

The Evolution of Management Institutions for the British Columbia Salmon Fishery, 1900 to 1930

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Abstract. The evolution of management institutions for the British Columbia salmon fishery is examined, focussing on the period from 1900 to 1930. Various property rights allocations, including exclusive fishing rights, limited fishing licences, and limited processing licences were tried and abandoned, usually because of social and political pressures and lack of full appreciation of the common property character of the fishery. Opportunities for appropriating rent were surrendered. By 1930 management evolved to open access with various restrictions on effort. Jurisdictional disputes hindered and complicated management. After a flawed assignment of jurisdiction at the creation of Canada both the Canadian and British Columbia governments claimed fisheries management authority. Jurisdiction over fisheries had been assigned to the federal government. But, with jurisdiction over property assigned to the provincial governments and legally established property rights in fisheries, the stage was set for a series of conflicts and court cases before management responsibilities were clarified. Internationally, Canadians and Americans both claimed the right to exploit certain salmon stocks. By 1930 the essential elements of a treaty were negotiated, but not finally ratified by both countries until 1937.

Keywords: Salmon, Canada, British Columbia, Jurisdiction

1. INTRODUCTION

The 1900 to 1930 period is a critical era in the history of the British Columbia salmon industry as the industry underwent major changes and acquired many of its current characteristics. Management structures were developed, jurisdictional disputes were settled, and a major treaty negotiated. Within the industry fishing and processing were mechanised, exploitation spread to all species and all areas, and processing firms experienced a cycle of merger and entry. Caught between the conflicting objectives of development, equity, and conservation, management authorities grappled with the common property resource. Access to the resource in many areas was initially limited but social, political, and economic pressures led to more open access. Jurisdictional disputes between the federal and provincial governments and the cross-border migration of some salmon further complicated management.

2. MANAGEMENT OF THE RESOURCE

In 1900 fishing and processing were both primitive, fishing was primarily from sail and oar powered open boats using gillnets, most canning processes were done manually. The industry concentrated on the Fraser River in the south of the province and the sockeye species but expansion into the north was underway. Fishing was regulated through weekly closures and net size restrictions. There was an awareness that the number of salmon escaping to spawn determined the size of future runs but the adequacy of regulations was only known after the season with the inspection of spawning grounds. If

natural spawning was inadequate, however, there was faith that hatcheries or artificial propagation could make up the difference or even expand some stocks.

The era begins with the federal government taking a relaxed attitude towards British Columbia fisheries; federal revenues from fisheries exceeded expenditures. The federal government had assumed responsibility for tidal fisheries, but would be subject to provincial administrative and legal moves to become involved in management.

Changes in the industry were usually met with the appointment of a commission, five federal commissions were appointed between 1900 and 1930 to investigate and make recommendations on all or part of the fishery. Changes in policy were often the result of a commission's recommendation, the continuing managers carrying out but not initiating the new policy. A variety of property rights allocations, including awarding exclusive fishing rights, limiting the number of cannery licences, and limiting the number of fishing licences, were tried and abandoned. By 1930 management evolved to a system of generally open access with a variety of restrictions on fishing effort.

2.1 Trap Net Fishing

The first Commission of the era, appointed in 1902, was precipitated by increasing American catches of Fraser River bound fish, as trap net fishing expanded in American waters. In three of the four years from 1899 to 1902, Americans were alleged to have caught more Fraser River sockeye than

Canadians, including the dominant or “big” run year of 1901. Canadian canners also complained of the lower cost fish available to Americans. The Commission strongly favoured allowing purse seining to counter the American threat, the use of trap nets was considered but neither rejected nor recommended.¹

The Canadian government, however, agreed with the advocates of traps. In May 1904 the ban on fishing with all but gillnets was rescinded, allowing trap net, purse seine and drag seine licences to be issued.² For increasing the Canadian catch of Fraser River fish purse seines were then not technically feasible and drag seines were only suitable for small rivers and creeks. Trap nets were the only practical way of countering the American fishery. The first federal licences for traps, other than a few experimental licences in 1894, were issued in 1904. Traps were erected at the southern end of Vancouver Island, along the route followed by the migrating Fraser River salmon before the fish enter Puget Sound to run the gauntlet of the American traps. Little was done to capture any rent available from those holding trap net fishing licences.

