to do so, notwithstanding this fact, because we strongly believe that these two localities are the most suitable and convenient for carrying on fish hatching operations.

(b) *Close Seasons.*—As we have before observed, we are strongly of opinion that the valuable fish of the Georgian Bay should be allowed to reproduce themselves in the manner designed by nature, without being interfered with by the fisherman, who takes advantage of their coming into the shallow waters to cast their spawn, to destroy them at a period when their preservation is of such vital importance to the welfare of the fisheries. As the time for spawning approaches, the salmon trout and the whitefish swarm over the ledges and reefs of the Georgian Bay in shallow water, and remain there for some time preparatory to casting their spawn. It is then when the fisherman gets his greatest hauls, the fish being heavy with spawn, crowded together and readily taken in quantities in the net. We believe the catching of these fish at a time when they are about to so largely increase their numbers by natural reproduction, is an evil of the very gravest kind. It has been argued that it is just as bad to catch an adult fish in the summer, as it is while it is heavy with spawn in the fall, inasmuch that by catching at any time an adult fish, you do away with the possibility of it reproducing its kind, but this argument is entirely fallacious, as it seems self-evident that an adult fish, which has survived the perils and dangers incident to its condition from the spring or summer to the fall when it is loaded with eggs which develop into young fry, is far more valuable and of more vital importance to the reproduction of the fish than when taken in the spring or summer, so far prior to the period of reproduction. The vast majority of the fishermen express themselves as in favour of close seasons and would oppose the abolition of such protective seasons. But the precise periods that should be defined as close seasons is a matter much discussed among themselves. Remembering, of course, that fishermen are like ordinary mortals, and that it is almost impossible for

them to divest themselves of that quality that seems inherent to all mankind, of looking at matters more steadfastly from the personal or selfish standpoint, and considering the evidence as a whole which was laid before us, we have come to the conclusion that the time for the spawning of the whitefish and the trout does vary according to location. We find that in the northern portion of the Georgian bay the period of spawning begins from a month to fifteen days earlier than it does in the southern portion of the bay. We think that north and west of a line drawn from Cape Hurd to Killarney, which is approximately as truly as we can put it, the fish come into the shallow water preparatory to spawning about the first of October or a little later; and that south of this line they come on to spawn about the fifteenth of October or a little later, and we have come to the conclusion, after very mature consideration, that a close season should be adopted for the Georgian bay that would completely protect the fish at this critical period. Hence, we recommend that the close season for whitefish and trout to the north and west of an imaginary straight line drawn from Cape Hurd to the northeasterly point of Killarney channel be fixed from the first of October to the first of January following; and that south and east of this line the close season for trout and whitefish be fixed from the fifteenth of October to the first of January following. This measure may, and probably will, meet with severe criticism from the fishermen of the Georgian bay, and no doubt representations will be made to you, sir, that the adoption of such a close season would bring great hardship to the fishermen, but we firmly believe that if this season is strictly adhered to, while it may militate in some degree against the fishermen for a year or two, it will ultimately result to their great benefit, and vastly increase both the number and the quality of the fish which will have come to their nets. Of course, during this closed period of three months no nets for taking any kind of fish should be permitted, so that the period will be strictly one of complete protection for all classes of fish, as well as those whose spawning time occurs within that period.

Pickereel.—In view of the increasing value of the pickereel as a marketable fish, your commissioners are of opinion that any reasonable measure which will preserve it in abundance and, if possible, increase its numbers, should be adopted, and while the present closed time, April 15 to May 15, covers, it is generally admitted, the actual spawning period of this fish, your commissioners are aware that a vast number of pickereel are netted prior to April 15, which are full of spawn nearly ripe, and which it is in the interests of the fisheries to preserve. We therefore recommend that the close season for pickereel should commence on April 1, and end on May 15, thus making allowance for slight variations in the period of commencing spawning, variations due to the comparative mildness or severity, as the case may be, of the spring season.

Black bass.—Your commissioners, in their interim report, have dealt so fully with the question of protecting black bass that little need be said at this place in regard to the spawning and breeding habits of black bass. Its commercial importance is as nothing compared with its value to the country as a game fish, and, in view of the fact that the netting of black bass has been for several seasons wholly prohibited, and that the fish cannot be exported, it remains only to afford it such ample protection as will ensure its abundance for purposes of sport. We therefore recommend that the close season for black bass be established from January 1 to July 1 in each year.

Maskinonge.—The evidence generally in regard to this magnificent game fish, points to the serious decrease in its abundance, though, at no time a very plentiful fish, it was certainly more numerous in former years than in recent times, and in some localities it is practically extinct where it was once very plentiful. We therefore recommend that a sufficiently long close season be established for this fish, to enable it to have ample opportunity for spawning, and to afford the young fish and the adults protection during a sufficient period each year, we recommend that the closed time for maskinonge be January 1 to July 15.

Sturgeon.—Owing to the reasons which we previously advanced, we think that some strong remedy should be adopted for the preservation of this fish, before it becomes entirely extinct in the waters of the Georgian bay. It was very difficult to find out the exact spawning season of this fish, and, in fact, we have plenty of evidence to show that it spawns all the year round. There seems to be among the fishermen themselves a strong desire that this valuable fish should be protected and preserved from extinction, and we, after discussing the matter fully in all its bearings, have decided to strongly recommend that the catching of this fish be forbidden entirely for a period of three years, beginning this year, 1908. We think that such a total closure will do much to restore this valuable food product, for which the demand has for many years been far in excess of the supply—to its former state of plentifulness.

LEGAL SIZES OF FISH RECOMMENDED.

Whitefish.—As we have before pointed out, it is absolutely essential, that there should be, as we have recommended, an increase in the size of the mesh to be used both in the gill and pound nets, and, this being so, we think there should be also a regulation as to the size of the fish that can be caught in such nets, as an added preventive to the taking of immature fish, which is so largely accountable for the lamentable depletion of the whitefish in these waters. We would, therefore, recommend that the minimum size of whitefish that can be taken, caught, or possessed, be not less than one and three-quarter (1 $\frac{3}{4}$) pounds dressed, for a period of two years beginning with this year, 1908. As, at the expiration of that period, the mesh of the nets used is to be further increased, we would recommend that, after the expiration of two years, no whitefish smaller than two (2) pounds dressed shall be allowed to be taken, had or possessed.

Trout.—As to trout, we believe that the increase in size of mesh will be an ample safeguard that immature trout will not be caught in the nets authorized to be used, but we recommend the same limitation of weight as in whitefish.

Pickarel.—In the case of the pickarel, we think that the present law defining the limit, beneath which a fish cannot be caught, at fifteen inches is sufficient, and would, therefore, recommend that this law, which, we believe, has been beneficial, should be continued.

Sturgeon.—As we have recommended that no sturgeon whatever be allowed to be caught for a period of three years, it is unnecessary to define now any legal size for this fish. After the expiration of three years, a minimum length of four feet should be enforced.

Black bass.—As we have already recommended, in our report on the game fish, that no black bass under eleven (11) inches in length, and that no more than six (6) black bass per day shall be taken, captured or had, we need only simply reiterate our recommendation to that effect. This increases the size specified in the present law by one inch, and decreases the number that may be taken per day by two, which we think will commend itself to all true sportsmen.

Maskinonge.—We recommend that not more than one maskinonge shall be taken, captured or had by one person in one day, and that the length of thirty inches be defined. We think this measure, with the protection of the lengthened close season, will materially assist in the increase, both in numbers and size, of this splendid game fish.

FISHERY DISTRICTS PROPOSED.

The present divisional districts, three in number, each in charge of an inspector of fisheries, are wholly unadapted to the geographical conditions, the superficial extent of the area, and to the character of the fishing operations carried on in the Georgian bay district.

Much of the illegal fishing occurring and the laxity in enforcing the regulations, is directly due to the total inadequacy and unadaptability of the existing system of inspection and patrol. The inspector, in the first place, has too large an area to supervise, and, in the next place, may not have the aptitude or qualifications for the exacting and very special duties involved, and, indeed, may be too much occupied with other duties to enable him to give the necessary time to the important work of constant patrol, &c., required to secure the observance of the fishery laws.

We are of opinion that there should be one inspector for the Georgian bay and North Channel, paid an adequate salary of \$2,000 or \$2,500 per annum, who should be required to devote his whole time and energies exclusively to the work of his inspectorate. He should be equipped with a fast boat of proper size and dimensions for traversing the rough and deep waters of the bay; but adapted also for entering the inner channels and innumerable passages amongst the islands. Under him, there should be at least ten fishery overseers, with districts divided as follows:—

1. Sault Ste. Marie to Algoma Mills, including Meldrum Bay, Duck and Cockburn islands.
2. Algoma Mills to Killarney, including Squaw and Horse islands and South and Province bays.
3. Killarney to French river.
4. French river to Point aux Baril.
5. Point aux Baril to Parry Sound.
6. Parry Sound to Sans Souci.
7. Sans Souci to Penetanguishene.
8. Penetanguishene to Collingwood.
9. Owen Sound.
10. Collingwood to Owen Sound.
11. Owen Sound to Tobermory.

These overseers should be paid a salary of not less than \$500 per annum, and should be constantly on patrol from the opening to the close of navigation, and each should be provided with a gasolene launch.

We are aware that the duty of patrol and of official enforcement of the fishery regulations, authorized by the Dominion government, has been judged to fall upon the Provincial government, but we are convinced that the fisheries service should be a Dominion organization.

LICENSE FEES.

