IMAGE EVALUATION
TEST TARGET (MT-3)

Photographic Sciences Corporation

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503
The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

☐ Coloured covers/
   Couverture de couleur

☐ Covers damaged/
   Couverture endommagée

☐ Covers restored and/or laminated/
   Couverture restaurée et/ou pelliculée

☐ Cover title missing/
   Le titre de couverture manque

☐ Coloured maps/
   Cartes géographiques en couleur

☐ Coloured ink (i.e. other than blue or black)/
   Encre de couleur (i.e. autre que bleue ou noire)

☐ Coloured plates and/or illustrations/
   Planches et/ou illustrations en couleur

☐ Bound with other material/
   Relié avec d'autres documents

☐ Tight binding may cause shadows or distortion along interior margin/
   La liure serrée peut causer de l'ombre ou de la distortion le long de la marge intérieure

☐ Blank leaves added during restoration may appear within the text. Whenever possible, these have been omitted from filming/
   Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.

☐ Additional comments:/
   Commentaires supplémentaires:

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

☐ Coloured pages/
   Pages de couleur

☐ Pages damaged/
   Pages endommagées

☐ Pages restored and/or laminated/
   Pages restaurées et/ou pelliculées

☐ Pages discoloured, stained or foxed/
   Pages décolorées, tachetées ou piquées

☐ Pages detached/
   Pages détachées

☐ Showthrough/
   Transparence

☐ Quality of print varies/
   Qualité inégale de l'impression

☐ Includes supplementary material/
   Comprend du matériel supplémentaire

☐ Only edition available/
   Seule édition disponible

☐ Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image/
   Les pages totalement ou partiellement obscures par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir le meilleur image possible.

This item is filmed at the reduction ratio checked below:/
Ce document est filmé au taux de réduction indiqué ci-dessous.

<table>
<thead>
<tr>
<th>10X</th>
<th>14X</th>
<th>18X</th>
<th>22X</th>
<th>28X</th>
<th>30X</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>√</td>
</tr>
</tbody>
</table>
The copy filmed here has been reproduced thanks to the generosity of:

University of Saskatchewan
Saskatoon

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol ➔ (meaning "CONTINUED"), or the symbol ▼ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:

```
```

L'exemplaire filmé fut reproduit grâce à la générosité de:

University of Saskatchewan
Saskatoon

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par le premierie page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole ➔ signifie "A SUIVRE", le symbole ▼ signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.
Sir CHARLES TUPPER moved the second reading of Bill (No. 63) respecting a certain Treaty between Her Britannic Majesty and the President of the United States. He said: Mr. Speaker, in rising to move the second reading of this Bill, I desire to say that if I had not on so many past occasions experienced the kind indulgence of both sides of the House, I should hesitate to undertake, in the present state of my health, bringing forward the very important subject it now becomes my duty to lay before the House. I am glad to know, Sir, that the question of the protection of our fisheries, and of the results that have followed the course that was adopted by the Government and Parliament of Canada, has not been a party question. I am glad to know, Sir, that in approaching the very important subject that I am now submitting to the House, I can rely on the patriotic consideration of this question by gentlemen on both sides of the House to whom it is thoroughly familiar, and who on various occasions and in various capacities have been called on in the past to deal with it. For more than a hundred years this question has been a source of irritation between the Imperial Government of Great Britain, the Government of the United States, and the people and governments of British North America. So long ago as 1818 a treaty was made between the Government of Great Britain and the Government of the United States at Paris. Article 3 of that treaty provided:

"It is agreed that the people of the United States shall continue to enjoy, unimpaired, the right to take fish of every kind on the Great Bank, and on all the other banks of Newfoundland; also in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish; and also, that the inhabitants of the United States shall have the liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall not be allowed to enter or to use the same as that island, and also on the seacoast, bays and creeks of all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova Scotia, Magdalen Islands and Labrador, so long as the same shall remain unsettled; and so, too, as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground."

Now, I need not say to the House that the concession made to the people of the United States to enjoy in common with British subjects the fisheries of this country, was a treaty of a very extraordinary and abnormal character. I need not remind the House that the Treaty of Ghent, which was made between Great Britain and the United States at the termination of the War of 1812, is found to be entirely silent upon this subject, for the reason that the Government of Great Britain had arrived at the conclusion that it was impossible to permit the continuance of such an unwarranted interference with the rights of the people of British North America as had been enjoyed by the people of the United States under the Treaty of 1818. The Government of the United States took the ground that the treaty was not affected by the war. That position, however, was strongly controverted by Her Majesty's Government, and as the representatives of the United States Government had been instructed not to concede on the question of the fisheries, and the Government of Great Britain were equally inexcusable on that point, the only course that could be adopted was to give the question the entire go by. It therefore found no place in the Treaty of 1812. The Government of Great Britain, however, acting upon the principle that they had maintained—the principle which has come to be recognised throughout the world—that a war abrogates all treaties, and especially treaties of that character, asserted their rights in those territorial waters of British North America, and proceeded to seize fishermen of the United
States for trespassing in these waters. The result of that course was the Treaty of 1818, in which this question was again brought before the two Governments, and I may call attention to the terms of the principal article of that treaty, so far as the fisheries are concerned:

"Whereas differences have arisen respecting the liberty claimed by the United States to fish, dry and cure fish, or to take, dry and cure fish in any of the coasting seas, harbors, and creeks of His Brittanice Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have, forever, in common with the subjects of His Brittanice Majesty, the liberty to take fish and fowl and to fish for, catch, and take fish in any of the coast of Newfoundland hitherto described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said inhabitants to dry or cure fish at such portion as settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground; and the United States hereby reserve, forever, any liberty hitherto enjoyed by the said inhabitants for the purpose of taking, drying, or curing fish therein, or in any other manner whatever, abusing the privileges hereby reserved to them."

