

44

REPORT OF INVESTIGATION HELD AT SHEDIAC, N.B.
March 11 and 12, 1919.

.....

The undersigned would respectfully report that in accordance with the provisions of the Order-in-Council of January 30th. last, evidence was taken at Shediac, New Brunswick, on March 11th. and 12th. 1919, in the matters as set forth in the following statement, made at the opening of the Commissioner's Court, on Tuesday morning, March 11th. -

"This investigation is called for in view of certain representations made to the Department of the Naval Service, by the Secretary of the Maritime Canned Fish Section of the Canadian Manufacturers' Association, to the effect that lobster fishing and lobster canning was permitted to be carried on in the Shediac district after the close of the fishing and canning season, August 10th. last, in contravention of the provisions of the Fisheries Act.

The representations of the Association were investigated by the Inspector of Fisheries for the District, who reported that the local Overseer, Siffroi Vienneau had impartially discharged his duties with energy and zeal, and if there was any violation it was merely a technical one. This information was communicated to the Secretary of the Canned Fish Section of the Canadian Manufacturers' Association, and he was asked if he had any evidence to show that the report of the Inspector was not correct. The Secretary communicated with the Department, advising that the Association was not satisfied with the report and requested that a further investigation should be held and information obtained under oath. Under these circumstances the Governor-in-Council appointed me, Ward Fisher, Assistant to the Superintendent of Fisheries, to be a Commissioner under the provisions of the Inquiries Act, Chapter 104 of the Revised Statutes of Canada, to investigate the following matters:

1. Whether lobster fishing did go on in the fisheries subdivision under the supervision of Fishery Overseer Siffroi Vienneau of Parachois, Westmoreland, New Brunswick, after August 10th. 1918, and if so, by whom?
2. Whether lobster canning did go on in the said sub-division after August 10th. 1918, and if so, in what canneries and by whom was it conducted?
3. Whether any of the Federal Fishery Officers in the Province of New Brunswick, who have jurisdiction in, and responsibility for, the administration of the fisheries in said sub-division have shown, partiality, inequality, dishonesty, or inefficiency in the administration of the fisheries of the said sub-division.

43

The Secretary of the Canned Fish Section of the Canadian Manufacturers' Association was advised that the investigation would be held at Shediac on the twenty-fifth of February last. The Secretary wired the Department that they would be unable to have their witnesses ready for that date, and asked for a postponement of about two weeks. The Department agreed to a postponement until March eleventh. In the meantime, however, the Association represented that they had received a communication from Overseer Vienneau to the effect that a small amount of fishing was carried on after the close of the season - August 10th., and in view of this admission by the Overseer, the Association wished to withdraw from any investigation, as under the circumstances it would be unnecessary. The Department, however, was of opinion that the investigation should be held in order to ascertain the extent of any such illegal fishing, and whether any of the officers had knowledge of, or were in collusion with any violators of the law."

App. A copy of the communication from Officer Vienneau to the Canned Fish Section of the Manufacturers' Association, referred to in the above statement, is attached hereto.

The sittings were publicly held in Tipperary Hall, Shediac, and the fishermen and packers, and others interested, advised thereof, and invited to give any evidence bearing on the matter under investigation.

Mr. Siffroi Vienneau, the Fishery Officer for the district, who is named in the complaint under investigation, has occupied the position for about seven years, having been appointed in June, 1912. He is under the immediate direction of Mr. Donald Morrison, Newcastle, Inspector of Fisheries for New Brunswick district, Number 2. Mr. Morrison has occupied his present position for about six years.

There are seven lobster canning factories in the district, owned or operated by the following persons:

Philias M. Landry, Dupuis Corner.

Roger Duguay, Lower Cape Bald.

Jas. E. White, Shediac. Factory at Cape Bald.

Jos. Jacobs, Little Cape.

O. M. Melanson, Shediac. Factory at Little Cape.

E. Y. Paturel, Pt. Shediac. Factory at Point du Cane.

Fred Megee, Pt. Elgin, Factory at "Breakwater", so-called.

The factory owned by Mr. Magee did not operate during the season, and the factory owned by Mr. Jacobs packed only one case. This factory was closed in June, and the owner left the country.

The copy of the evidence attached to this report, shows that nine witnesses were heard, not including a statement given under oath by Inspector Morrison. Of these witnesses, four were the owners of factories operating last season, namely:

P. M. Landry, Dupuis Corner.
Roger Duguay, Lower Cape Bald.
Jas. F. White, Shediac.
O. M. Melanson, Shediac.

The owners of the other two operating factories being absent from home could not be heard.

The evidence, as touching the three particular items under investigation, shows:-

1. That the lobster fishery regulations were well observed last season. Owing to the scarcity of fish the fishermen began to bring their traps to shore before the close of the fishing season - August 10. Stormy weather prevailing after the 10th. prevented the landing of all the traps for several days. This, however, is a condition that is quite general throughout the lobster fishing districts, and reasonable time is permitted for the landing and storing of gear after the close of the fishing season.