Your commissioners are of opinion that at this stage of the development of the fisheries, a revision is advisable in the method of imposing license fees and in determining their amount, especially in view of the restrictions recommended regarding meshes of nets, &c. We think that it is unfair to require the same fee to be paid for a license, the holder of which may make a catch not exceeding thirty tons as is paid by a licensee whose catch may be as much as ninety to one hundred tons. The most just and fair principle to be adopted is a graduated license fee varying with the amount of the season's catch. The average catch of a tug to-day, fishing five or six gangs of nets, is from sixty to one hundred tons, while many tugs, of course, may take considerably less. If a license fee of \$2 per ton in the case of gill nets, based upon the quantity of fish taken during the season, and a fee for pound nets of \$2 per ton of whitefish, trout and pickerel, be imposed, and a fee of \$1 per ton for all other classes of fish, taken by these latter nets, the requirements of the case would, we think, be met. One difficulty arises here, viz., the determination of the exact amount of the catch—a difficulty increased by the fact that the payment of the fee, instead of being made before the issue of the license, would require to be finally decided after such issue. This is a reversal of the method of paying fishery license fees usually adopted. To meet the difficulty, we suggest that the fee for the current year should be based upon the catch of the previous year, and any difference appearing at the close of the

season would require to be paid by the licensee or refunded by the government when the exact amount of the catch is accurately determined.

The recommendation has already been made in this report, with a view to securing accurate statistical returns, that each fisherman should declare on oath the amount of his season's catch on a printed official form supplied for the purpose, with the license, while the local fishery officer should be required to corroborate and countersign the returns made. On such countersigned and sworn return sheets, the amount of the fee due for the season, then ending, should be based, and the difference adjusted as pointed out above.

Not more than five pound nets should, in our opinion, be permitted to one licensee.

PATROL AND INSPECTION.

Your commissioners made particular inquiry into the mode of enforcing the existing regulations, and personally acquainted themselves, as far as it was possible, with effects of the present system of officers and official supervision. The fact that the subordinate fishery officers are appointed by the Provincial government, with the very ineffective help of a patrol vessel, while the higher district officers, called inspectors, are authorized and paid by the Dominion government, is a feature of weakness. Indeed, we have come to the conclusion that the system as administered by both governments is inadequate, inefficient and almost wholly useless. The reasons for this grave state of things are many, but the principal are:—

- (1). Most unsuitable men are usually selected, possessed of neither the requisite knowledge nor aptitude for the important work.
- (2). The pay is grossly inadequate for the onerous services expected.
- (3). The system under which they work is incomplete and very lax.
- (4). None of the officers have proper boats or equipment.
- (5). The conflict in jurisdiction and administration makes effective and stringent enforcement of laws impossible.
- (6). The administration of the fisheries since 1904 has been too strongly tinged with political bias.

The remedies which seem to us to be the most urgent are :

- (1). The cultivation and encouragement of a healthy public sentiment in favour of the enforcement of judicious and effective fishery laws. In older countries, such as Britain, public feeling is largely in favour of preserving valuable fish and game, and the poacher is regarded with strong aversion by the general public. The poacher with us, as a rule, stirs up feeling in his favour, and may get much influential support and sympathy for breaking the laws.
- (2). The existing large fishery districts should be divided into smaller districts, capable of thorough patrol by the inspector. Over each should be placed an inspector at a proper salary, who should be required to reside in his district, and he should be required to occupy himself solely with his constant patrols and inspector's duties. Under the inspector should be placed active fishery overseers, controlling smaller districts and acting under the inspector's directions. The present system of large areas under overseers, usually without boats or proper equipment, should be abolished as useless and harmful to the fishing resources of the country. The first requisite is the provision for each officer of a speedy motor boat of light draught, and fitted for penetrating narrow channels, at high speed.
- (3). Political consideration should be absolutely ignored, and suitable men with adequate knowledge and a natural taste and aptitude for looking after the interest of the fish and fisheries. Such men are to be found in every district, who would make most capable inspectors and overseers, if appointed without regard to political considerations. Your commissioners are impressed with the grave fact that the administration of the fisheries is being carried on too much by consideration of political exigencies. A regulation, for example, is formulated by the Fisheries Department, in the best interests of the fisheries, but being found to press somewhat upon fishermen in a certain

locality, representative complaints are made by the parliamentary representative that his constituents are being unfairly treated, and that he will be injured politically, and, under the pressure thus arising, the regulation is rescinded. The protection of the fish, or the requirement of the fishery as an industry, is an entirely secondary matter.

4. Adequate compensation or salary we consider to be the most necessary step to securing a better class of officials. The salary should be sufficient to ensure the whole time and services of an inspector. We have elsewhere stated the salaries we would favour as sufficient. Overseers should be paid an amount more commensurate with the duties which they are expected to perform.

5. The suggested system of patrol by motor boats, we are convinced, will work more satisfactorily than the patrol by expensive cruisers. The necessity of such cruisers will be done away with in such areas as Georgian Bay. We had abundant evidence that such cruisers are not regarded as of great utility, as they are well known to violators; they can be readily descried at a distance, and their every movement is watched. Owing to their deep draught, it is not possible for them to penetrate the inner channels where the most extensive and injurious poaching is carried on. The waters under review, being wholly within the boundary of Canada, the necessity is obviated for any armed cruisers to protect the fisheries from depredations by United States poachers; but if this foreign intrusion does not exist, it is no less necessary that the strict observance of the fishery laws by our own fishermen is secured.

The creation of a healthy public sentiment, we must again insist, is a most essential preliminary to effective fishery protection. Amongst the public generally, and even among the fishing population, there is a lamentable lack of knowledge and interest in the present and future welfare of the fisheries. The fishermen themselves, whose living depends upon the fisheries, appear, with conspicuous exceptions, not to realize the fact that the fisheries are a national resource, and that they belong not to a section of the people, but to the public at large. Not simply those engaged in catching fish, but to the whole people the fisheries belong. The fishermen rarely realize that it is an injury to the public for them to simply catch as many fish as they can in the present, and they forget that future generations may wish to catch fish when the present generation has passed away. Hence, they are inclined to regard restrictive legislation as a personal grievance and an injustice against themselves. The general public also, who should derive the greatest benefit from this bountiful source of food, seem utterly supine and indifferent as to the decline or the prosperity of the fishing industry. They look with indulgence upon the breakers of the fishery laws, and are willing to render no assistance, as a rule, in the observance and enforcement of fishery laws. The general public should, in our opinion, be educated so that a healthier sentiment regarding this important matter may prevail; and we cannot too strongly commend the work which Fish and Game Protective Associations are beginning to do all over the country.

LIMITATION OF QUANTITY OF FISHING APPLIANCES.

As we have previously pointed out, there is by far too much gear fishing in the waters of the Georgian bay. In the case of gill nets, we have strongly recommended the reduction in the quantities allowed to be fished by the licensed fishermen, and, moving along these lines, we desire to further restrict as much as possible, without hurting too hardly the interests involved, the number of nets in the waters of the Georgian bay. We would recommend that no greater number of fishermen, using gill nets or pound nets, be licensed to fish in the Georgian bay, than are at present operating there under license, and that upon the lapse of a license by the holder thereof dying or going out of business, no renewal thereof should be granted to anybody. It is clear that, if a reduction of the amount of net to be fished under each license be carried out, and at the same time a larger number of new licenses be issued, the object aimed at will be entirely defeated. Any increase in the number of pound nets would similarly render our recommendation futile, and we would again insist that to prevent the depletion of the fisheries, the total amount

of gear used must not be increased, but rather reduced in the waters of the Georgian bay.

PENALTIES—COMMERCIAL FISHING.

We, as commissioners, have repeatedly had impressed upon us the unsatisfactory nature of the laws expected to be administered by the overseers, and the latitude permitted to local officers in specifying the amount of the fine to be inflicted in the case of particular violations has acted, not as a deterrent, but rather as an encouragement to violators of the fishery regulations. The fishery officer, having the option of inflicting a small fine, appears often constrained to do so, hence an infraction of the law may be quite profitable, as the fine is totally inadequate to deter from the offence. We think that the fines at present inflicted are far too small, and have no deterrent effect. The object of all penal law is to induce citizens to refrain from crime, and not to punish them, and we think that the amount of a fine for offences against the Fisheries Act should be made so large that a fisherman will pause and reflect very seriously before committing a breach of it, and incurring the chances of such a heavy penalty. We also think that it is necessary to take from the fishery officers the power of option which they at present possess, and to require them to inflict such fines as are adequate and deterrent. For these reasons, we have specified a series of maximum and minimum fines for particular violations.

We recommend, therefore, that the following penalties be adopted:—

Violations of close seasons.—Confiscation of gear, boats and tugs; first offence, minimum fine \$100, maximum \$200; second offence, imprisonment for six months without option of fine.

Illegal fish.—Buying, selling, having in possession, carrying or transporting illegal fish, immature fish and fish protected during the close season, minimum \$500, maximum \$1,000 for each separate offence.

Sturgeon.—For catching, selling, buying, having in possession, transporting or carrying, first offence, minimum \$200, maximum \$500; second offence, minimum \$200, maximum \$1,000.

Fishing without license.—Confiscation of nets, boats and appliances, first offence, minimum \$100, maximum \$500; second offence, six months with hard labour.

Illegal nets.—For fishing with unauthorized meshes in gill nets or pound nets, or using trap nets, seines, etc.; confiscation of boats, nets and appliances, minimum \$200, maximum \$500; second offence, imprisonment without fine.

Bringing coarse fish ashore.—All persons catching or impounding suckers, mullets, carp and any other kinds of coarse fish in licensed nets, shall bring the same ashore, and such fish as are not marketable shall be destroyed by the party or parties catching such fish in such manner as the local fishery officer shall direct. Any one violating this clause shall incur a minimum fine of \$100 for each offence, or maximum of \$200. Each violation shall be a separate offence.

Excessive gear.—Any person fishing nets in excess of the quantity allowed by law shall incur confiscation of all fishing gear, boats, appliances, etc., and shall be liable to fine, minimum \$500, maximum \$1,000.

Pollution of waters with offal.—Any person depositing or placing in the waters of Lake Huron, Georgian bay, or waters tributary thereto, dead fish or fish offal, shall incur a penalty, minimum \$500, maximum \$1,000, for each offence.

In all cases persons giving information which leads to the conviction of the offender shall be entitled to the payment of half of the fine inflicted, the other half going to the Crown.