Although the first and last traps were on the southern boundary of the province traps were used in other areas for shorter periods of time. But by 1920 the federal department decided not to continue to issue trap licences except adjacent to the southern and northern borders, stating that “...the public interest would be best served by the prohibition of trap nets in all portions of British Columbia excepting the locations adjacent to the boundary line[s]...under a policy of open fishing.”³ Traps were seen as a way of harvesting fish migrating across borders, not as an efficient fishing method from which rent could be derived.

2.2 Issuing Exclusive Fishing Rights

The 1904 change in regulations also allowed the use of purse seines and drag seines. Drag seines, operated from shore, have very limited mobility. Purse seines, operated from boats, can be much more mobile. Initially the licences for both these gears were given out as exclusive privileges for particular areas. Despite the high value of this limited access to the resource in many locations, little attempt was made to charge more than minimal fees. One difficulty in assessing fees, no doubt, was that the value of a site was known only after fishing started, some sites were not suitable for drag or purse seining.

A later report on fishing gear in the north gives a view of how licences were allocated. Where gillnet fishing was feasible and established, fishing was restricted to a limited number of gillnets. In areas with drag seines and purse seines, the

number permitted was specified, with the rights usually held by canners. The number of licences for an area was based on the condition of runs in the area, with additional licences only issued if the area’s stocks were judged adequate.⁴

Political favouritism appeared to often play a role in the awarding of these fishing privileges. The 1905-1907 Commission commented: “... much evidence was laid before us that the leased privileges in certain notorious cases were either offered for sale (and were obtained simply for speculative purposes) or the rights were farmed out or sub-let. Legitimate applicants for fishing privileges were, it was alleged, refused and could only exercise their vocation by paying a premium, or royalty, and renting from the lessees the fishing privileges held by such lessees, and not utilized by them.”⁵

By 1920, moving towards a policy of “open fishing” and with technical improvements in fishing methods, particularly the development of mobile and efficient purse seining, the government announced that drag seine licences were to end and purse seine licences would be more widely available. The Minister, stating that the industry was almost a monopoly and since the fisheries belong to all the people, the government is throwing the industry wide open.⁶ But action lagged the words, the 104 drag seine licences issued in 1919 were reduced to forty-five in 1920 but as late as 1930 twenty-one were still issued.⁷ Some licence holders contended that certain runs could only be harvested with drag seines. Purse seine licences were no longer exclusive to a limited area. With the application of power to purse seining and an increased demand for pink and chum salmon, the number of purse seine licences more than quadrupled between 1912 and 1926. While “open fishing” may have eliminated most exclusive fishing rights, the increasing fishing effort had to be more severely restricted.

2.3 Limiting the Number of Canneries

The second commission of the era was appointed in 1905 and worked intermittently for two years. In its 1905 interim report the Commission recommended that “immediate measures are necessary to limit the number of canneries in [northern areas]... or the fisheries there will be in danger of depletion.” Limiting the number of fishing boats in northern areas in 1906 for five years was also recommended, with specific numbers suggested for each area. Further, it “should be officially suggested to the canners interested that they should carry out a fair allotment of the boats among themselves on the lines followed by these canneries in previous seasons...”⁸ In the northern area the number of canneries would be limited and the canners allowed to limit the number of fishermen.

Both the federal and provincial governments moved in 1908 to carry out this recommendation by restricting the number of cannery licences issued in the north, justifying the action as needed for conservation. A provincial official stated that "...any given river or fishing area will only support a given number of canneries; that once this limit of canneries has been reached...it is unfair to issue additional cannery licenses...the canneries are entitled to protection...[from] over-competition and over-fishing....There is a limit to the amount of fish available and the first comers and first investors reap the benefit of their forehandedness."⁹

Up to 1908 canners were able to agree among themselves on the number of fishing boats each would operate. But in 1909 several canners increased their numbers and in 1910 almost every canner threatened to do so. For the 1910 season the provincial government limited the number of licences it would issue for each cannery.

To provide a more permanent solution, but with still uncertainty about administrative responsibilities, the federal and provincial governments appointed a Commission to recommend on the total number of boats for each area and how these boats were to be apportioned between canneries.¹⁰ The recommended numbers were made effective by federal order-in-council in December 1910. Governments defended the allocations on the basis of controlling the amount of fishing, arguing that with fewer canneries there would be less temptation to break regulations. But at least the federal government recognised the northern boat allocations were advantageous to the established canners, giving them considerable control over the supply and price of fish.