Now, Sir, that treaty which was made between the Government of Great Britain and the Government of the United States, seventy years ago, has been the cause of constantly recurring irritation and difficulty between the two countries; and I need not remind the House that no portions of His Brittanice Majesty's dominions have been so continually and deeply interested in that question as those now known as the Dominion of Canada and the Province of Newfoundland. This treaty is very striking in two particulars. It gives the same territorial advantages, but to a very limited extent, over a certain portion of the Island of Newfoundland and what is now known as Canada, to the Government of the United States, as were given under the Treaty of 1783, and in return—for that unparalleled concession by any Government of one country to another—was secured the formal renunciation, on the part of the Government of the United States, of all claim to any of the fishery grounds or their fisheries, or any other portion of the jurisdicational waters of what was then known as British North America, except for four specified purposes. Even the privileges enjoyed under those four specified purposes were not indefinitely declared to be subject to their use in such a manner as in no way to abuse the privileges thus granted. The adoption of this treaty was followed by the passage of laws on the part of the Imperial Parliament and also of the British North American Provinces for the purpose of giving it effect. Of course, although the treaty distinctly laid down the international law as between the two countries, special legislation was requisite in order to provide a means for carrying that treaty out and for enforcing its provisions on the part of Great Britain and on the part of British North America. The exclusion of the United States fishermen from the fishing grounds of British North America was the principal cause of collision and difficulty. Seizures were made. The old difficulties that had existed before the formation of the treaty were again called into activity by the presence of United States fishermen, and by the measures which were taken, especially by Great Britain, for the purpose of protecting the rights of the inhabitants of British North America. The result of these difficulties was the Reciprocity Treaty of 1854. The firm stand taken by Her Majesty's Government, the firm position taken to protect the undoubted rights of her subjects in British North America, led to the adoption, in 1854, of what is known as the Reciprocity Treaty, a treaty which for twelve years removed all difficulties in connection with this question. On that occasion there was no attempt to limit, define, or interpret the points that had been raised in the controversy between the two countries, but they received their quietus, and all these difficulties were removed for the time, by the adoption of a policy of giving to the Provinces of British North America and Newfoundland certain commercial privileges by which the trade between this country and the United States was extended.

I may say, that I took the opportunity, when delivering my speech on the financial condition of the country a year ago, to draw the attention of the House to the results of that treaty, and I will just call the attention of the House again for one moment to a single extract in that speech, in which I referred to the trade results of what is known as the Reciprocity Treaty of 1854. It will be found that the United States, during those twelve years, from 1854 to 1865, exported to British North America home products to the extent of $365,365,370 and foreign products to the extent of $425,701,713, the total exports to British North America being $365,186,084. This import from the British Provinces into the United States during that period amounted to $267,612,131, showing a balance during the twelve years in favor of the United States of $98,575,957. That is to say, that they sent under the operation of that treaty into the British North American Provinces over $35,000,000 more than we sent into that country. I have often been at a loss to know how any person in the United States, and much less how any person in Canada could disparage that treaty, or could speak of it as a one-sided treaty, altogether in favor of British North America, and not equally in favor of the United States.

Mr. CHARLTON. Would not the excess include goods passing through the country in bond and in transit, such as the exportation of wheat through the western canals?

Sir CHARLES TUPPER. I think not. I think the hon. gentlemen will find that these are the legitimate figures connected with the trade of the two countries, and I noticed, shortly after the delivery of that speech, that the Hon. T. P. Buxton, Secretary of State for the United States, was interviewed in relation to this question, and, so far as the amount of that interview went, I understood him to confirm the accuracy of the figures which I had used on that occasion. I say I have been entirely declared to know how, under the circumstances, any person can be found, especially in this country, to treat this as a one-sided measure in the interest of Canada. So far as what is known as Canada is concerned, we know that the trade of our country took a very great bound, and that the result of the Reciprocity Treaty was to give a very sudden and great and steadily continued impetus to our trade with the United States; but, as I said before, the result was to give a still greater expansion of trade to the United States in relation to British North America. I am glad, after spending some three months in Washington, to be able to say that I had very intimate intercourse with gentlemen of different politics holding high positions in the Senate and House of Representatives, that I took many opportunities of discussing this question with them, and that the result is that I did not find even in our own estimation in the United States who expressed his satisfaction with the termination of that treaty. I believe the general expres-
also in that country is that commercially it was a mistake to have terminated that treaty, and that it would have been infinitely better for the United States and for Canada if it had been continued. That treaty was not abrogated on commercial grounds. It was not in consequence of any commercial reasons that the abrogation took place, but it was, as is well known, in consequence of an unhappy sentiment which grew up in the United States, that, during the time of the Civil War which rent that country asunder, the sympathies of the British North American Provinces were very strongly with the South. I think there is very great reason to question the soundness of that opinion. Although from the nature and the position of our country, being neutral territory, advantage was taken of it by the Southerners, by those who were engaged in carrying on that war from the South, to make Canada a basis of operations, the Government of Canada never showed the slightest favor, but took every means in their power to prevent British North America being made use of in that struggle. I think, if the records of the United States were examined, it would be found that ten Canadians, or ten British North Americans, fought in the ranks of the Northern side for every one who fought on the Southern side.

Sir JOHN A. MACDONALD. Twenty.