No company or corporation shall engage in the business of catching fish in the waters of the Georgian bay, and no individual shall fish for, or on account of, any company or corporation, but every holder of a license to fish in the Georgian bay shall be a bona fide independent fisherman, fishing in his own behalf and for his own benefit. Any person or corporation violating this section shall incur a penalty of not less than \$500 or more than \$1,000 for each offence.

PENALTIES.—GAME FISH VIOLATIONS.

That within the Georgian Bay Game Fish Preserve no fish of any kind be allowed to be caught, taken or killed in any other manner whatever than by angling. Any person found violating this clause shall incur a penalty of not less than \$500 or more than \$1,000 for the first offence, and imprisonment without fine for the second offence.

No bass or maskinonge shall be caught, taken or had in possession between the first day of October and the thirtieth day of June in the year following.

No bass, maskinonge, speckled trout or brook trout shall be brought or sold within, or taken or exported from, the Dominion of Canada at any time. Any one violating this clause shall subject himself to a penalty of not less than \$500 or more than \$1,000.

No angling of any kind shall be permitted within the Georgian Bay Game Fish Preserve, or rivers or brooks entering therein, before the first day of July in each year.

That no person shall angle within the Georgian Bay Game Fish Preserve without obtaining a license therefor, and paying the license fee prescribed by law.

That no bass shall be taken, caught or had in possession under eleven inches in length, and no maskinonge under thirty inches in length, in the waters of the Georgian bay; and that no persons shall take or kill in one day more than six bass, or more than two maskinonge. Any one offending against the provisions of this section shall incur a penalty of not less than \$50 or more than \$100 for each offence.

No one shall angle on the Sabbath day under a penalty of not less than \$100 or more than \$200 for each offence.

That any person fishing without a license in the Georgian Bay Game Fish Preserve shall, for the first offence, be fined not less than \$50; second, or subsequent offence not less than \$100; and, in default of payment, that imprisonment can be directed; and, for the third offence, imprisonment without the option of a fine.

Any person fishing in the Georgian Bay Game Fish Preserve, contrary to the regulations shall, if not otherwise provided, for the first offence, pay a fine of not less than \$50, and for a second, or subsequent offence, not less than \$100, and shall forfeit his license, and in default of the payment of the fine, imprisonment shall be directed.

Any person, or corporation, buying bass, maskinonge or speckled trout in, or exporting bass, maskinonge or speckled or brook trout, from the province of Ontario, shall be fined for each offence a maximum of not less than \$200 or more than \$500 for each offence.

PENALTY FOR PARTIALITY IN THE PERFORMANCE OF OFFICIAL DUTIES BY INSPECTORS OR OVERSEERS.

Any fishery inspector or overseer displaying partiality or favouritism in the execution of his duties, shall be dismissed from office, be subject to a penalty of \$500, and to imprisonment.

DOMINION VS. PROVINCIAL RIGHTS OVER THE FISHERIES.

One of the most serious disadvantages under which the fisheries of the province of Ontario, as well as other provinces, are at present suffering, is the uncertainty as to the limits of Dominion and Provincial fishery rights. The conflict between the provinces and the Dominion is inimical in many ways to the best interests of the fisheries as a national resource. The distinction created between the rights of property and the legislative rights in the decision of the Privy Council in 1897, which vested

the former in the Provincial legislature, while it gave the power to make legislative enactments regarding fisheries to the Dominion, and the fact that legislation in regard to the fisheries might, and indeed does, necessarily enable the Dominion parliament to affect the proprietary rights of the province, is a matter which appears to call for early adjustment. Legislation in regard to the time, manner and methods of fishing, the kinds and classes of fish that may be caught, is vested in the Dominion government, whereas the right to license and exact fees, and impose conditions regarding licenses, rests with the Ontario government as a provincial government. Thus it happens that the Ontario government can legally attach conditions on the issue of its licenses which conflict with the legislative enactments of the Dominion parliament. The officers of both governments may often be in a state of uncertainty as to which government possesses the real power of action, and such officers, in administering the fisheries, are usually satisfied so long as the conditions prescribed by the government are carried out, and do not pay any attention to the restrictions laid down by the other government under whose authority they are not immediately acting. This inextricable confusion arises almost daily in carrying out the fishery regulations. We are strongly of opinion that if the fisheries are to be properly, efficiently and carefully managed, the whole power, including regulation and licensing, should rest with one government altogether. Having regard to the fact that the Dominion government, from the time of confederation onward, practically administered the whole of the fisheries of the Dominion, and issued licenses for fishery rights, and that the Dominion government has continued to administer the fisheries of all the provinces except Ontario and Quebec, since the Fisheries' Decision of the Privy Council in 1897, and, in view of the fact that it is most desirable to have a uniform system of laws and of administration in regard to the fisheries, we think that the administrative control and practical regulation and supervision should rest solely and entirely with the federal authority. While, under our system of government by party, it is a very difficult matter to keep all kinds of necessary patronage untinged by the exigencies of political bias, so that there is ground of complaint in this respect toward the Dominion government, still our investigations have led us to the conclusion that in the province of Ontario the fisheries and their licensing powers in connection therewith have not been used with a desire to benefit and improve and perpetuate the fisheries in their control. We find that political opponents of the government have great difficulty, in some cases, in getting their licenses, and, in other cases, of getting districts in which to fish. The maxim, 'To the victor belongs the spoils,' is, we are afraid, being carried out even in regard to our own fisheries. Under the circumstances, we think that the fisheries, under the present condition of affairs, cannot be expected to thrive and prosper.

CONCLUSION.

In concluding this, our report, we would crave leave to make the following observations to you, as a minister of the Crown. You have appointed us as your commissioners to investigate all conditions pertaining to the fisheries of the Georgian bay, expecting and relying that we would report to you truthfully and honestly and to the best of our ability, and according to the knowledge which we would acquire in the course of our investigation, and we, as commissioners, have spared no time or expense in acquiring all the information that we think would be beneficial and would aid you and assist you in coming to a just and true conclusion upon all matters upon which we were to report.

We have investigated to the best of our ability, and are handing in this report without fear, favour or affection. We fully comprehend that the manner in which we have recommended that you should deal with the important questions submitted to us for investigation is of a somewhat drastic character, and which will entail important consequences, not only upon the capture of fish, but upon the general public at large. But we have tried, and think we have succeeded, in keeping our recommendations within the bounds of reasonable measures of protection, and suggest that,

although they may, in some instances, appear to curtail certain privileges which the fishermen has enjoyed, in reality we are only recommending that the waters of this great lake shall be fished in such a manner as will ultimately inure for the benefit not only of the capturer of fish, but of the large general public who use it as a food.

We do not forget also that the government of the country is conducted upon well-established party lines, and that, in dealing with most matters of regulation, political exigencies will, in the nature of things, thrust themselves to the front and influence the action of the political chief upon such regulations. But we believe that the fisheries of the Georgian bay are in such a state, and are so badly in need of the regulations which we have recommended to be adopted, that no considerations, however important from the narrow point of view of expediency or otherwise, should interfere with proper administrative measures. No doubt in taking the necessary action for carrying out such desirable protective steps as those we urge in this report some opposition may be aroused, and it may be that urgent representations from the fishermen and others will be made claiming that injustice and hardship will follow the enforcement of them; but the gravity of the situation calls for regulations based on the evidence received by us, and supported by the reasoning embodied in this report.

JOHN BIRNIE,
JAMES J. NOBLE,
Commissioners.

EDWARD E. PRINCE,
Chairman of the Commission.

POSTSCRIPT.

Mr. Noble signs this report, although preferring that the close season should not be graded, but should begin on the first of October all over the bay, but signs for the sake of a unanimous report.

Mr. Birnie signs the report, although preferring the abolition of pound nets altogether, but signs for the sake of a unanimous report.

(Sgd.) JOHN BIRNIE.
(Sgd.) JAMES J. NOBLE,

APPENDIX A.

INTERIM REPORT OF THE GEORGIAN BAY FISHERIES COMMISSION.

PROPOSED GAME FISH PRESERVE.

OTTAWA, January 17, 1907.

To the Honourable L. P. BRODEUR,
Minister of Marine and Fisheries

SIR,—The commissioners appointed to investigate and report upon the fisheries of the Georgian bay and adjacent waters beg to present their interim report as follows :—

1. The commission, consisting of three members, viz.: Mr. John Birnie, B.C.L., LL.B., K.C., of Collingwood; Mr. James J. Noble, of Little Current, and the Dominion Commissioner of Fisheries (Professor E. E. Prince), held an executive meeting at Parry Sound, Ont., on September 8 and 9, when the arrangements for holding sittings, taking evidence, visiting the fishing areas, &c., were discussed and decided upon. Mr. Noble unfortunately was not able to attend these initial meetings, but was present at the public sittings of the commission and took an active part in all its work.

2. The opening meeting of the series of public sessions was held in the Council chamber, Owen Sound, on September 14, 1905, when Mr. Birnie presided in the absence of Professor Prince, who was detained on the Pacific coast. A large amount of evidence was given before the commission by representative fishermen, fish-merchants, fish-buyers and others interested, and the various matters in controversy, viz.: gill nets versus pound nets, the use of trap nets, close seasons, size limits, fish hatcheries and similar matters were prominently brought up. From Owen Sound the commissioners went to Wiarton and sat on September 19 and 20; Meaford, September 25; Thornbury, September 27; Collingwood, September 29, 30 and October 4, 5 and 6; Killarney, October 11 and 12 and Little Current, October 19, after which the commission adjourned to meet at an early date in 1906. The chairman of the commission joined in the work at Killarney, and interesting visits to pound nets, various fishing grounds, the fish freezers, &c., were made and the fishermen and merchants exhibited the utmost readiness to aid the commissioners in obtaining all possible information, and as far as possible seeing practically the fishing operations, the character of the waters, and the modes of handling the catches of fish. So strong a feeling has found expression that the commission should include other places west of Little Current as far as Saul Ste. Marie at least, and further sittings will be necessary during the fishing season of 1908.