With development of the north objections to the role of the canners were more frequently heard. The federal government announced that boat allocations would end after the 1912 season, fishing licences would not be attached to canneries. But, to encourage "white" fishermen to settle in the north, the government decided that those of this group who wish to fish salmon should be allowed to do so. Thus the boat allocations to canneries would be gradually discontinued by taking licences from canneries and allocating them to any "white" fishermen who apply. The remainder of the licences would remain as licences attached to canneries. The policy on limiting cannery licences was also relaxed, starting in 1910 new canneries were constructed.¹¹

2.4 The 1917 Commission

In January 1917 significant changes were announced for 1918, including the complete end of cannery boat allocations, more cannery licences, and allowing traps for some species of salmon. Canners objected and with these issues to be

resolved, the Special Fishery Commission of 1917 was appointed. The Commission recommended that the number of salmon canneries in the north be limited for five years to the number now operating, arguing that the existing plants are more than adequate for the current supply of salmon and the use of more capital and labour than necessary will not increase output but dissipate the profit or rent available from the fishery. In return for this advantage, canners should pay increased licence fees, based on the number of fish canned and profits made, "so that while enjoying adequate return the canneries may contribute to the public treasury, for the propagation and conservation of the salmon or for other proper public purposes, due compensation for the privileges conferred."¹² The commission perceptively and almost uniquely recognised that profit or rent was available from the fishery if inputs were restricted and that the rent should be appropriated.

Unfortunately, although limiting the number of canneries and increasing licence and output fees were linked by the Commission, only one part of the recommendation was implemented, the increasing of fees. Canners, perhaps justifiably, complained about this and, after a recommendation of the next commission in 1922, fees were reduced to their former levels.

2.5 The 1922 Commission

The 1922 Commission was a sub-committee of the Select Standing Committee of the House of Commons.¹³ Undoubtedly the most controversial recommendation was that dealing with restricting licences for Japanese-Canadians. A policy of reducing the number of licences issued to Japanese-Canadians had already been put into effect by the Department for 1923. The Commission recommended a more drastic reduction, forty percent from 1922. Restrictions of this type continued through the 1920s but ended when, not surprisingly, the Supreme Court, in 1927, and the Privy Council, in 1929, ruled that licences could not be restricted on the basis of ethnic origin.

2.6 Management in 1930

By 1930 the policy of "open fishing" announced in 1920 was fully implemented. With the exception of a few drag seines, fishing licences were available to all. Limited fishing and processing rights had been tried but the efficiency advantages of limiting inputs were not generally appreciated. Rent was rarely appropriated and limiting entry was seen as awarding undeserved privileges. The possibility of those exploiting the resource paying anything more than nominal fees was ignored.

3. JURISDICTIONAL CONFLICTS

Throughout this era the federal and provincial governments fought legal battles over control of fisheries. In the early phases of the development of the salmon industry government revenues exceeded expenses, the fishery was a source of net revenue to whoever could issue licences. Both levels of government also saw the industry as a way of expanding their roles, a basis of regional development, and, in some cases, a way of distributing favours. British Columbia further promoted its position through allegations of federal neglect and mismanagement.

3.1 Jurisdictional Assignment at Confederation

The provinces of Canada, Nova Scotia, and New Brunswick were united into the Dominion of Canada by the British North America Act of 1867 (the BNA Act), an act of the United Kingdom parliament. There is only one reference to fisheries in the Act, where the federal government is assigned legislative jurisdiction over "Sea Coast and Inland Fisheries." From this fisheries anywhere in Canada would appear to be completely a federal responsibility, the provinces having no role in allocation, management, or regulation. While exclusive federal control may have been intended, the history of the allocation of fishery rights through English common law, where the right to fish may be a public right or a proprietary right, appears to have been overlooked in making this legislative allocation. When the BNA Act assigned legislative jurisdiction over property to the provincial parliaments and transferred to them all lands previously owned by the provinces and colonies joining confederation, the proprietary right to fish, a right associated with the ownership of property, gave the provinces a role in fisheries. This dual assignment inevitably led to disputes as each level of government attempted to increase their role in fisheries. A series of court references, spread over fifty years, was necessary to allocate and delineate jurisdiction and authority.

Jurisdictional conflicts usually arose when a participant in a fishery was caught between federal and provincial actions and charged with a breach of one government's law while conforming to the other's. The constitutional validity of a law or regulation was sometimes raised in defence and either the court case or a judicial reference eventually determined the validity of the legislation or regulation. Behaviour not confirming to the constitution only ceased after judicial review.