Sir CHARLES TUPPER. I am inclined to think that my right hon. friend is nearer the mark than I am when he says they were twenty to one. I scarcely know of any aid being given to the South, while we know that at this moment the Government of the United States are paying a large sum of money to persons who were British subjects then and are British subjects now, in Canada, for their services during that war. Taking that as the best test that the country can show as to where its sympathies were, as far as the most substantial and important kind of aid could be found, it will be seen that British North America rendered a great deal more support and assistance to the North than to the South. Now, I may say that the Treaty of 1854 removed for twelve years all these difficulties, but, unfortunately, from the causes to which I have alluded I believe to a large extent, a misapprehension of the true facts of the case led to the treaty being abrogated. Both parties in this country, both parties in the various Provinces—because it was before the Union of Canada—regretted that abrogation. I believe there was not a Province in what is now the Dominion of Canada that did not make every exertion first of all to avoid the abrogation of that treaty, and, after it was abrogated, to endeavor to have it or something equivalent to it restored as early a period as possible. But these efforts were unsuccessful, and then, and while these efforts were being continued, as hon. gentlemen opposite know, Canada resorted to a system of licenses to prevent too sharp an interference with the long-accustomed habits of United States fishermen of fishing in the waters of British North America. We adopted a mode of endeavoring to prevent collision and difficulty. While there might be any hope of our being able to settle this question by a recurrence to something like the Treaty of 1854, every effort was made by the adoption of licenses to remove irritation and prevent collision of every kind, in order to favor, as far as possible, the solution of the question in that way; but ultimately we were obliged to fall back on the principle of protecting our fisheries; we were obliged to adopt such measures as the fishermen had a right to expect at our hands; being excluded from the American market by heavy duties, having their calling very seriously interfered with, they had a right to demand at the hands of the Government and the Parliament of Canada that measures should be taken for the protection of the rights which they undoubtedly enjoyed and which, under the Treaty of 1818, had been settled in what one would suppose was as clear and concise and emphatic a manner as it was possible for any question to be settled. The result was that seizures were again made, and the American fishermen, encroaching upon the waters of British North America, found themselves again in difficulties. The consequence was, as you all know, that in 1871 a new treaty was made, and I have often thought of the old adage, that "everything comes to him who waits," when I have thought of the manner in which my right hon. friend on my left was attacked in this House and out of it, in connection with the Washington Treaty, and the satisfaction he must have experienced when, after the treaty had been in operation for ten years, there was not a single public man in Canada but was ready to do everything possible to maintain and to continue that very treaty. On that occasion, as hon. gentlemen know, my right hon. friend made the same effort to settle this question upon the lines that had been adopted in 1854; the effort was to obtain from the United States, instead of a money payment for the privileges which their fishermen were anxious to enjoy in the waters of Canada, such an expansion of commercial intercourse between the two countries, as would meet the wishes of the people of Canada, and be a settlement that would commend itself to the judgment and approval of everybody. That effort, however, was not successful; and when the treaty was presented to this House I remember well when hon. gentlemen on the other side of the House felt it their duty to criticise very severely that treaty, and we were compelled, in self-defence, to say something in its support—I remember very well appealing to hon. gentlemen opposite, as I shall appeal to them to-day, not to press the Government nudely to show to Parliament and to show to the country the advantages that were obtained by the Washington Treaty of 1871. One of the conditions of the treaty was that an international arbitration should take place at Halifax for the purpose of ascertaining the greater value of the fisheries on the coast of Canada to the people of the United States over and above the remission of the duty on fish and the corresponding right to fish in their waters, so as to arrive at the amount that should be paid by the United States to Canada. I appealed to hon. gentlemen opposite on that occasion not to compel us, in self-defence, to show that the treaty which had been signed was one advantageous to Canada, not to compel us to take such strong grounds as would be used against us when that arbitration, at a subsequent time, should take place. Well, Sir, I am sorry to say that my appeal on that occasion was not as successful as I trust it will be on this occasion; I am sorry to say that we were forced to make some very strong and very clear statements to the House in justification of my right hon. friend for putting his name to the Washington Treaty of 1871. Well, just as I expected, and nobody knew better than the hon. member for Halifax (Mr. Jones), who sits opposite—for this arbitration took place in the very place where he lives—no person knows better than himself, that one main element of the United States case was the production of the very speeches which we had been compelled to make on the floor of this House in defence of that treaty. Every word that we uttered on that occasion was used to our disadvantage and to our detriment. I will not say that it was very successfully used, because I do not think that Canada has any great right to complain of the amount that was awarded on that occasion—$5,000,000 for the period during which the treaty was to run, but because, for the breach of the treaty, the United States over and above those which were conceded by removing the duties on fish. Many persons have said, Sir, that we were not only successful in that...
arbitration, but that we were too successful, that, in fact, the award that was made was the main reason why the United States took the earliest possible moment to denounce that treaty and to terminate it. I do not believe, myself, that the award was too great. I believe it is almost impossible to over-estimate the advantages of enjoying the fisheries that, fortunately for us, are contained in the jurisdictional waters of Canada. But, unfortunately, that treaty was abrogated. And, Sir, I must, in passing, pay my tribute to the hon. member for East York (Mr. Mackenzie), who at that period led the Government of this country. It is well known that that hon. gentleman, in the discharge of what he conceived to be, and what undoubtedly was, the duty that he owed to Canada in the high position he occupied, adopted measures to prevent that question of money ever being considered. The hon. gentleman sent one of his colleagues, or if not one of his colleagues at the time, a gentleman belonging to his party, of great ability and of great attainments, the late Hon. George Brown,—he sent him to Washington to co-operate with the British Minister at Washington, and once more a strenuous effort was made to settle this question of the greater values of our fisheries over those of the United States, and over the advantages to be derived from the additional advantage of a free market, free in the American market; I say, he obtained the appointment by Her Majesty's Government of the Hon. George Brown as a plenipotentiary, and that gentleman exhorted every effort on his part to carry out the views of the hon. member for East York, and again revive the Reciprocity Treaty of 1854. As that treaty had been refused on a former occasion, he went further than the lines of that treaty, and by introducing a certain number of articles to be passed free between the two countries, as well as the natural products of the two countries, he endeavored to enlarge and expand what had been obtained by the Treaty of 1854. I believe there was not a single item that was free under the Reciprocity Treaty of 1854, that the Hon. Mr. Brown did not embody in the treaty which he signed as to be made free between Canada and the United States, under the Treaty of 1874, which draft treaty was arrived at between the two Governments. As I said before, and as I said the other day, I feel it is only right, in passing, to say, that the effort to obtain the freest possible commercial intercourse between Canada and the United States, consistent with the rights and interests of the two Governments, is a policy that does not belong to one party only, but it is the property of both parties in this country. The hon. member for East York showed his hearty appreciation of the value of such a policy, and he was leading his party, in fact, as my right hon. friend showed it on the occasion of going to Washington in 1871, and on all and every occasion when that question has come up for consideration. But the Senate, and the Senate of that treaty, on all such proposals, did not take them up, and consequently we were thrown back upon arbitration; and I think it is a matter of sincere gratification, and always will be to the people of Canada, to know that after the most careful and painstaking examination, after taking all the sworn testimony that could be adduced on the side of the United States, and by Canada, and after the most careful consideration of that testimony, and the fullest consideration of the whole question, the International commission awarded no less than $6,500,000, or something approaching $600,000 per annum, as the value of the fisheries of Canada over and above those of the United States and the additional advantage of a free market in the United States for the fish of Canada. Now, Sir, under these circumstances, that Treaty of 1871 was abrogated on 1st July, 1883. But I must do the Government of the United States the credit to say that they seemed to be equally impressed with the Government of Canada as to the importance of avoiding the difficulties and collisions that were likely to arise out of the abrogation of that treaty, and as those difficulties were likely to again present themselves a measure was arranged jointly between the Government of the United States and the Government of Great Britain, on behalf of the Government of Canada, for the purpose of endeavoring to prevent those difficulties again presenting themselves. Past experience had shown both countries how exceedingly undesirable it was to have men like the fishermen of the two countries, who were away from home, who were not under such easy control as persons on land are, carrying out measures the end of which it might be very difficult to foresee; and at the suggestion of the British Minister, Mr. Bayard, then and now the distinguished Secretary of State of the United States, entered into a temporary arrangement whereby American fishermen were allowed the privileges of the treaty during the remainder of the season that is, the season of 1885—with the understanding that the President should bring the question before Congress at its next session, and recommend a joint commission by the Governments of the United States and Great Britain to consider the question "in the interest of good neighborhood and friendly intercourse between the two countries, and affecting a prospect of negociating a final agreement of limitation of trade between the United States and British North America." I see Mr. Bayard's words. The Government of Canada most readily assented to this view, and true to the policy that had been invariably pursued on both sides of this House, that of doing everything possible to promote trade relations between the two countries and to remove difficulties connected with the fisheries, the Government at once agreed that if the President would send to Congress a recommendation for the appointment of a commission having such objects in view, they would allow the American fishermen to have the same free access to the fisheries of Canada, as they had enjoyed during the continuance of the treaty. President Cleveland, keeping good faith with the Governments of Great Britain and Canada, sent a message to Congress on 8th December, 1885, premising that:

"In the interests of good neighborhood and of the commercial intercourse of an adjacent community, the question of the North American fisheries is one of much importance." He recommended a commission:

"Charged with the consideration and settlement, upon a just, equitable and honorable basis, of the entire question of the fishing rights of the two Governments." Unfortunately, the Senate did not approve the recommendation. The fishermen of Gloucester, on the Grand Banks, and on Cape Breton, confined their attention to their own interests, and regardless of the effects of the course they proposed to pursue, at once petitioned Congress in the most earnest manner against any such proposal. They declared they did not want to have anything to do with the fishing grounds or waters of Canada, and they induced the Senate to reject the proposal by a vote of thirty to ten, and the proposal was rejected accordingly. We were then thrown back, necessarily, upon the only means of protecting the rights and interests of Canada. I may say that a very mistaken apprehension has arisen from the continuous exertions of all parties and classes in this country to obtain reciprocal trade relations with the United States. The policy of obtaining the free interchange of the natural products of the two countries, the products of the sea, of the forest, of the farm and of the mine, as I have said, has been continuously the policy of both parties in this country, and they have pressured that in season and out of season upon our great neighbors to the south of us. And that, unfortunately, has led to a very erroneous impression. When my hon. friend the Minister
of Marine and Fisheries was compelled to adopt the same policy that had been adopted by the hon. member for Northumberland (Mr. Mitchell), who organised that department with great ability and who filled the position of Minister of Marine and Fisheries with equally great ability during a considerable time; I say, when the Minister of Marine and Fisheries fell back upon the same policy his predecessor had adopted under like circumstances and took such measures as were absolutely necessary and indispensable for the protection of the rights and interests of the fishermen of Canada, the United States complained bitterly. Difficulties again took place. Fishermen, perhaps, are the most intractable and uncontrollable people in the world, and when a fisherman gets on board his little smack he thinks he is monarch of all he surveys, and he can go where he pleases, and do what he pleases. The result was as it was. They brought themselves under the operation of the law, and it was absolutely necessary, as I have said, in the defence of the rights of Canadian fishermen, to make examples of those parties who showed that disregard for law. The result was, an entirely erroneous impression grew up throughout the United States. It was shared by the Government—by the Senate, by the House of Representatives. It was accepted by the great body of the people; and the press and the people of the United States, almost without exception, came to the conclusion, without a particle of ground to justify it, that Canada was enforcing most harsh, ungenerous and unwarrantable construction of the terms of the Treaty of 1818, for the purpose of forcing reciprocal trade relations upon the United States. Hon. gentlemen opposite know that this became a universal sentiment in that country. One can understand the mass of the people in the United States sharing such an impression. People said, and at the outset it seems a reasonable proposition: "Why is it that the fishermen of the United States of America cannot obtain the same consideration in a Canadian port that a Canadian fisherman obtains in the United States ports?" Well, Sir, the answer is obvious. The American Government renounced the right to enter our waters, as England and Canada never did renounce the right to enter the waters of the United States of America. The United States in consideration of certain territorial rights over a portion of our country, in a part of Newfoundland and Labrador, and the Magdalen Islands, and in consideration of obtaining such territorial rights as I believe are unparalleled in the world in any other country, renounced forever the right of their fishing vessels of any kind whatever to come into the jurisdictional waters of Canada or British North America, as it was then called, except for specified purposes and under such terms and conditions as would prevent them abusing the exceptional privileges which the treaty allowed. This is obvious, but you cannot make the mass of the people understand it, and it is astonishing, I say, and astonishing position, in the United States seem never to have grasped the fact that the fishermen of the United States occupy an entirely different position in the waters of Canada from that which the fishermen of Canada occupy in the waters of the United States. This was not done by any act of the Government of this country, but one can see, Sir, how easy it is that the mass of the people, not understanding these terms, not understanding the character of this treaty, and not understanding the obligations which the Government of the United States had taken in regard to this question, should be misled. Then, Sir, another difficulty arose, and that was with reference to the rights that those fishing vessels should enjoy when in our waters. It was claimed by the Government of the United States, in 1818, that no commercial vessel could come into the waters of British North America from the United States, that there was no inter-
States adopting such a barbarous policy as that of non-intercourse with a friendly power, we stand in the proud position of knowing that if that policy was adopted tomorrow, we have preserved our own liberties, and have the most complete means of communication from the farthest and most remote section of our country down to the sea.

I think, Sir, that that was calculated to show that we had to a certain extent protected ourselves from the ruinous position we should have been placed in if we had not those means of intercommunication; and I do not think that was inviting non-intercourse or intimating that it was a policy of which I approved. I said further:

"Non-intercourse would not be an amalgam evil. I would deeply deplore it; every member of the House that I have spoken guilty of would deeply deplore any interruption of the commercial relations which exist between this country and the United States, but I cannot forget that, if this policy of non-intercourse were adopted, it would lead to the development of those channels of communication between ourselves."

In another place I said:

"While I most earnestly hope no such policy will be adopted."

To this I call attention for a moment in passing to the language I then used in order to show that I was not guilty of the supreme folly that I would have been guilty of if I had spoken of non-intercourse between 60,000,000 of people of the United States of America and 5,000,000 on this side of the line as anything but what every intelligent Canadian would deplore, as I then thought it would be.