3. That for the purpose of especially considering the condition of the game fisheries of the Georgian bay a session of the commission was called to meet in Toronto, the secretary, Mr. Birnie, having previously arranged with prominent citizens of the province to attend and give evidence, and, accordingly, the commissioners, with the exception of Mr. Noble, who unfortunately was unable to attend owing to a severe illness, met in Toronto on the 13th of March and held sittings every day until the 17th of March, and some very valuable testimony was secured relating to the game fish of the Georgian bay, the following gentlemen voluntarily appearing before the commission and giving evidence: A. Kelly Evans, Henry D. P. Armstrong, Dr. Davidson, Oliver Adams, Wallace Nesbitt, Graham Campbell, Chancellor Boyd, Captain H. W. Ansley, J. C. Judd, Henry W. Nicol, Edward Harris, Mr. Blaikie, C. B. Sheppard, John Leckie, Professor W. J. Loudon, Dr. B. Arthur Bensley, Dr. T. McKenzie.

4. Your commissioners find that the eastern and northeastern mainland of the Georgian bay consists of a bold, rocky formation, indented in innumerable places by deep bays. There is a slight covering of soil on some parts of the rocky shore sufficient to nourish a small growth of pine, hemlock and some of the Canadian hard woods, but

from Matchedash bay, at the extreme southeasterly corner of the Georgian bay, up to Killarney at the southerly entrance of the north channel between Manitoulin Island and the main shore, with the exception of a few acres, there is no land suitable for agricultural purposes, and it is only inhabited by the wild denizens of the forest, a few Indians and white men who may be engaged with lumbering operations, and practically all the eastern shore of the Georgian bay is a great wilderness, the haunt and home of the red deer and fur-bearing animals of Canadian forests. All along these shores are multitudes of islands of various sizes and shapes, some densely wooded with Canadian timber, but many being bald, naked rocks without any vegetation whatever, some towering up to considerable heights, and others awash with the waters of the Georgian bay. There are some fifty thousand of these islands between Matchedash bay and Killarney. The innumerable windings and turnings among these islands and the bays and indentations in the mainland are the home of the game fish, and, in fact, it can be said they constitute the natural breeding grounds of this class of fish for the Georgian bay, the formation of the bottom being particularly adapted for breeding purposes. It appears upon the evidence, that some twenty years ago the finest specimens of black bass, maskinonge, yellow pike and pickerel existed in great numbers in these waters, and a plentiful catch of fine fish always rewarded the angler who resorted hither. Gradually, however, as the fish became more scarce in other regions and these grounds became better known, fishermen came there with their nets and anglers became more plentiful, until, hundreds visited these grounds annually to fish, erected cottages and club-houses and took up their permanent abode there during the summer months, and besides these a host of casual fishermen, tourists, berry-pickers and yachtsmen visited these islands and mainland during the warm weather, each one invariably equipped with rod and line to make onslaught upon the finny denizens of the deep. We find on the evidence that all kinds of devices were used by persons possessing no license whatever to catch the game fish; all nets, pound nets, seines and trap nets being extensively used, the two latter being found to be the most destructive, although we find when an unlawful fisherman has set his gill net with a small mesh completely across the mouth of some deep and narrow bay, and then proceeded in his boat or canoe to the shore end, and by making a noise by splashing and other methods driven the fish in that particular bay right into his net, he makes a considerable haul. Seines were used in great numbers and immense hauls of fish daily obtained by their use. Your Commissioners were informed by a credible witness, who, for obvious reasons, did not wish his name mentioned, that over five hundred seines were in use between Killarney and Byng Inlet alone, and it is abhorrent to think of the tremendous destruction they would bring about among the game fish. Trap nets, too, a very ingenious device, secured under water so as to escape the eye of any curious overseer, were set in the numerous available places, and, no doubt, contributed largely to the deplorable depletion of the game fish which soon made itself manifest along these shores. The too ardent disciple of the rod and reel, plying his pleasurable pastime in these waters, must also be held in some measure responsible for the great scarcity of game fish, which began about ten years ago to be felt in the Georgian bay, and more particularly is this applicable to the American summer tourist. Numbers of aliens from the United States come, and are coming annually to these shores and fish industriously during their whole stay, without paying any regard to the law restricting the number of fish which may be caught by one person in one day, but each party vying with the other to see which could obtain the greatest catch, and they would kill far more fish than they could use and leave them on the rocks to rot. Our own Canadian angler was not free from offence in this particular, but excesses of this character are laid at his door. Whatever the cause or causes, the fact was unanimously brought out by the testimony taken in Toronto, that there has been a gradual diminution of the game fish of the Georgian bay for the last fifteen years, attaining greater velocity with each succeeding year, until at the present time the eastern shores of the Georgian bay have almost lost their reputation of being one of the best game fish grounds on the

continent, and if some drastic measures are not taken immediately in the way of protection, prevention and patrol these natural breeding grounds will become entirely depleted and cease to be anything but lone, inhospitable shores, devoid even of the finny tribe, driven away or killed off by the reckless caprice of so-called sport, or the greed of unthinking, shortsighted humanity. On the other hand, if those waters are carefully protected, vigilantly guarded and the fish allowed to breed, they can be made and retained as the anglers' paradise of America. The natural conditions are so favourable for the breeding of game fish that, properly protected, they must necessarily increase and multiply extensively, attracting tourists from all over the world, and making these fishing grounds as famous in their way as the shooting hills of Scotland or the fiords and rivers of Norway, and there would be good fishing for all for an indefinite period. The value of good game fishing has been variously estimated. Mr. Kelly Evans, Secretary of the Ontario Fish and Game Protective Association, said in his evidence (page 1), 'In regard to game fish we feel that it is the greatest attractive force that we have in this country for tourists that come here. We place the monetary value upon the proved statistics of the State of Maine. In the year 1903 the authorities of the State of Maine admit that no less a sum than \$15,000,000 was brought and left in the State of Maine by persons from other states and countries entirely due to the attraction given them by fish and game in that state. The territory of the State of Maine over which fishing and shooting can be done amounts to only twenty-five thousand square miles, while we in Ontario have some one hundred and fifty thousand square miles. We have the same waters, the same facilities and the same species of fish and game as they have in Maine, and also a ticket from any portion of the Mississippi valley can be purchased just as cheaply to any part of Ontario as to any part of the State of Maine. We feel that in view of the fact that there is an enormously increasing number of persons in the American Republic who take vacation every year, and the fact that the Honourable L. G. Carlton admits that the State of Maine is becoming crowded to its utmost limit, that we can attract an enormously increasing number of sportsmen each year to this province. We believe that a game fish is worth to the province of Ontario, as a game fish twenty times what it is worth if sold as a food fish' Mr. Henry D. P. Armstrong, President of the Extension Committee of the Ontario Fish and Game Protective Association, agrees most thoroughly with the above remarks of Mr. A. Kelly Evans. In regard to the value of the game fish to the province of Ontario, the Honourable Wallace Nesbitt, who has had a very large and extended experience in the Georgian bay, states in the evidence taken, 'There is another phase which seems to have been entirely overlooked, and that is the value of the fish to the country. I venture to say if the fish were allowed to reproduce themselves they would bring people in, and this means an increase in the fruit and vegetable market and general conditions of things, because the people have to have these things. I venture to say if the fish in the Georgian bay were properly preserved it would mean a population pouring in of 10,000 every season, which would mean at least \$200,000 to this province. This would mean in a few years people would come in and establish houses and look at what that would mean to every trade that has to do with house supplies, nails, lumber, plumbing, gas and everything in fact in connection with the building trade. It costs the angler from six to ten dollars for every bass that he takes out of the Georgian bay.' We have no reason to doubt the opinions and figures of these gentlemen who have had so large an experience in angling the game fish of the Georgian bay, and basing our estimate upon their calculations it can easily be seen how enormously valuable these game fish grounds can be made to become, not only to the particular locality in question but also to the country generally at large.

5. That the game fish of the eastern waters of the Georgian bay are rapidly diminishing is amply proved by the testimony of all the witnesses who gave evidence at Toronto. Different causes are assigned by some gentlemen for this depletion. Professor Loudon, of Toronto University, laid it nearly altogether to the practice of excessive angling, and instances the case of two men who went up the shore two years

ago for a few days' fishing and got four or five hundred bass. He says this is done constantly, and the large clubs do that. He also instanced himself, when last summer he legitimately caught between four and five hundred bass from the fifteenth of June till the twentieth of September, about one hundred days. He said he went out every afternoon, and if one man could catch this quantity of fish in one season, he argues with some degree of assurance, that one thousand or ten thousand anglers would catch one thousand or ten thousand times that many. But the consensus of opinion was, and is, that netting is responsible more than any other cause for the alarming diminution of the game fish of the Georgian bay, aided in some slight degree by the persistent angling and disregard of the laws of true sport and the regulations of the country.

6. Besides this deplorable depletion caused by unlawful netting and excessive angling, one other abuse there is, which in the opinion of your commissioners has contributed somewhat to the unsatisfactory condition of the game fish of the Georgian bay, and that is the killing of the parent fish when it is about reproducing its kind. Many game fish spawn early in the spring, and during that time they should be rigidly protected from all enemies, human or creature, so far as lies in our power, and from the evidence which has been produced before the commissioners this has not been done.

7. That measures can be adopted and successfully carried out for the protection of game fish is shown by the evidence relating to the two private preserves which are already along these shores, that of the Tadenac Club, at Miners bay, and that of the University Club, at Go Home river. We had before us several members of the Tadenac Club, who own about fifteen thousand acres, amply patrolled and guarded by themselves. They have adopted regulations having for their object the protection and multiplication of the fish in their preserves, which are obligatory upon the members of the club, and, although they have been only in existence some few years, already good results are apparent, and the supply of game fish in their preservation is rapidly growing both in size and numbers.

