

OFFICIAL COPY

TO THE HONORABLE JACQUES BUREAU,

Acting Minister of Marine and Fisheries.

771-7-4
XAN

Honorable Sir:-

I beg leave to submit the following report of my investigation conducted in the matter of the dismissal from Office of Albert M. Goguen, of Cocagne, Kent Co., N.B., as fishery guardian at Cocagne aforesaid, and of the reappointment of Wilfred Bourgeois to the position, and of the efficiency or otherwise of the latter as such fishery guardian.

First for the preliminary facts and circumstances leading up to the investigation. It appears that the said Wilfred Bourgeois had been acting as fishery guardian at Cocagne aforesaid during the season of 1921. The time of employment, as I understand, may run from May 1st to March 15th, at the discretion of the Fishery Overseer at Buctouche. For some reason or other Bourgeois was not reappointed to the position in the spring of 1922, but instead Albert M. Goguen, also of Cocagne, received the appointment.

It may be of interest to know here that Bourgeois is a member of the G.W.V.A. (Great War Veteran Association), and so are overseer Breau and Inspector Crocker. And at the time Goguen was dismissed from said Bourgeois reappointed to the position, there appeared in the Moncton "Daily Times" a correspondence criticising the member for Kent for the fact that Bourgeois, a returned soldier, had not been reappointed to the position in May 1922, having filled the position the previous year, in boasting about what the G.W.V.A. had done in setting things right again.

It was shortly after that, as I understand, that this investigation was asked for, and was finally granted on November 7th, 1922, by an Order-in-Council appointing the undersigned investigating Commissioner.

2

I immediately upon receiving notice of my appointment as such Commissioner, I took steps to arrange for a place and setting a time for the holding of said investigation. I notified the parties interested, Goguen and Bourgeois, and asked them to let me know of any witness they wished to produce. I also notified Chief Inspector Fisher of Halifax. District Inspector Crocker and overseer Breau were subpoenaed to appear as witnesses.

The investigation opened on Tuesday the 5th day of December last at 10 A.M. The various parties above mentioned were present, Bourgeois being represented by Counsel. Goguen was not represented by Counsel.

The dismissal of Albert H. Goguen was first taken up, and overseer Breau and Inspector Crocker as witnesses, and Chief Inspector Fisher with Counsel for Bourgeois, Mr. E. R. McDonald, Barrister, of Sheldic, endeavoured to justify the action of Overseer Breau in dismissing Goguen from the position in question and in replacing him by Bourgeois.

In the first place there seemed to be some question or confusion as to what was the extent of the district of the Cocagne Fishery Guardian. The posters calling for applications for the position read, as I understand, "For Cocagne River and elsewhere where required". Although there was no mention of Cocagne Bay, I take it that Goguen understood that he had also supervision over said Bay. But here again there was a divergence as to what would constitute the Bay. And Goguen makes a distinction between the Bay and the Harbour. To him the Bay extends from Cocagne Bridge to Cocagne Island, and the Harbor is the entrance to the Bay lying between the Island and Cocagne Cape on the Main L'und, and included between the inside shore and the outside shore of the Island, or the width of said Island. Having been a resi-

7

dent of Cocagne all his lifetime and being a fisherman, Goguen, I
feel, has the proper interpretation.

Now with regard to the justification for Goguen's dis-
missal. Overseer Breau in his evidence relutes his finding of 800
lobsters off Cocagne Island's inside shore, in company with over-
seer LeBlanc of Shediac, with whom he had met early morning by
special appointment over the telephone.

Goguen in his evidence says that he had never under-
stood that he should have anything to do with lobster fishing, as, to his knowledge, there had never been any lobster fishing
done inside Cocagne Bay. As a native and a resident of Cocagne
for 26 years, I must say that I had never, or ^{had} ~~had~~ ^{Breau} lobsters being caught
inside Cocagne Bay. And I feel that Overseer, himself (*ante factum*)
did not intend that Goguen should have anything to do with lob-
ster fishing violations, since he never let him know about his
intended ~~aid~~ on that Sediac boat, nor as to his ever finding
any lobster traps set inside Cocagne Bay, as he now contends in
his testimony. No! I believe that he looked upon that kind of work
as part of his own duties (an overseer's duties) requiring the use
of a gasoline boat; and he acted accordingly. But it hardly seems
fair to try to hold Goguen responsible for such violations ~~in~~
fact.