2. That the canning of lobsters ceased promptly on August 10th. and that beginning with Monday, August 12th. the various factories were storing and packing gear, preparatory to closing the buildings during the close season.

3. That the fishery officer for the district, Mr. Siffroi Vienneau, and the Inspector, Mr. D. Morrison, were both impartial and efficient, in the administration of the fishery regulations, and energetic in enforcing the provisions thereof.

From a careful examination of the witnesses, and a close study of the evidence herewith attached, the undersigned would find,-

1. That there has been a very decided improvement in the administration of the fishery regulations of the district, since the appointment of Inspector Morrison, and Officer Vienneau, to the positions held by them. This is clearly evident from the testimony of the representative men of the district (Copy attached) to the effect that the regulations were much better observed than formerly, and that this condition has been brought about largely by the strict and impartial supervision on the part of the fishery officers. The evidence of Mr. O. M. Melanson, who is a member of the complaining Maritime Fish Section of the Manufacturers' Association, is quite pronounced in this regard.

In the light of the evidence, therefore, it is clear that there has been a marked improvement in the administration of the lobster fishing and canning regulations during the past five or more years, and that last year, particularly, the officers were unusually vigilant in visiting fishing and packing districts and insisting on prompt obedience to the fishing and packing regulations.

2. That, while Officer Vienneau was ill-advised in consenting to sign a letter to the Secretary of the Maritime Canned Fish Section of the Manufacturers' Association, to the effect that it has reported that the regulations had been slightly violated last year, there is no evidence that Officer Vienneau had any personal knowledge whatever of any violation. From the evidence of Officer Vienneau (Page 4 of evidence attached) and Mr. Melanson (Pages 28 - 29 of evidence attached) it would appear that the letter was pre-arranged by the mover of the complaining resolution of the Fish Section of the Manufacturers' Association, in order to justify the complaint, and to avoid the necessity for holding the investigation.

In any event the approach to Mr. Vienneau in this regard is to be regretted. Mr. Vienneau states that no such report had come to him until special inquiries had been made, following the request of the Association for an investigation, and that the letter was signed on the understanding that he was not involved in any admission of knowledge of any violation, but merely to provide an excuse for the withdrawal of the request for an investigation. Officer Vienneau should not have been a party to any such arrangement, particularly in view of the fact that the Minister of the Naval Service had directed that an investigation should take place. Under all the circumstances as related in the testimony of Officer Vienneau, and Mr. Melanson, the undersigned does not find that Officer Vienneau is culpable of anything more than an error in judgement.

3. That, the only suspicion upon which any allegation of illegal fishing or packing can be based, is in connection with several lobster fishermen employed by Mr. Magee, and the smackmen employed by him in transporting lobsters landed at the "Breakwater" factory, and owned by Mr. Magee, to the factory operated by him at Shemogue.

The testimony in this matter is as follows:

Mr. Fred Magee is the owner of a factory at the "Breakwater" so-called, at the lower end of Officer Vienneau's district. He is also the owner of a factory at Shemogue, several miles distant from the "Breakwater", and outside the boundary of Officer Vienneau's district. Last season the "Breakwater" factory was not in operation. The practice was for the fishermen who had traps off the "Breakwater" to bring their catches to the "Breakwater" where they were weighed and accounted for. The catches were then taken by the smack, operated by Mr. Magee, to the factory at Shemogue, where they were packed.

The rumour heard by Officer Viennesau was that several of the fishermen fishing for Mr. Magee, brought some lobsters to shore after the close of the season - August 10, and that these lobsters were taken by the snacksman to the factory at Shemogue. In the testimony of Officer Viennesau as given on Page 25 of the attached copy of Evidence, the names of the suspected fishermen were Messrs. Ed. D. Miles, and Geo. F. Porrelle. The snacksman's name was Mr. Dennis W. Cogue. In order to ascertain the grounds for this suspicion Officer Viennesau had summonses served on each of these suspected persons to appear, and give evidence in the matter. They did not appear, however, and the report was that they had left their homes for the woods.

It is unfortunate that these suspected men did not obey the summonses, and that it was found impossible to issue warrants for their arrest at the time.

From the above it would appear that reasonable grounds have not been presented to sustain any complaints against the efficiency of the administration of the fishery regulations for the Shediao district. On the contrary, the evidence is quite clear that the Fishery Officers have been exercising most energetic and successful supervision of the district. Therefore, the undersigned is of opinion that the Fishery Officers are fully exonerated from any complaints of partiality, inequality, dishonesty, or inefficiency, in performance of their duties.

Ward Fisher

Commissioner.

Stara, March 31, 1919.