8. The evidence also goes to show that such regulations as are in force for the protection of game fish are more honoured in the breach than in the observance. The gentlemen who gave evidence before the commission were unanimous in their opinion that some more efficient protection and patrol would have to be devised and carried into effect. It would appear that the overseers appointed to guard the fish of the bay are grossly under-paid, have too large a district to look after, are not provided with any efficient means of patrolling their districts, and do not pretend to carry out the rules and regulations of either the provincial or Dominion governments. The vessel which is the provincial patrol boat of the Georgian bay, under the orders, of course, of the provincial government, is characterized by the witnesses as a bad sea boat, a slow boat, a noisy boat, that she is high out of the water and burns coal, and that she can be detected by unlawful fishermen a long ways off, and thus enable them to take measures to escape or hide their doings long before she can come within distance to be of any service to the cause of law and order. She cannot possibly penetrate the inner channels and windings between the islands, where the principal law breaking takes place, and is utterly useless for the purpose for which she is used. The witnesses all say that there should be appointed some good man, thoroughly conversant with the bay, paid a liberal salary so that he could devote his whole time as general overseer and inspector of the game fish of the Georgian bay, that he should have an efficient staff of overseers or detectives under him, paid decent salaries and furnished with light-draught, quick-power boats, enabling them to penetrate the inner channels among the islands in search of lawbreakers, enabling them in some measure to overcome the difficulties of carrying out the law. It is so easy for a depredator to hide himself from the ken of his fellow-mortal and ply his unlawful calling or pastime, free from observation or representative of the law. Your commissioners quite appreciate the difficulty of the Dominion government dealing with this matter of protection and patrol owing to the divided jurisdiction of the two governments in fishery

matters, the Dominion government only having the power to regulate and the Ontario government the right to license, but the commissioners have dealt with this matter as seems most feasible to them.

In view, therefore, of the undoubted fact that the game fish of the Georgian bay are becoming rapidly extinct, having regard to the fact that the preservation of these fish is of enormous value to the province of Ontario, this value being greatly enhanced by regarding the fish as a game fish and not as a marketable fish, and coming to the conclusion that some drastic measures will have to be immediately adopted if the game fish of the Georgian bay are to be protected and preserved, your commissioners would recommend as follows:—

1. That a line be drawn from the southerly point of Matchedash bay to the southwesterly point of Killarney channel, enclosing all the islands lying along the easterly shores of the Georgian bay, and that all the tracts of land and water lying to the east and north of this line on the Georgian bay be set apart as a game fish preserve to be known as the 'Georgian Bay Game Fish Preserve,' which line may be more particularly described as follows: Commencing at the southerly point of the entrance to Matchedash bay, thence in a northwesterly direction passing the southerly boundary of Green island, Island 68 and Island 69, thence still continuing in a northwesterly direction until the western extremity of Moore point, in the township of Baxter is reached; thence in a westerly direction to the southerly boundary of Beausoleil island, thence coasting the westerly shores of Beausoleil island in a northwesterly direction to the northwesterly extremity of Smooth island, thence still continuing in a northwesterly direction to Eshpabekong island or Island Number 136, thence still continuing in a northwesterly direction to Gray island or Island Number 200, thence continuing in a northwesterly direction to the western limits of Northwest Pine island or Island Number 283, thence still in a northwesterly direction in a straight line to the westerly extremity of McQuade island, thence continuing in a northwesterly direction touching and passing the western shores of Barbara rock, Umbrella island, Sandy island and Batteau island to the Mink islands, thence along the easterly shores of the Mink islands, still in a northwesterly direction passing Frederick inlet to Lookout island, lying to the west end of Point Aux Baril, thence in a northerly direction through Hang Dog island, Bouchier island and Flat rock to Gladstone island, thence northwesterly to the northeasterly shore of Bustard island, thence northwesterly through Hen island, Hamilton island and West Fox island to the southeasterly point of Killarney.

2. The creation of this region into a game fish preserve will meet with the unqualified approval of all persons who are interested at all in the preservation of our game fish. It cuts off the natural breeding ground of the game fish from the catcher of fish for commercial purposes, but does not interfere with the lawful calling of the licensed fisherman in his quest of commercial fish, for very few of this kind of fish are caught in the limits hereby defined, but any one casting or setting a net within those limits can only be seeking to catch game fish, and the drawing of this line will protect those fish from the commercial fishermen.

3. That within the Georgian Bay Game Fish Preserve no fish of any kind be allowed to be caught, taken or killed in any other manner whatever than by angling.

(This regulation properly carried out will preserve this region for an indefinite period as a game fish preserve.)

4. That every person desiring to angle within the Georgian Bay Game Fish Preserve shall be obliged to take out a license therefor from the Chief Game Warden of the province of Ontario, and that the provincial authorities be asked to regulate such license in the following manner:—

(a) That every person, being a citizen of the Dominion of Canada, not resident on the shores of the preserve, desiring to take out a license to angle in the Georgian Bay Game Fish Preserve shall pay a license fee of one dollar. Permanent local residents on the shores of the preserve to be exempt.

(b) That every person, being a citizen of a foreign country, desiring to take out a license to fish in the Georgian Bay Game Fish Preserve shall pay a license fee of five dollars.

(c) That such license shall be good only for sixty days.

(d) That the holders of any license shall be allowed to catch only the legal number of fish per diem as may be allowed.

(e) That such license shall contain the name and address and general description of the person by whom it is held.

(f) That the holder of any license shall be compelled to produce it for the inspection of any one who may desire to inspect the same.

(g) That the holder of any license shall, within a period of one month from the expiration of his license, be required to send in to the chief game warden of the province of Ontario a statement, on a form to be given to him on his license, of the number and character of the fish which he has caught through his license period.

NOTE.—(All the witnesses who gave testimony before your commissioners were of opinion that a license should be granted to angle in the Georgian bay, and that if each person were obliged to register his name and description better preservative measures could be adopted for the protection of the fish. The evidence differed as to the amount of license which should be imposed, the suggestions ranging from nothing up to \$10 for American citizens, but your commissioners believe that no Canadian would object to pay \$1 license fee and no American would object to pay \$5.)

5. That no holder of a license to fish in the Georgian Bay Game Fish Preserve shall be allowed to take, catch or kill in one day more than six bass, one maskinonge or six yellow pickerel.

NOTE.—(It seemed to be the general consensus of opinion of those testifying before the commissioners that too many fish were caught by anglers, and that the amount of catch should be strictly regulated and enforced.)

6. That no bass under eleven inches in length, and no maskinonge less than thirty inches in length, and no yellow pickerel less than fifteen inches in length shall be permitted to be retained or kept out of the water; that any person holding a license to fish, who takes or catches any of the fish mentioned of a less size, must immediately return the same to the water, if possible, without injury.

7. That the close season for bass and maskinonge, not only within the Georgian bay game fish preserve, but in the whole of the Georgian bay, shall be from the first of January to the thirtieth of June, both inclusive.

(NOTE.—It was clear from the evidence which was adduced before the commission that the close season for bass and maskinonge, which ceases on the fifteenth of June, is not sufficient to protect these fish during their spawning season. There was ample evidence to show that black bass are spawning even well on in July, but it was thought if the close season were extended fifteen days longer it would aid materially in the protection of the fish during their spawning time.)

8. That no angling be permitted on the Sabbath Day.

9. That no black bass or maskinonge be permitted to be exported from or sold in the province of Ontario.

(NOTE.—All the anglers who gave testimony before the commission voiced the complaint that the black bass and other game fish are plentifully sold throughout the country, and are exported from the country, and if this law were strictly enforced, and no black bass or maskinonge sold or exported, it would add very largely in the preservation of the game fish, not only of the Georgian bay but of the whole province.)

Fines and penalties.—That any person fishing without a license in the Georgian Bay Game Fish Preserve shall, for the first offence, be fined not less than ten dollars,

for the second offence not less than one hundred dollars, and, in default, that imprisonment can be directed, and for a third offence imprisonment without the option of a fine. That any holder of a license to fish in the Georgian Bay Game Fish Preserve, who fishes contrary to the regulations, shall, for the first offence, pay a fine of not less than ten dollars, for second offence shall be fined one hundred dollars and forfeit his license, and in default of payment imprisonment shall be directed. Any person or corporation buying bass or maskinonge in or exporting bass or maskinonge from the province of Ontario shall be fined for each offence a sum not less than two hundred dollars nor more than five hundred for each offence.

(NOTE.—Without adequate sanction for the observance of the regulations it will be impossible to successfully carry them out.)

10. That a more adequate system of inspection, protection and patrol be devised, whereby all anglers fishing in this preserve would be obliged to live up to the regulations, and whereby poachers would be driven off, detected and punished, and the game fish preserved from the onslaughts of gill nets, pound nets, trap nets and seines, and in this connection your commissioners would recommend the following system:— That a suitable person be appointed as the Georgian bay game fish inspector, who shall have supervision and inspection over all the game fish in the bay and all those who angle for them. He shall be paid a sufficient salary to enable him to devote his whole time to seeing that the overseers under him properly and efficiently perform their duties. He shall from time to time visit all the cottages, hotels and summer resorts within the Georgian Bay Game Fish Preserve, and shall observe the number and quality of the fish brought in by the catchers, and shall generally exercise supervision and inspection over the whole of the Georgian Bay Game Fish Preserve. He shall be furnished with a power-boat of quick speed and such sea-going qualities as may enable him to exercise the duties of his office in all weathers. He shall keep a vigilant eye on all shipments of commercial fish from Georgian bay districts in order to see that no game fish are among the shipments, and shall have power to cause any package or car of fish to be opened for his inspection. He should be appointed a magistrate, with power to try on the spot any alleged infraction of the law and to impose and collect the proper fines. He should be entirely untrammelled from political considerations and be able to exercise the duties of his office without fear, favour or affection.