Well, Sir, I then took the opportunity of drawing the attention of this House at some little length to the position in which we stood in relation to that Non-intercourse Act. I pointed out that the only clouds on the commercial horizon of Canada, and I pointed out the unwarrantable character, as I considered it, of the Act. I pointed out that it seemed to be found on one side and only apprehension of what the position of Canada was in relation to this question. I was very severely criticized—if not by hon. gentlemen opposite, who are always extremely indulgent to me—by the right hon. gentleman for Canada, and he said to me: 'Sir, it appeared to me that this speech was a very offensive speech, and a tone that was calculated to be extremely irritating to the Government of the United States, and two or three leading and prominent newspapers in this country have from that day to this asserted that here in my place in Parliament I declared that non-intercourse would be a very good thing for Canada. Well, Sir, as I have before shown, I do not often correct statements made in the press; however much they may misrepresent what I say or do; but I may here take the opportunity of saying that no man can read the speech I delivered on that occasion and find any foundation whatever for any such statement. I did state that it would become the imperative duty of the Government of Canada, in vindication of the rights of our fishermen, to adopt the policy of protecting our fisheries. I stated that there was no warrant for such an Act as had been passed in the United States; and as the best means of protecting ourselves against the efforts of a policy so unjust and so injurious to everybody—so detrimental to the interests both of the United States and Canada—I pointed out that, fortunately for Canada, we had attained a position that did not leave us so entirely at the mercy of our neighbors to the south of us as we should otherwise have been. I pointed out that the construction of the Canadian Pacific and of the Intercolonial Railways had given the people of Canada means for the free intercourse of one Province and one part of our people with another, without their being forced to go through the United States of America. I used language as strong, I think, as could be used to show the opinion I had on an Act, which I did:

"Deeply as we would deplore so mad and so unjustifiable an act on the part of a great country like this great Republic of the United
interview in view of the correspondences which occurred. Mr. Bayard told me that he would repeat our conversation to the President of the United States, and would communicate to me the result at an early day. On the 31st of May I received a letter with which, however, all family ties were not entirely broken, and in which Bayard said he would repeat the interview with me on some of the points mentioned in the letter of the 23d. It is necessary, in order to give a proper view of the basis of the conference from which this treaty has resulted, that I should draw the attention of the House to some of the remarks made by Mr. Bayard in that letter. In his letter to me he said:

"The immediate difficulty to be settled is found in the Treaty of 1818 between the United States and Great Britain, which has been repeated twice since it was concluded, and to-day is found to interfere with and seriously embarrass the good understanding of both countries in the important commercial relations and interests which have come into being since its ratification, and for the adjustment of which it is possible and necessary that we should be mutually agreed on a liberal, and statesmanlike plan of the entire commercial relations of the two countries. I say commercial, because it does not pretend to be the foundation, however partial or oblique, the political relations of Canada and the United States, nor to effect the legislative independences of either country. I am glad to know that Mr. Bayard had too much respect for the people of Canada—and he has since learned, in the most conclusive manner, that his views were well founded—to come to any such conclusion as that no Canadian would ever consent to be legislated for by any other country in the world."

When you were here I prepared to read my reply to the observations you made for the settlement of November 15 last, which were communicated to Mr. Phelps by Lord Salisbury on March 26, and also to express my views of his lordship's alternative proposition. Your visit and invitation to state here was entirely welcome, and of this I endeavored to impress you. Convincing the President has confirmed these views and now it remains to give them practical effect. Great Britain being the only treaty-making party to deal with the United States, the views of that Government are authorized to speak in her behalf and create her obligations. I presume you will be personally constituted a Plenipotentiary of Great Britain to arrange here, with whomsoever may be selected to represent the United States, terms of agreement, for a future adjustment of the present misunderstandings and also a permanent plan to avoid all future disputes. It appears to me that as matters now stand the colony of Newfoundland ought to be represented, and included, for a single arrangement should suffice to regulate all the joint and several interests involved. I should, therefore, be informed speedily through the proper channel as to the authorization and appointment by the Imperial Government of such representatives.

"The gravity of the present condition of affairs between our two countries demands entire freedom. I feel I stand at the parting of the ways. In one direction I see a wise and steady, salutary, happy, healthy relationship, devoid of petty jealousies, filled with the fruits of a prosperity arising out of a friendship cemented by mutual interests, and existing not on a war footing; nor, as in the British, but on a peace footing, its being based on an understanding of the union being a political one, and not a religious one, in which victory means the destruction of an adjacent prosperity without gain to the other; in the future permanent, physical and moral relations which we ought to be advanced to peace on both sides and which I am sure will in time effect our existence to maintain it to the party on the political condition." I replied on the 10th June to Mr. Bayard in the following terms. I will not trouble the House by reading the whole of the letter, but only such parts that will show the basis of this conference:

"MR. DEAR MR. BAYARD.—I had great pleasure in receiving your letter of May 81, stating as it does the importance which you attach to the present condition of affairs between the United States and Canada, and the material and the main principle of the entire commercial relations between the United States and the United States of Canada, regarding which a mutual benefit result has arisen in the past, and which will be of the utmost benefit to both parties. I entirely concur in your statement that we both seek to attain a just and permanent settlement—and that is by a straightforward treatment on a liberal and statesmanlike plan of the entire commercial relations of the two countries. I note with satisfaction that, as the interests of Canada and the United States are undoubtedly, Her Majesty's Government is about to deal to the eyes of Canada and the United States of Canada to say who was acceptable as representing the Government of Canada at this conference, and it is only right to my right
hon. Friend (Sir John A. Macdonald) that I should say that they intimated, as it was very naturally to be expected they would, that the appointment to that position of the eminently distinguished gentleman, who had acted as a Joint High Commissioner in 1871 with such ability and success, would be entirely acceptable to Her Majesty's Government. I came out to Canada without the slightest idea whatever that I would be appointed in connection with this commission. I returned here after having discharged in London the duties which were incumbent on me and which I had been called upon to perform. Immediately, my right hon. friend told me that he was anxious that I should go to Washington as the third plenipotentiary. Lord Lisdowne was good enough to express his desire that I should fill that position. I dared say, if the truth were known, my right hon. friend here thought that having had so much to do with the negotiation of this conference, and representing, as I had the honor of representing in the Government of Canada, the interests of one of the most important of the Maritime Provinces, the Province of Nova Scotia, there was a certain feeling or feeling called upon duty. I thought that, under the circumstances, I could not decline, but I made it a condition that I should have the able and invaluable assistance of my colleague, the Minister of Justice, as the legal advocate of the British side at this conference, as I knew that matters of the greatest importance would arise in which the opinions and the advice and the legal and constitutional knowledge of that hon. gentleman would be invaluable. With the utmost readiness, that hon. gentleman at once consented to associate himself with me in that capacity; and I must at the same time tender my heartfelt thanks to the Minister of Marine and Fisheries, whose province I was to a certain extent apparently invading, for the very zealous and hearty and valuable cooperation which his intimate knowledge of that subject enabled him to give us. I take this opportunity of saying that a statement which has been made by leading public journals in this country in reference to my own position on that occasion is erroneous. A speech already mentioned the great kindness which I have received even from my opponents, but an amount of sympathy has been extended to me which I must disclaim. A great deal has been said and a great deal of sympathy has been expressed, as to the unfortunate position in which Sir Charles Tupper found himself in Washington in battling on the one side for the rights of Canada, and finding the prestige of Her Majesty's Government on the other side; and that in fact I was compelled, by the strong wish which was taken by Her Majesty's representative, Mr. Chamberlain, to yield and surrender what I must have felt to be a great deal of pain and suffering to do. I would be unworthy of the position I occupy in this House if I did not at once disavow anything of the kind. I do not think it would have been possible for Her Majesty's Government to have made a better or a more judicious selection than they did in Mr. Chamberlain, as the leader of the British side in that conference. That hon. gentleman is one of the foremost statesmen in England; that right hon. gentleman, as the House very well knows, as the leader of the Radical party in Great Britain, was perhaps especially qualified, by the position he occupied in Imperial politics, to be an acceptable envoy to the United States of America; and, after three months of very intimate intercourse and association in the City of Washington, I have no hesitation in saying that I do not believe it would have been possible for Her Majesty's Government to select any gentleman who would have been more acceptable to all parties in that great capital, or who, with regard to my own position in that conference, I have already shown the House how largely I am responsible for what has taken place. The conference was initiated from the interview which took place between myself and Mr. Bayard. I was authorized to present the plenipotentiaries on that important mission; but I am bound to say that, if, instead of the Right Hon. Joseph Chamberlain and Sir Lionel Osborne Wes, I had had as my colleagues two of the foremost statesmen of Canada, taken from either side of the House, it would have been impossible to have had the contents of Canada more uniformly supported than they were from the beginning to the end. If there is any mistake, if this treaty is not what Canada had a right to expect it should be, I am bound to say that there is no man more responsible for that than myself. These hon. gentlemen, from the beginning to the end, stood by the interests of Canada in the most unflinching way. I have heard, in this House and out of this House, that it was desirable that the time should come when Canada could appoint its own plenipotentiaries and envoy to deal with the negotiation of treaties, but I speak from experience and from a knowledge of the facts when I say that any, if possible, mistake in the present case it is impossible to overrate the value of having the Empire of Great Britain behind us. A plenipotentiary is able to command, when he is fighting a keen and hard battle for his country, just that amount of influence and power which that country commands among the States of the world; and I say that, until we obtain that influence and that power, we can have nothing worse than to be too idealistic or suicidal in the best interests of Canada than to divest ourselves of the potent influence of standing under the aegis of the mightiest Empire in the world. Now, I must say a single word with reference to the present representation of the Government of the United States. I have already given you a tolerable insight into the views of Mr. Bayard. That hon. gentleman, as the House knows, is the worthy representative of a large and the most amiable statesmen in the United States, and no person in the Government of that country commands more uniformly or more deservedly the respect and confidence of the United States than the Hon. T. F. Bayard, the Secretary of State. In the Hon. W. L. Putnam, we had opposed to us a gentleman occupying so distinguished a legal position in New England that his name has been frequently heard within the last fortnight as the probable successor of that eminent jurist, the late Hon. Chief Justice of the United States; we had in him a gentleman more intimately acquainted with the fishing interests of the United States than almost any other gentleman who could be suggested, and whose legal standing and position are calculated to obtain the confidence and respect of all who know him. In the third plenipotentiary representing the United States, we had Mr. Angell, President of the Michigan University at Ann Arbor, a gentleman who, although a supporter of the Republican party, was selected in consequence of his great knowledge of International law, and the fact that he had been chosen by a Republican Government in the United States to discharge most important duties as a Commissioner to China, in the arrangement of a treaty. I do not believe, Sir, that it would be possible for any Government in the United States to select three gentlemen more eminently patriotic, more heartily devoted to the interests of their country, than the three gentlemen I named; and I am sitting face to face with them for three months in keen
and sharp controversy, the only result of our communication has been to leave upon my mind the very highest respect for the character, standing and ability of those gentlemen; and a desire not only of continuing the acquaintance which I had the pleasure of making with them, but that it should perpetuate a genuine and thorough friendship. I can only say, Sir, that when I came to meet them in conference, I was greatly surprised, and you will not be surprised to learn that such was the ease after hearing the papers I shall read with reference to commercial intercourse. After the statement of the President of the United States in his Message of 1868, asking for a commission, after the letters which passed between Mr. Bayard and myself, you will readily understand that I went there expecting and looking forward to a settlement of this question on very much the same lines as those upon which it had been settled in 1851, and to some extent, in 1871. I am right in saying that the instructions with which I was charged by this Government were to obtain, if it was possible, as near an approach to the Reciprocity Treaty of 1851 as I could obtain, that is, the policy of carrying out free exchange in the natural products of the two countries, I was to urge that policy, and I think you will have no doubt as to the course pursued by me after reading the proposition that I made in the conference on the 3rd December, 1867:

"Sir, Charles Tupper begged leave to submit a note containing the following proposal from the British plenipotentiaries. That with a view of removing all causes of difference in connection with the fisheries, it is proposed that the plenipotentiaries of the fisheries of both countries shall have all the privileges enjoyed during the existence of the fishery articles of the Treaty of Washington, in consideration of mutual arrangement providing for greater freedom of commercial intercourse between the United States and Newfoundland." It has been suggested that this is very vague. Well, I confess I am unable to see it. I considered that in formulating that proposal, I was bound to ascertain if the Government of the United States were prepared to accept any greater freedom of commercial intercourse, to ascertain to what extent they were prepared to meet Canada in order to secure for their fishermen the enjoyment of the advantages which they had under the Treaty of 1851, and under the Treaty of 1871. If that proposal does not formulate as broad and as general an invitation to the Government of the United States, as could be made, provided they were willing to deal upon a commercial basis at all, I should be very happy if any hon. gentleman will point out to me wherein the proposition is wanting. And what did Mr. Angell say?