I would therefore exonerate Goguen from all blame and
responsibility whatsoever in connection with lobster fishing vi-
olations.

Now with regard to those violations at Cormierville,
in Cocagne Bay, below Cocagne Church, as described in his evidence
by Inspector Crocker.

Reverting again to Goguen's evidence, he says that, from
his conversation with overseer Breau, at the time he was appoint-
ed to the position and received his instructions, he had under-
stood that he had to supervise particularly the River, including

110

the oyster beds below and above the Bridge. Whatever fishing there would be in the Bay, would be, I take it, mostly clams or conch. fishing, as there are no oyster beds of any consequence in the Bay.

It is easy to understand that there might be some minor violations going on in Cocagne Bay, as they occur everywhere, no matter how active a guardian may be; but was it reasonable to expect that Guardian Goguen could and should prevent all illegal fishing over the whole of his territory with the use of a row boat only, on \$1.75 per day? Overseer Breau himself says it would not be reasonable to expect that, and add that what he wanted was co-operation, that Goguen would let him know when he wanted help. It is not suggested that Goguen did not do everything he could to prevent such fishing at Cormierville, below Cocagne church, and it is admitted that he did "cooperate and ask for help" on one occasion, but that help was not given.

As proof of Bourgeois' efficiency, in contrast with Goguen's alleged inefficiency, Overseer Breau puts forth the fact that that law-breaker at Cormierville was captured by Bourgeois after his reappointment. But it was only a few days after Goguen's dismissal and Bourgeois' reappointment, at a time when, I am inclined to believe, such dismissal and reappointment were not generally known; and moreover it was done with the help of Overseer Breau's gasoline boat, the use of which guardian Goguen was never privileged enough to enjoy.

I must say I was very favorably impressed with Goguen's testimony, and when he says "I tried, endeavored to perform my duties conscientiously and efficiently, and I think I did it. I worked harder at that than I would at anything else at \$1.75 per day", I readily believe him.

Now as to Bourgeois' efficiency or inefficiency. It is shown that many violations occurred under his very eyes, that is to

say, on the oyster beds above and below the Bridge, with no appre-
ciable action on his part to prevent them. He did not even have
boat of his own, but depended on "his friends", as I gathered from
his return when Goguen was giving his evidence on that point. His
reason was that "he (Bourjeois) had lots of friends". I fail to see
how having "lots of friends" along the fishermen on the part of
the guardian is, in any way, conducive to efficiency. To my mind it
is rather evidence to the contrary.

Bourjeois, on his part, did not offer any evidence of any
illegal fishing on that oyster bed or elsewhere, while Goguen
was guardian. If I were favorably impressed with Goguen's testi-
mony, I am sorry I cannot say as much about Bourjeois!. I almost
had to force him to answer the very few and quite proper questions
that were put to him.

To sum up, Overseer Breau may have been in his right
(strict right) when he dismissed Goguen and re-appointed Bourjeois,
and he may have had in view nothing else but the good of the ser-
vice. Nevertheless, I cannot get away from the impression that there
were present if not improper motives, at least motives extraneous,
foreign to the question of efficiency or inefficiency of either
of those two men.

In conclusion, I have no hesitation in saying that I am
convinced, personally, being, as I said before, a native of Cocagne
and having resided there for 26 years, I am convinced, I say, that
Albert H. Goguen was one of the most efficient, painstaking and con-
scientious fishery guardian that Cocagne ever had.

Respectfully submitted,

Louis P. A. Robichaud,

Commissioner under The Inquiries Act, Canada.