To assist the inspector in his work there should be a staff of six overseers appointed, one for each of the following six districts: From Split Rock to Matchedash Bay, district number one; from Split Rock to Moose Point, district number two; from Moose Point to Mink Island, district number three; from Mink Island to Point aux Baril, district number four; from Point aux Baril to Bustard Island, district number five, and from Bustard Island to Killarney, district number six. These men should not be the ordinary type of fishery overseers as have held office in past years, but should be more in the nature of detectives, who would go quietly about their work and ferret out transgressors against the law. Each one of them should be supplied with a small, quick power boat of light draught, enabling them to go anywhere among the inner channels and the islands. It would be their duty to see that no one angles in the Georgian Bay Game Fish Preserve without a license, and that anglers obey the regulations; to seize and return to the department all nets of any kind or description which they may find set or being used in this preserve, and bring the user thereof up before the inspector or a magistrate. It would be the duty of each overseer to constantly patrol his district and to see that the laws and regulations are observed, and he should be paid a sufficient salary to enable him to devote his whole time during the summer months to this work. It would be well also if these overseers were not appointed upon political considerations, but they should be free from any political bias whatever. It would be well if they were appointed only on the recommendation of the inspector or of the Ontario Fish and Game Protective Association, as your commissioners find that overseers appointed in the usual way on the recommendation

of the local member or defeated candidate are generally influenced by political considerations when it is their duty to set the law in motion against offenders.

In making these recommendations regarding the appointment of an inspector and an efficient staff of overseers, your commissioners are fully aware of the difficulty which at once arises owing to the divided jurisdiction between the province and the Dominion. The Dominion government might not feel it obligatory upon itself to go to the expense of maintaining a competent inspector and a corps of efficient overseers and equipping them with the means necessary for carrying out their duties, when it is not deriving any revenue whatever from the fisheries. This expense should rather fall upon the provincial government, and your commissioners feel that in a very short time the amount of license fees received from anglers for permits to fish in the Georgian Bay Game Fish Preserve would exceed the money that would be required annually for maintaining an inspector and overseers to properly patrol and protect the preserve, and your commissioners would recommend that a conference be held between the Dominion and Provincial fishery department heads to see if some modus vivendi upon the lines above suggested could not be arrived at.

In establishing a game fish preserve in the Georgian bay the authorities are in a peculiarly favourable position for efficiently maintaining and guarding it, inasmuch as no international complications can arise, the Georgian bay being wholly within Canadian jurisdiction, and matters of difficulty which were continually appearing in regard to fishery questions on the other lakes bordered by states of the American Union, as well as counties and districts of the province of Ontario, cannot arise in connection with the Georgian bay.

All of which is respectfully submitted.

Dated at Ottawa, this 17th day of January, 1907.

EDWARD E. PRINCE,
JOHN BIRNIE,
JAS. J. NOBLE.

APPENDIX B.

REPORT ON THE SQUAW ISLAND FISHERY GRIEVANCES.

OTTAWA, April 11, 1907.

To the Hon. L. P. BRODEUR,
Minister of Marine and Fisheries,
Ottawa.

SIR,—Your commission regarding the fisheries of the Georgian bay and adjacent waters to whom was referred, by order in council, dated the 18th of April, 1906, the petition from fishermen of the Georgian bay regarding certain grievances under which they claim to be suffering in connection with the leasehold of Squaw island granted by the Dominion government to the Dominion Fish Company, beg to present their report, as follows:—

1. During the season of navigation of 1906, your commission attended at Killarney, Squaw island and at Collingwood, personally viewing Squaw island, appraising its location, advantages and benefits as a fishing station and the use which has been and is being made of it, both by the Dominion Fish Company and by fishermen having licenses to ply their calling in the waters of the Georgian bay; taking evidence from those interested in Squaw island and hearing personally the grievances which the fishermen claim they are now labouring under and the disabilities which they fear they will incur in the future. Your commission, however, were not able to take the evidence on behalf of the Dominion Fish Company last season, but early this year the secretary of the commission was instructed to notify the Dominion Fish Company that the Commission would be pleased to take the evidence of any one whom the company should desire to be heard, at any place or time that might be convenient to the company. Accordingly, at the request of the Dominion Fish Company, a meeting of the commission was called in Toronto, in the month of February last, when the evidence of Mr. Charles Noble, who has had an extended knowledge and acquaintance with Squaw island and its surroundings for a great number of years past was taken, all three of the commissioners being present. All the evidence that had been submitted in relation to Squaw island was then very carefully considered by the commissioners, who have arrived at the following unanimous conclusions:—

2. Squaw island is an island oblong in shape thrusting itself out into the widest part of the Georgian bay, and is situated about nine miles south of Killarney and a equal distance from Cape Smyth on the Manitoulin islands. It is one of those islands the proprietorship of which is in dispute between the Indian Branch of the Interior Department of the Dominion of Canada and the Crown Lands Department of the province of Ontario. The province of Ontario bases its claim of rights since confederation to proprietorship to this and other islands in the waters of Lake Huron (of which the Georgian bay is a part) on the Indian Treaties of September, 1850. The island is oblong in shape and contains about two hundred acres of land. It is sparsely wooded with a small growth of cedar and tamarac and contains a perfectly safe harbour with a narrow entrance thereto on the northeast end thereof. It is the only island possessing safe harbourage in this vicinity, the nearest other harbour being at Killarney, some nine miles away on the mainland.

Previous to the year 1874 or 1875 the island was not used by any white man, but the Indians were accustomed to resort thither for the purpose of curing their fish. About the year 1875 or 1876 Messrs. James Noble and Charles Noble, who were licensed fishermen of the Georgian bay and Lake Huron, started to fish from Squaw island and built a dock so that a boat could come in and get their fish in the fall. The Messrs. Noble were the first white men who resorted to this island for fishing purposes, and

some two or three years after they had been located there, W. A. Clark, also a licensed fisherman of the Georgian bay came to Squaw island with his fishing apparatus and built an ice-house there and conducted his fishing operations from that place. Both the Clarks and Nobles erected shanties on the island for their fishing employees to live in during the fishing season. Mr. Clark also erected a wharf on the island joining the Noble Bros.' wharf, and both the Nobles and Clark conducted their fishing operations independently of each other for quite a few years. Shortly after this time other fishermen, to wit, William Storey, David Malcolm and Robert Cleland located at Squaw island, built an ice-house there and conducted fishing operations in six sail-boats.

In 1884 Mr. Superintendent Phipps of Manitowaning applied on behalf of Mr. W. A. Clark to be given permission to erect an ice-house on Squaw Island and recommending the application on payment of forty dollars per annum. After some correspondence, it was decided by the Department of the Interior to grant Mr. Clark a lease of one-half an acre at an annual rental of fifty dollars per annum on the express understanding that if the lessee or his workmen interfered in any way with the fishing rights of the Indians residing on the unceded portion of Manitoulin island or trespassed on their fishing grounds the lease would be cancelled.

Subsequently upon an application from Messrs. W. A. Clark, James Noble and Charles Noble it was decided, in 1885, to grant a lease to them of the whole island for a period of ten years at an annual rental of \$225, on condition that the lessees would protect the trees growing on the island and that they should not prevent Indians from landing for purpose of shelter or for landing fish, and that they should pay any expense to which Messrs. McKay and Clark, of Wiarton, might have been put to in consequence of any reason given them by the department to suppose that a lease of the said island would be given to them. The above conditions were indicated in a letter addressed to the late Mr. Dalton McCarthy, M.P., on the 17th of November, 1885, and were accepted by him on behalf of the lessees.

A lease was subsequently issued on the 25th of November, 1885, to Messrs. James Noble, Charles Noble and W. A. Clark, for a term of ten years from the said 25th of November, 1885. On the expiration of the above lease a new lease was issued to the same party for one year from the 25th of November, 1895, and on the 7th of July, 1896, another lease was issued to Eliza Noble, the widow of James Noble, Charles Noble and W. A. Clark for one year from the 25th of November, 1897, rental having been paid for two years from date of issue of previous lease. This lease was renewed for one year from the 25th of November, 1898, after which date the Messrs. Noble Brothers were given permission to occupy the island for one year from the 25th of November, 1899, and subsequently for another year up to the 25th of November, 1901, and again for a further year from the 25th of November, 1902.

In April, 1886, a petition was received from a number of fishermen of Collingwood, asking to have the lease of Squaw island to Messrs. Clark and Noble cancelled on the grounds that it was granted through misrepresentation of certain facts connected with the use of Squaw island by the fishermen and in direct opposition to their interests. The Department of Fisheries was asking for certain information regarding lease of fishing rights in connection with Squaw island and the adjacent islands, which information does not appear to have been given, and no action was taken on this matter.

On the 3rd of June, 1886, Messrs. Noble and Clark represented to the department that they wished to have quiet possession of the island, and as there were parties who had come and built a dock and fish-houses thereon, and that they had served these parties with a notice against trespassing, but having paid no attention thereto, they asked to have Mr. Superintendent Phipps proceed to the island and settle the matter. In reply to this communication the Messrs. Noble and Clark, who asked for advice as to the trespassers, were informed that the department could not undertake to give any legal advice in relation to the matter. On the 23rd of July, 1886, Messrs. Kehoe & Hamilton, acting for Messrs. Noble and Clark, issued a writ of ejectment against

the trespassers, and such writ of ejectment was served, but the suit was subsequently settled between Messrs. Noble and Clark and the trespassers, and no further proceedings were taken against them.

In the year 1898, what is known as the Fish Trust was organized by A. Booth & Company, a purely foreign corporation, for the purpose of controlling the supply and sale of fresh water fish in the United States and Canada, and this Trust acquired, practically most of the important fishing plant along the waters in both the said countries from the Atlantic to the Pacific. Messrs. Noble Brothers and W. A. Clark, with other Canadian fishing concerns, sold all their fishing apparatus and rights to what is known as the Dominion Fish Company, which company it is said was caused to be incorporated by the said A. Booth & Company so that the latter company might hold all its property and plant in Canada in the name of the Dominion Fish Company, Limited, of which A. Booth & Company were the principal and controlling stockholders. Messrs. Charles and James Noble and W. A. Clark under their agreement with the Dominion Fish Company assigned all their rights in Squaw island to this company, including the lease which had been obtained from the Dominion government.