Mr. MILLS (Bothwell). The offer is unrestricted.

Sir CHARLES TUPPER. The hon. gentleman says the offer is unrestricted, and I intended it should be so. I intended to give the Government of the United States the fullest opportunity of stating just how far they were prepared to go. In reciprocal trade with Great Britain, I think that we could not do a better service to Canada, under these circumstances, than to ascertain at the very outset what was the position of the United States as to that question. I do not hesitate to tell you what that position is. I do not intend to make reference to a past debate, in which I regret very deeply I was not able to participate, although as a large number of gentlemen dealt with that question on both sides of the House I think you were rather fortunate in not having another speech injected upon you on that occasion by myself; but I am bound to take this opportunity of saying that you may go to Washington, as I did; you may mingle for three months, as I did, with the leading men of all parties and all classes; you may go through the House of Representatives from beginning to end, and canvass every man, and you may go to the Senate of the United States and canvass every man, and I say you will not find a single man who will tell you on the subject of unrestricted reciprocity, as I did not find one at the time when public attention was being turned to it in this country. Mr. MILLS (Bothwell). There are two Bills before Congress.

Sir CHARLES TUPPER. Was it not desirable that we should know what the views and sentiments of the United States were upon the subject? Talk to them, Sir, of commercial union—I tell you that I did not meet a man of any property, I did not meet an American, who would not hold both hands for commercial union with Canada. Why, Sir? Because he knows that it would give Canada to the United States, he knows that you would never occupy the becalmed position of having to make your tariff, and impose taxes upon you. I say, Sir, that it is a condition of things from which the most strenuous Canadian would recoil. The proposition of unrestricted reciprocity, free of prejudice from the United States, with liberty to make our own tariff with the rest of the world, I say I did not meet a man—l discussed this question fully and freely from day to day with scores of leading public men in the United States—I did not meet a man that would talk about such a thing for a single moment. Why, Sir, they treated the very proposition with scorn. They said: "Do you suppose that we intend to be tricked in the same manner as Canadians, and all the Canadian states, that would involve free trade with England, and destroy the position that we occupy in relation to all the vast industries of this country? I say, Sir, that under these circumstances I did a service to Canada. And you have got the answer. You did not get from Mr. Bayard the statement: "If you will go the whole length of unrestricted reciprocity with us, if you will make everything free, then we will talk with you." Nothing of the kind. Here is the answer, coming from the leader of the Administration of the United States, which conclusively shows what—I was going to say, but, in the animated discussion we had in this House, I will not say that it was a waste of time to take up a fortnight of the time of Parliament in discussing that which it is just as rational to have been discussing a railway from Canada to the moon. The answer is here:

"While conducting their proposal herefore submitted—on the 30th ultimo—and fully sharing the desire of Her Britannic Majesty's plenipotentiaries to remove all causes of difference in connection with the fisheries, the American plenipotentiaries are constrained, after careful consideration, to decline to act from the President authority required to consider the proposal conveyed to them on the 3rd instant as a means to the desired end, because the greater freedom of commercial intercourse so proposed would necessitate an unrestricted tariff of the United States by congressional action, which adjustment the American plenipotentiaries consider to be manifestly impracticable of accomplishment through the medium of a treaty under the circumstances now existing. Nor could the American plenipotentiaries admit that such a mutual arrangement as is proposed by Her Britannic Majesty's plenipotentiaries could be accepted as constituting a suitable basis of negotiation concerning the rights and privileges claimed for American fishing vessels, it still appears to the American plenipotentiaries to be possible to find an adjustment of differences by agreeing on an interpretation or modification of the Treaty of 1818, which will be honorable to both parties and remove the greatest cause of complaint to which and they are now—as they have been from the beginning of this conference—ready to devote themselves."

Mr. Bayard gives a further illustration of the position in a letter to the Senate. It is dated Washington, 22nd March, and in it he says:

"In conformity with the lovable course pursued in previous negotiations, when the conference met it was agreed that an honorable confidence should be maintained in its deliberations, and that only results should be announced and such other matters as the joint propositions should sign under the direction of the plenipotentiaries. With
wish only on our there tatied dian of diuial tula been attainment.

The gated.

gated. 

The Kesolved, Senate."

the duties levied by Congress can be changed or abrogated, and such treaties to be operative as law must have the sanction of an Act of Congress.

I have therefore shown the grounds on which the United States plenipotentiaries refused in the most positive manner, as they have stated in their reply, over and over again, to take up the question of trade relations. You may ask me then what Mr. Bayard meant by using the words "these commercial questions and this commercial intercourse between the two countries." I confess I was misled. I confess frankly I took the same view as hon. gentlemen would take, I think, on reading his letter to me and my letter to him and his instructions to Mr. Phelps, and I was not prepared to be met by an absolute refusal on the part of the United States plenipotentiaries to take up and consider the question of commercial intercourse at all. But the explanation was this, and I think it is right and fair that in his absence I should give it. Mr. Bayard states now, and has stated throughout, his great desire to have the freest commercial intercourse between the United States and every part and interest of the two countries. He says, if you want to see the policy of the Government of the United States you have it in the President's Message to Congress, there is our policy. Our policy is to meet this enormous surplus revenue in the United States, not by a reduction which will strike at the labor and capital of the country by reducing the duty on manufactured articles simply and purely, but it is to meet it by two courses—by making everything that operates to increase the duties levied by Congress collected, and by lowering the duties on raw materials, which instead of injuring the manufacturing industries is a protective policy. I say, Sir, that after studying the policy of the United States, of the Democratic Party—the free trade party of the United States as they are very improperly called, for there is no free trade party in the United States, they have got beyond that long ago—after examining their policy, after reading the President's message, after reading the report of the Secretary of the Treasury, after reading the speech of Mr. Carlisle, the Speaker of the House of Representatives on this subject, I have come to the conclusion that their policy is just as close to the policy of the Government of Canada as any two things possibly can be. Our policy is to make natural products free; our policy is to make raw materials free; our policy is to make the country as cheap a country as we can for the artisan, and at the same time to give his labor a full return, by such protection of the manufacturing industries of the country as will build up and give employment to the people. Now, Sir, that is our policy. Mr. Bayard and those other gentlemen said that "there is only one way to reach this (for Congress alone can take the Executive off anything and on account of the experiment that has been excited in this country by those fishery difficulties you have an unanimous Bill passed by the House of Representatives and passed by the Senate and assented to by the President, you have to meet what they hold was the inhospitable conduct (they used good deal stronger terms in some of their State papers) I am very sorry to say), of Canada in reference to the treatment of their fishermen, our representatives have said that they would never purchase from Canada any immunity for their fishermen by reciprocal trade arrangements" imbed, as their minds were, with the idea that we had adopted that policy to force reciprocity upon them. They imagined we did it for this purpose, instead of doing it as we did it to protect our rights. While we were ready to have the freest commercial intercourse to the natural products of the two countries we never attempted to use that as a means or as a lever by which to coerce the people of the United States. We were simply and wholly animated by a desire to protect as we were bound to
do the fishermen of this country who are engaged in one of our greatest and most important industries. Well, Sir, what was this Non-Intercourse Bill? It was a bill not only provided for shutting Canadian fishing vessels out of all ports of the United States, but it contained a provision against all intercourse of trade. Here is one of the provisions: "That whenever the President of the United States shall be satisfied that American fishermen are visiting or being in the waters of or at any ports or places of the British Dominions of North America, or at any ports or places of the United States, and as a consequence of such access, or to any of the provisions of the present law, the President may cause the vessels to be taken and impounded."