3.2 The First Court Case, 1882

The federal government initially assumed a dominant role in

fisheries administration, from fresh water fishing to fish processing. Clauses in the first Fisheries Act were lifted from the fisheries acts of the previous colonies, when the colonies had jurisdiction over all fisheries.¹⁴ Over the next seventy years, however, this power would be curtailed.

An 1882 court case was the first in which federal authority in fisheries was challenged.¹⁵ The case arose after the federal government granted a lease for salmon angling on a section of the Miramichi River in New Brunswick. The Supreme Court ruled a public right did not exist in non-tidal parts of rivers; here, riparian owners, the owners of the river banks, had the exclusive right to fish. The federal government could not grant rights to fish in the non-tidal parts of rivers, but could grant fishing rights in the tidal portions of rivers.¹⁶

Encouraged by the 1882 decision many provinces aspired to a wider role in fisheries, beyond allocating fishing rights for proprietary fisheries. The provincial actions were a direct challenge to the assumed responsibility of the federal government; the federal cabinet initiated a further reference to the Supreme Court of Canada in 1895 to determine the validity of conflicting laws on fisheries passed by the federal government and the provinces. The Supreme Court judgement in 1896 further restricted federal action in fisheries. The land between the high and low water marks on tidal waters belonged to the provincial government, except where specifically awarded to the federal government, such as in public harbours.¹⁷

3.3 The 1898 Court Case

Both the federal government and the provinces appealed to the Judicial Committee of the British Privy Council, which, before 1949, was the highest court of appeal for Canada. A judgement was delivered in May 1898.¹⁸ The ruling reinforced and emphasized provincial property rights in fisheries, the provinces retained the property rights they had before confederation and could continue to grant property rights in the same way they did before confederation. The federal government's exclusive legislative authority to issue fishery regulations and restrictions was confirmed. But despite the exclusive federal authority to enact fishery regulations and restrictions, the provinces also had a legislative role in fisheries. The provinces, under their legislative authority for property and civil rights and the management and sale of public lands, could legislate on the allocation of their proprietary fisheries and, as long as consistent with federal legislation, the rights of the holders of these fishing rights. The judgement noted that both levels of government may tax the fisheries.

With its emphasis on provincial proprietary rights and a

provincial legislative role in fisheries arising from these proprietary rights, the ruling appeared to enhance the provincial role in fisheries. The judgement suggested that the provinces could allocate fishery rights in the same way they did as provinces and colonies before confederation when all fisheries were under their jurisdiction and before a central government was given legislative authority over fisheries. The ruling did not mention that provincial proprietary rights are limited by the long-established public right of fishing in tidal waters. Provincial proprietary rights previous to confederation were not defined, leaving the provinces to claim they extended into tidal waters.

3.4 Disputes Between the Federal and British Columbia Governments

British Columbia joined Canada in 1871, just as the first salmon canneries were starting on the Fraser River. Under the terms of union the provisions of the BNA Act applied to BC in the same way they applied to the other provinces. After joining Canada the provincial government experienced financial difficulties and many believed BC could not continue under the original terms of union. Contests over fisheries administration were part of the province's wish to better the terms of union, the province correctly pointing out that BC fisheries was one of the areas where federal revenues exceeded expenditures.¹⁹

The BC government contended that the 1898 judgement decided that inland and tidal fisheries were the property of the Provinces and fish, as a property or asset, would seem to belong to the provinces. The province stated that it has the right to prescribe where, when, and how its licensees may take its fish, subject to any federal regulations.²⁰

The complaints and concerns of the provincial government were backed by action. In 1899, with no fisheries department or office and little direct knowledge of the fisheries, the provincial government sponsored a survey BC fisheries, particularly the Fraser River salmon fishery. An office responsible for fisheries was established in 1900. In 1901 a BC Fisheries Act was introduced in the legislature, providing for a Board of Fishery Commissioners to be appointed to make regulations for the management, conservation, and regulation of fisheries. The bill also provided for hatchery construction and taxing cannery output to build the hatcheries.²¹

3.5 The Modus Vivendi of 1901

After the passage of the Fisheries Act the Attorney General for B.C. informed the federal Minister of Marine and

Fisheries on June 1, 1901 that the BC government was now ready to assume the its duties as defined by the Privy Council judgement of 1898 and bring the act into force. The federal Minister of Marine and Fisheries responded by telegram with a proposed modus vivendi, similar to arrangements made with eastern provinces, which was accepted by the provincial government.²²

With the modus vivendi Ottawa and Victoria agreed on provincial control of the non-tidal fisheries, which the 1898 judgement stated belonged to the province and were not a matter of dispute. For tidal or seacoast fisheries there was to eventually be a test case but in the meantime the federal government will retain control. If the courts decide in favour of the province the excess of revenues over expenses will go to the province. For fisheries in rivers up to the point the river flows into the sea, where both governments were thought to have legal rights, the federal government will maintain control paying a share of the net receipts to the province.