The Dominion Fish Company down to the year 1902 controlled practically all of the fishing plant of the Georgian bay, and made use of Squaw island under the right which it had obtained from Messrs. Noble and Clark. Their employees resided on Squaw island and fished for the Dominion Fish Company from there, and these employees were the same men who had previously fished for Messrs. Noble and Clark, and had previous to the formation of the Dominion Fish Company used Squaw island for their fishing purposes. About 1902, however, rival concerns began to spring up, and offered more to the fishermen for the fish which they caught than the Dominion Fish Company were giving, and, consequently, a number of fishermen, and particularly those who had signed the petition which has been referred to your commission for investigation and report, ceased selling their fish to the Dominion Fish Company and sold to these rival concerns, but still continued to use Squaw island for living purposes and as a place for their fishing operations.

On the 3rd of May, 1902, an action was entered in the High Court of Justice by Charles Noble and the Dominion Fish Company as plaintiffs against David Malcolm, Thomas Drever, Alfred Montgomery, James Scobie, Mrs. James Scobie and Alexander Clark as defendants, to eject the defendants from Squaw island, and as the pleadings in this case contain many statements which throw light upon the position and attitude assumed by the fishermen who were using Squaw island and the Dominion Fish Company, who were seeking to eject them from the island, therefore your commission think it advisable to include a copy of these pleadings for your information in this report. The pleadings filed in that case were as follows:—

STATEMENT OF CLAIM.

The plaintiffs at the commencement of this action were and still are the lessees from year to year from His Majesty the King, represented by the Indian Department of the government of the Dominion of Canada of a certain island in the Georgian bay within the district of Manitoulin, known as Squaw island, which the plaintiffs have acquired as aforesaid for fishing purposes and on which are erected a number of buildings, consisting of shanties, storehouses, boarding-houses and wharf.

2. The defendants are residents of the town of Collingwood, in the county of Simcoe, and with the exception of the defendant, Clark, are actively engaged in the occupation of fishermen. The defendant Clark is a merchant and fish dealer.

3. In the month of March, 1902, the defendant took possession of the plaintiffs' shanties, storehouses, boarding-houses and wharf for the purpose of conducting and pursuing their business of fishing and the operations incidental thereto, and are still in possession thereof, although duly notified by the plaintiffs to vacate said premises and said island.

4. The defendant, Clark, is joint owner with his co-defendants, other than the

defendant, Scobie, wife of James Scobie, of the fishing tugs, tackle and fishing appliances used by the said defendants in pursuing their business, and the said defendants and the defendant Clark conduct said fishery business on shares and in nature of co-partnership, and the defendant Scobie, wife of the defendant James Scobie, is in occupation of and conducts a boarding-house on said island.

5. The said defendants, other than the defendant Clark, claim to be entitled to the use and occupation of the buildings aforesaid and of said Squaw island under license from the defendant Clark who was at one time in partnership with the plaintiff Charles Noble in the fishery business, but at the dissolution of the said partnership the plaintiff Noble purchased from the defendant Clark all his rights, title and interest in and to the said lease of Squaw island and to the buildings and other erections thereupon, and the plaintiff Noble now holds the same in trust for his co-plaintiffs the Dominion Fish Company (Limited).

6. By reason of the occupation of the said lands and buildings on said island the plaintiffs have been unable to prosecute or carry on their business of fishing in the neighbourhood of said island and have suffered great loss and damage thereby.

The plaintiffs therefore claim:

- (1) To recover possession of all and singular all the lands, buildings, premises, wharfs and erections of any nature or kind whatsoever on said island which may be in the occupation of the defendants either jointly or severally or of any one or more of them, their servants, workmen or agents.
 - (2) And for an order declaring that the defendants are trespassers on said Squaw island.
 - (3) And for an injunction to restrain the defendants and each and every of them from trespassing or entering upon said Squaw island or any wharf, structure or other erection thereon or any part thereof.
 - (4) And the plaintiffs claim the sum of \$1,000 for mesne profits and for damages that they have sustained by reason of the trespass of said defendants.
- And for such further and other relief as the nature of the case may require and to which the plaintiffs may be entitled.

The plaintiffs propose that this action should be tried at the town of Gore Bay.

Delivered this 29th day of May, 1902, by Alexander George Murray, of the town of Gore Bay, in the said district of Manitoulin, solicitor for said plaintiffs.

STATEMENT OF DEFENCE.

1. The defendants, other than Alexander Clark, are all fishermen engaged in the active pursuit of their occupation in Lake Huron and the Georgian bay, and are, at present time, residing on Squaw island, situated in the northern part of Georgian bay, but their permanent domicile is in the town of Collingwood, in the county of Simcoe.

2. All the defendants, other than the defendants Clark, have been accustomed during the past twenty years or more to resort to the said Squaw island for the purpose of fishing therefrom, and have made this island their base of operations in carrying on their said calling, and all fishermen fishing those waters have always been accustomed to resort to the said Squaw island, and of landing thereupon for the purpose of drying their nets and other matters necessary to be done in and concerning their said calling as fishermen, and these defendants submit that they have a right, under the general law of the land, to resort to this island and to land thereupon for the necessary purposes in connection with their said calling, and have had, and exercised this right from time immemorial.

3. The defendants, other than the defendant Clark, deny the allegation contained in the third paragraph of the statement of claim, that they took possession of the plaintiffs' shanties, storehouses, boarding-houses and wharf for the purpose of conducting and pursuing their business of fishing and the operations incidental thereto, but, on the contrary, say that they have only possession of such shanties and build-

ings as they have erected themselves or have purchased for valuable consideration from other fishermen who had previously placed such erections upon the said Squaw island.

4. The defendants, other than the defendant Clark, deny the allegations contained in paragraph one of the statement of claim, that the plaintiffs are lessees, from year to year, from His Majesty the King, represented by the Indian Department of the Government of Canada, of the said Squaw island, but, on the contrary, affirm that the plaintiffs have only a license of occupation to use the said Squaw island in common with other fishermen resorting thereto, and that the said plaintiffs possess no peculiar rights or privileges other than those possessed by any fisherman who chooses to resort thereto for the business of fishing and the operations incidental thereto, and in further reply to the first paragraph of the statement of claim, the defendants, other than the defendant Clark, say that on the 25th of November, 1885, a lease of the said Squaw island was granted from Her late Majesty the Queen, represented by the Indian Department of the Government of Canada, to James and Charles Noble and W. A. Clark for a period of ten years at a rental of \$200 per year, but that such lease was never renewed or continued, but permission to the said Noble Brothers and the said Clark to occupy the said island upon payment of a yearly sum for such permission of \$50, and that subsequent to such lease and permission the said James Noble had become deceased.

5. If it should be held that the plaintiffs are tenants, from year to year, under the said expired lease of the 25th of November, 1885, the said defendants, other than the defendant Clark, state that it was expressly understood and agreed between Her late Majesty the Queen, represented by the Indian Department, and the said original lessees, that the said lease should be given subject to the rights of all fishermen holding licenses from the provincial or Dominion authorities, who resort to those waters for the purpose of carrying on their calling, to land upon said island, to build houses thereupon for their accommodation, and to carry on whatever operations were necessary for the transaction of their said industry, and it was never intended or agreed in and by the said lease that the said original lessees should have the right to exclude other fishermen from landing and using Squaw island as aforesaid, but, on the contrary, the said lease was only granted to the original lessees for the purpose of enabling them to build docks and ice-houses for their fishing operations, and not to give them the exclusive use of the island or to debar other fishermen from resorting thereto, as had been their custom for years previously.

6. The defendants, other than the defendant Clark, also say in further defence of the plaintiffs' claim, that the said Indian Department of the government of the Dominion of Canada have no jurisdiction in and concerning the said Squaw island, but that the said island forms part of and belongs to the lands and islands belonging to His Majesty the King, represented by the Crown Lands Department of the government of the province of Ontario, and that such Indian Department have no right or jurisdiction to grant a lease of the said island, and that the said lease or permission granted to the said plaintiffs is *ultra vires* of the said Indian Department of the Government of the Dominion of Canada.

7. These defendants, other than the defendant Clark, further say that the ownership of the said island being admittedly in dispute between the government of the Dominion of Canada and the province of Ontario, that a *modus vivendi* was arranged between the two governments by which the government of the Dominion of Canada was to exercise jurisdiction over all islands in the Georgian bay lying to the south of Moose point, and the provincial government was to exercise jurisdiction over all islands lying to the north of Moose point, and the said Squaw island lies to the north of said Moose point in the Georgian bay, and thus by agreement between the two governments, without regard to its ownership, lies within the jurisdiction of the said provincial government.

8. And these defendants, other than the defendant Alexander Clark, in further defence of the plaintiffs' claim, say that they hold license from His Majesty the King,

represented by the Fisheries Department of the government of the province of Ontario, giving them express permission to fish in these waters in the vicinity of and off Squaw island, and that such licenses carry permission to land upon the said Squaw island for the purpose of conducting and pursuing their business of fishing and the operations incidental thereto, and that without such permission licenses to fish in the waters adjacent to the island would be useless and of no avail.

9. These defendants, other than the defendant Clark, say that previous to the institution of this action, to wit, on or about the first day of May, 1902, they received from His Majesty the King, represented by the Crown Lands Department of the government of the province of Ontario, a lease or right of occupation of said Squaw island, from year to year, to themselves in trust for all fishermen, being subjects of His Majesty the King, who hold licenses from the said provincial government to fish in the waters within the jurisdiction of the said province, in the vicinity of and off Squaw island, for the purpose of occupying Squaw island and to erect buildings and wharfs thereon for the purpose of conducting their said fishing operations.

10. These defendants further say that if the said plaintiff, Charles Noble, possessed any rights or privileges in connection with the said Squaw island, that he has assigned them to his co-plaintiffs, the Dominion Fish Company, Limited, and that the said Charles Noble no longer possesses any individual rights respecting the said Squaw island.

11. Upon equitable grounds, and upon grounds of public policy, these defendants set up as a defence to this action the following facts:—

In the year 1898, what is popularly known as 'The Fish Trust' was organized by A. Booth & Company, a purely foreign corporation, for the purpose of controlling the supply and sale of fresh water fish in the United States and Canada, and this Trust has acquired practically all the important fishing plants along the Great Lakes in both the said countries, from the Atlantic to the Pacific. As soon as the new concern got fully underway, it began to raise the price of fish to the consumer and lower the price to the catcher, having full control of the fish business, until now the individual fishermen who fish the Great Lakes are compelled, or were until lately compelled, to sell their fish to the A. Booth & Company at such prices as the said company should fix, there being no other market open to the said fishermen or no other concerns to whom they could dispose of their fish. Shortly after the organization of the said Fish Trust, in order to obtain the privileges of Canadian citizens and avoid the fishing regulations that prohibit Americans fishing in Canadian waters, the said A. Booth & Company caused to be incorporated the plaintiffs, the Dominion Fish Company, Limited, and the said A. Booth & Company held all its properties and plants in Canada in the name of the said Dominion Fish Company, Limited, of which A. Booth & Company were the principal and controlling stockholders, the said Dominion Fish Company, Limited, being a mere creature of the said Fish Trust. And that the registry of all of the said A. Booth & Company's vessels operating in Canadian waters, and all its property and plant used in Canada for fishing operations are held in the name of the Dominion Fish Company, Limited, which said last mentioned company is dictated to and controlled by the said A. Booth & Company, whose head office is in the city of Chicago, in the United States of America.

These defendants submit that the plaintiffs, the Dominion Fish Company, Limited, are the mere creatures of a huge combine and monopoly which controls the supply and sale of fresh water fish, contrary to the laws of the land, against the public policy of the Dominion of Canada, and to the great detriment of the fishing industries of the Great Lakes. That the said plaintiffs, the Dominion Fish Company, although incorporated under the laws of Canada, are in reality a foreign corporation brought into existence for the purpose of evading Canadian law regarding the fisheries, and as such they are endeavouring to take advantage of the law for the purpose of ousting the defendants and all other fishermen who refuse to dispose of their fish to the said company, from the said Squaw island, and thus compel them either to work for the said company or to give up their calling, and that it would be unjust

and inequitable and contrary to public policy should they be successful, and these defendants submit that the charter of the said company should be rescinded and that they should be restrained from conducting their operations in Canada, and should be declared a trust or combine contrary to law, and prohibited accordingly.

And by way of counter claim these defendants claim:—

1. That it be declared by this court that the lease, or right of occupation obtained by these defendants from His Majesty the King, as represented by the Crown Lands Department of the Ontario government, should be declared valid and binding as against the right of occupation set up by the plaintiffs and alleged by them to have been obtained from the Indian Department of the government of the Dominion of Canada.
2. That the defendants should recover possession of the lands, buildings, premises, wharfs and erections of any nature or kind whatsoever on said Squaw island which may be in the occupation of the plaintiffs either jointly or severally, or their servants, workmen or agents.
3. For an order declaring that the plaintiffs are trespassers on said Squaw island.
4. For an injunction to restrain the plaintiffs, and each and every of them, from trespassing or entering on Squaw island, or any wharf, structure or other erection thereon, or any part thereof.
5. The damages that the defendants have sustained by reason of the trespass of the said plaintiffs.
6. That the plaintiffs may be ordered to pay their costs in this action.
7. And for such further and other relief as the need of the case may require, and to which the defendants may be entitled to.

Delivered this 18th day of June, 1902, by John Birnie, of the town of Collingwood, in the county of Simcoe, solicitor for the said defendants.

8. This case was never brought to trial, but was settled by the plaintiffs paying all the costs and entering into an arrangement with the defendant fishermen, and the latter were permitted to stay on Squaw island, and were to sell their fish to the Dominion Fish Company at an agreed price. The lease also of Squaw island which had been obtained from the Ontario government by the defendants for the benefit of all fishermen holding licenses from the government to fish in the Georgian bay was assigned to the Dominion Fish Company. This lease, however, the term of which was only one year, has never been renewed, but the Dominion Fish Company still hold possession of Squaw island under this lease and the leases which were issued to Charles Noble by the Dominion government, which your commission understand were also assigned over to the Dominion Fish Company.

4. It appears now from their petition that these fishermen who are now living upon Squaw island, during the fishing season, sell their fish to the Dominion Fish Company, and are desirous of making arrangements with other persons or corporations for the sale of their fish, and expect that they will be able to obtain better prices for their commodity; but they allege that it has been intimated to them that if they cease delivering their fish to the Dominion Fish Company that they will have to leave Squaw island, which they claim would practically mean that they would be shut out from the fishing grounds which they have exploited for many years. The Dominion Fish Company, through their manager, Mr. Charles Noble, deny that they have made any such threats, and state that there would be no attempt to oust the fishermen from Squaw island no matter to whom they might sell their fish, and that the Dominion Fish Company is paying and will pay to its fishermen as large a price as any other person or corporation would pay for fish.

5. Now, nearly all the fishermen who gave evidence before your commission consider it would be a very great hardship if they were obliged to give up the use of Squaw island. Captain David Malcolm swore that he has fished from Squaw island for over twenty years, and that he built a cabin there twenty years ago without any person's consent or license. He says that if the fishermen were obliged to leave Squaw island it would practically mean the closing up of the fishing grounds in that locality

from their operations; that if they had to fish from Killarney instead of Squaw island it would mean at least two hours more of time, and that they have not enough time now to do their work in daylight. His objection is now that he has to sell his fish to the Dominion Fish Company or else put up an ice-house for their own fish, and he thinks that if they put an ice-house the Dominion Fish Company would endeavour to put them off. What Captain Malcolm wants is to have Squaw island thrown open to any licensed fisherman and allow them to pay any revenue that may be thought just.

Robert Nichol, who is part owner of the tug *Ethel Reid*, says that he has been fishing from Squaw island since '83, and that he bought a cabin from David Malcolm. He says that it is not possible without putting in three or four hours more time to fish in the vicinity of Squaw island without using Squaw island. He thinks it would be a great hardship if the fishermen were refused access to Squaw island, and he says there is no harbour nearer than Killarney, which is nine miles away. He thinks Squaw island should be thrown open so that all fishermen and fish dealers could put up ice-houses there and use it for the purposes of their fishing.

Captain Thomas Drever, who is part owner of the tug *Leighton McCarthy*, has been fishing off Squaw island for ten years. He said he bought a cabin from Fred Bannister and built a dock which he used without leave or license from any one. He thinks that fishermen could not fish these waters without using Squaw Island. He says that they would have to get off the island, under present conditions, if they sold their fish to any one but the Dominion Fish Company. He thinks Squaw Island should be thrown open to any fisherman or fish dealer. He also thinks they would get a better price for their fish, if any one were permitted to put up an ice-house and buy fish on Squaw Island.

Mr. W. A. Clark stated that if the fishermen do not continue to sell their fish to the Dominion Fish Company that they would attempt to oust them off Squaw Island and that this would be a great hardship inasmuch as they have their reels, docks, cabins and entire outfits there, besides the harbour on the island is the only one within nine miles of the fishing ground which is safe for a boat to land in any bad weather. He thinks that the island should be thrown open to the entire Canadian fishing fleet and that the fishermen are prepared to pay the amount of rental which the government are getting at present.

William Martell swore that he lives in a cabin on Squaw Island which he built without permission from anybody. He says that he was fishing last fall from Squaw Island and selling to any one he wished but that he had not an ice-house and he wrote to the Dominion Fish Company to allow him to put his fish in their ice-house but they refused permission and forbade their fish dealers to give him a pound of ice. He says that he does not know why they did this; that he had no special quarrel with them. He says that he was therefore obliged to stop fishing for himself and hire out to W. A. Clark. He thinks that Squaw island should be thrown open to any one who wants to buy fish and allow them to build an ice-house there; that it is not reasonable or possible to fish adjacent waters without using Squaw island, that it is the only harbour.

6. On the other hand the Dominion Fish Company, per Mr. Charles Noble, their manager, states that inasmuch as the Dominion Fish Company purchased at one time the docks, ice-house and cabins that were on the island that it is entitled to the island for fishing purposes and that it has a right to the exclusive possession. Mr. Noble also says that the Dominion Fish Company would not eject any one from the island who is at present fishing there no matter whom they sold their fish to.

7. Your commissioners find that the beach of the harbour at Squaw island extends for about 400 yards and as nearly 200 or 300 feet of this extent of ground is not occupied by buildings of any kind there is room for all fishermen who have licenses to fish in that locality to get ground room at Squaw island.

Your Commissioners would therefore recommend:

(a) That the Dominion Fish Company be confirmed in its exclusive rights to
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the possession and use of ice-houses, wharves, and cabins, purchased by them from the Georgian Bay Fish Company and others and that any one else shall not have the right to use them without the permission of the Dominion Fish Company.

(b) That any lease or right of exclusive occupancy granted by the government to any person or corporation be cancelled or put an end to in the manner required by law.

(c) That no exclusive lease or right of occupancy conveying exclusive possession or use of the island be issued to any corporation, person or persons.

(d) That any fisherman duly licensed to fish in the Georgian Bay or Lake Huron and that any fish dealer be entitled to resort to any part of Squaw Island for purposes of the business of fishing and be permitted to erect wharves, ice-house, cabins, on any part of the island not already occupied on the payment of a small ground rent to the department.

JOHN BIRNIE,
JAMES J. NOBLE,
EDWARD E. PRINCE.

Commissioners.

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