3.6 B.C. Moves Towards its own Administration

After the first season operating under the modus vivendi British Columbia sought its share of licence fees, the first of many requests for payment. The federal government replied that the request would be considered, but nothing further was heard. Despite this, in June 1902 the provincial government asked that the modus vivendi be continued, which the federal government agreed to.²³ This would be the pattern for the next five years; the province would ask for their share of the revenue, the federal government would stall, sometimes using the vague wording of the agreement to give figures suggesting there was no net revenue to be shared, but the province would annually ask that the modus vivendi be continued. The province, although talking confidently, did not have an unassailable legal position to control tidal fisheries. Further, with few staff the province was not in a position to take over full administration and likely hoped that, with minimal effort, they may obtain some revenue.

The province, meanwhile, was strengthening its own fisheries legislation. In June 1902 the BC Fisheries Act was amended to enable the province to make regulations, issue leases and licences, levy taxes on output, and appoint guardians, all the powers necessary for an independent fisheries administration.²⁴ In 1907 the province, claiming the fish are the property of the province from which they should derive "a very considerable revenue," moved further to increase its role in fisheries.²⁵ The modus vivendi was terminated and the provincial Fisheries Act proclaimed.²⁶ The foundation for a parallel provincial administration had now been laid.

3.7 The Province Limits the Number of Canneries

Further legislation was passed by the province in 1908. By the Canneries Revenue Act canneries now required provincial licences to operate.²⁷ Although the ostensible reason for the Act was to raise revenue a major purpose was to limit the number of canneries in the north. Before issuing a cannery licence, the provincial government was to get a report on whether the new cannery would lead to over-fishing.²⁸ The federal government also instituted cannery licencing in 1908. According to the provincial government both actions were taken at the urging of canners; certainly the established canners would benefit from limiting entry into the industry. Canners said they would limit the number of fishing boats if the government would limit the number of canneries.²⁹

3.8 Fishermen Caught Between Regulations

The province quickly moved to establish its fisheries administration, set regulations, issue licences and collect fees.³⁰ With the start of the 1908 salmon fishing season fishermen faced both federal and provincial regulations, which unfortunately differed. Charges and prosecutions quickly followed.

With the province issuing licences and collecting fees, the federal government now seemed prepared to try and settle the province's claims under the *modus vivendi*, hoping to have the province vacate fisheries administration. By federal accounting, for 1901 to 1907 inclusive, the federal total revenue for licences and leases was over \$300,000, direct expenditures were \$200,000, leaving a net balance of about \$100,000. B.C. offered to accept half of this amount in full settlement of its *modus vivendi* claims, an offer accepted by the federal government. The province would not, however, accept money on condition that the fisheries be handed over to the federal government with no further litigation; the jurisdiction issue should be referred to the courts.³¹

3.9 Privy Council Judgement of 1913

Fifteen years after the disruptive 1898 ruling of the Privy Council another judgement of the Privy Council was rendered in 1913.³² The ruling emphasized and confirmed the public right to fish in tidal waters, since Magna Carta no exclusive fishery could be granted in tidal waters. Fishing in tidal waters was under the exclusive legislative control of the federal government, the province had neither property rights nor legislative authority in tidal waters and could not grant fishing rights in tidal waters. Instead of focussing on provincial property rights, the public right to fish in tidal waters and the federal authority there were emphasized.

3.10 Jurisdiction over Fish Processing

A further judgement of the Privy Council was delivered in 1929, after proceeding through lower courts and the Supreme Court. This case delineated federal and provincial responsibilities for fish processing. Previously both governments had regulated fish processing by licencing fish canneries and fish curing establishments. The case arose after a British Columbia canner established a floating salmon cannery and proceeded to move it from place to place on the B.C. coast as the salmon runs came into each area. Other salmon canners, with fixed plants, objected and the federal government stated it would only grant a licence if the floating cannery were left in one location for the whole season, a condition which would negate the benefits of a floating cannery. The authority of the federal government to licence fish canneries as part of its legislative control over fisheries was challenged.

The Supreme Court and Privy Council found this exercise of jurisdiction by the federal government over fish processing to be *ultra vires*. Jurisdiction over fisheries does not confer jurisdiction over fish processing. It is not necessary for the federal government to use fish plant licencing to regulate the fishery. Once the fish are out of the water and appropriated they are property, beyond federal regulation but under the jurisdiction of the province.³³

The province, now with the sole authority to licence salmon canneries, reverted to the policy of limiting the number of canneries, announcing in 1930 that the current number of cannery licences issued would not be increased.³⁴ This was an ineffectual move, the number of canneries was being steadily reduced with company mergers, consolidation of processing, and a low world price for salmon.

3.11 Jurisdiction in 1930

As of 1930, it was clear that the federal parliament had exclusive legislative authority over fisheries, both coastal and inland, but this did not also give the federal government any property rights in fisheries. For the provinces, sections of the BNA Act gave them exclusive power to make laws respecting property. As property rights in fisheries exist in non-tidal waters, provincial powers over property allowed provinces to legislate on the allocation of these fisheries and the conditions of the allocation. But provincial allocations were subject to regulations enacted by the federal parliament under its overall legislative authority. Both governments could tax fisheries.

4. THE FIRST SALMON TREATY

A long-running dispute over fishing rights between Canada and the United States also interfered with management. Before a disastrous blockage in 1913 the Fraser River in southern British Columbia was by far the major salmon producing river. During their migration to the river, however, most of the fish pass through American waters. After 1900, with the development of a trap fishery, Americans began taking the majority of the catch. Canadians wanted a treaty for the management of the fishery but Americans, with the first opportunity to catch the fish, were less interested.³⁵

A treaty was eventually agreed to after a long series of negotiations and proposals. Canada-US discussions on the Fraser river took place as early as 1892. In 1905 the 1905-07 Canadian Commission negotiated common regulations on traps with a Washington State Fish Commission. Further negotiations led to a draft treaty in 1908 which provided for a American-Canadian commission to make regulations for joint fisheries. The treaty was approved by Canada and ratified by the US Senate but the legislation to give effect to the regulations was not passed. Washington state objected to federal infringement on state jurisdiction over fisheries. In 1917, with the failure of the Fraser River run, negotiations resumed and a new treaty proposed. Canada approved the treaty in 1919 but, again after pressure from Washington state, the treaty was not approved by the US Senate.

More negotiations led to another proposed agreement in 1929, similar to previous proposals but with a clause that the Fraser River sockeye salmon catch be divided equally between the two countries. After changes, including the control of offshore fishing, the treaty was approved by the Canadian parliament in 1930, but not approved by the US Senate, primarily because of the equal division of the catch and the inclusion of offshore fishing. Further discussions were held in 1934 but a major catalyst for a treaty was the passing of a Washington state initiative in 1935 banning traps. Canada now took a majority of the catch. After a clause was added that the commission formed by the treaty cannot bring in regulations until after eight years of investigations the US Senate ratified the treaty in 1936. The Canadian parliament now hesitated, because of the eight year delay, but approved the treaty in 1937. Improvements to the river and management to increase yields could finally begin.

5. CONCLUSIONS

In the 1900 to 1930 period an expanding industry, technical change, social and political pressures, and limited ability to monitor the industry challenged fisheries administrators. Various property rights assignments, often justified for

conservation, were used as management tools. But rarely were the economic advantages of these property rights pursued. The property rights were seen as unwarranted privileges and eventually withdrawn. The common property characteristic of the resource where limiting inputs may lead to appropriable rents was mostly ignored.

Jurisdictional uncertainty, precipitated by the incomplete assignment of authority over fisheries in the British North America Act, complicated management, sometimes leading to dual authority. Judicial rulings eventually defined the federal and provincial governments' responsibilities and authority, although sometimes imposing a cost to some involved in the fishery. The federal government secured complete jurisdiction over salmon fishing, the provincial government could control fish processing.

Many opportunities for more rational administration of the fishery appear to have been missed. Trap nets, a very efficient fishing method, were only allowed in a few areas. Exclusive fishing privileges were awarded with little payment. A commission's recommendation to limit the number of processing plants and increase their licence fees was only partially implemented. The result was increasing fishing effort and increasing need for restrictions on this effort.

A treaty for joint management by Canada and the United States of Fraser River sockeye was negotiated, but only after both countries could see advantages to themselves. While negotiations went on opportunities to increase runs were lost.

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