And this point, covering complete non-intercourse with the entire country, "...we also deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions or other goods coming from said dominions to the United States."

That was the law placed upon the statute-book of the United States by the unanimous vote I believe of both the House of Representatives and the Senate of the United States. If there was a "no" at all it was a single one. To express my opinion, and the feeling in the United States, and our friends the plenipotentiaries representing the United States, said: "If we make a treaty with you affecting fishery matters, as small the land matter you may be willing to accept, it is certain of absolute rejection by the Senate, because the Congress of the United States have stated their position firmly, and they will not permit any interference with the foreign relations of the United States by treaty, with anything that involves a change in the fish laws of the United States. They said, secondly, that not only was that the case but such was the hostility of public men in regard to Canada and the treatment by Canada of their fishermen, that if to-morrow any relaxation of the tariff of the United States was made by an Act of Congress it would contain a clause excepting Canada from the benefits of the bill to deny us its advantage. But they said our policy is proclaimed to the world; you will read it in the President's speech; you will see it everywhere: our policy is as far as we can to make the natural products that come into the country free and what lies in the way of that policy is this irritation connected with the fishery question. If we can solve that, if we can take that out of the way you will find as once that our own independent policy—the policy of the United States on this question of commercial intercourse—will be such as to produce the most intimate commercial relations again with the Dominion of Canada. And, Sir, under those circumstances dealt as we were the free consideration of the question of which I have given abundant evidence, we turned our attention to the only means by which we could avert what everybody would feel would be the greatest disaster that could befall this country. We turned our attention to this cause and averted these and these were the removal of the cause of irritation between the United States and Canada (for it was Canada rather than Great Britain that was referred to) and by removing that cause of irritation that giving free scope to this policy by which they were committed, we believed that it would at a very early day give us everything that we could desire in the way of greater freedom of commercial intercourse. Now the result of this very similar position is explaining this treaty, which I have now reached, to that in which I was in 1871 when defending the treaty of my right hon. friend under somewhat different circumstances. Then I said: "Every word that you force us to say in support of this treaty will be used against us at Halifax in diminution of the payment that we are entitled to for the greater value of our fisheries." Today I am in somewhat similar position. For, every word that I say in defense of the treaty to which I have put my hand and to which I ask the sanction of this House with the utmost confidence, every word that I can speak of it may be used to-morrow in the Senate of the United States, where support to the treaty may be more difficult to obtain than it is in the House of Commons of Canada. The House will, therefore, understand that his occasion cannot be expected from me that I shall point out very elaborately the advantages accruing to Canada under the treaty to which we have come to this nation. What I say is this—I say, Sir, that the course that has been adopted in reference to this treaty has been adopted with a view to secure in the only way that was found practicable, the best interests of Canada. I am told, in fact I received a message, that the leader of the Opposition wished me to lay on the Table of the House a map showing what Canada claimed under the Treaty of 1818 in regard to the headland question, and another map showing what the United States were claiming. How much we had surrendered, or how much we had secured. I can only say that I am not able to respond to that invitation, for this reason, that the treaty, as was done by the House of Commons to the House of Commons, in regard to the delimitation, that the work shall be done by commissioners, two appointed on each side, eminent men of high qualifications, who shall mark on British admiralty charts the lines as they are laid down and agreed to in the treaty. My hon. friend the leader of the Opposition will at once see that it would not do for me to anticipate the action of that court of delimitation, or to undertake in advance to set aside the important duties with which they are charged, and give exactly my view of it.

Mr. LAURIER. I have seen it done.

Sir CHARLES TUPPER. He has seen it done, and he has seen it done in this very case. I have seen in the New York Herald—I do not know who gave it to them—the delimitation marked; and I have seen in the Globe newspaper that very enterprising journal which gives so much attention to these important questions, that question of delimitation dealt with, and a map published showing the results of the delimitation, both as to Newfoundland and as to Canada. Now, I do not intend to endorse the letter-press of this article, which declares that there has been a complete surrender of Canadian interests by myself; but I will say this much, that this is a very good effort on the part of an enterprising journal to put before the country the results of the delimitation as described in the treaty. It is very specifically described in the treaty, and those who study this map attentively, will, I think, be able to form a very fair idea of the results—quite as
good as they would from any unauthorised map which I could have constructed, and which I would have no right to lay before the House. I do not think it was a complete surrender, and I will briefly tell the House why. But before proceeding to that matter, I may say that there was one subject on which I was glad to find that the American plenipotentiaries, and myself especially were entirely at one. They expressed no wish to acquire the right to fish in the jurisdictional waters of Canada. With that expression of opinion on their part I heartily concurred. I believe it would have been difficult to obtain any possible treaty that could repay Canada for having her inestimable fishing grounds thrown open again to United States fishermen. With the recent modes of catching fish by men and machines, my fear would be that if our fishing grounds were thrown open to our neighbors to the south of us, in ten or fifteen years we should have very little better fisheries than they have. I believe such an event would lead to their destruction, and therefore, I was very glad to find that there was no desire on the part of the United States to acquire the right to fish in the inshore-fishing grounds of Canada; and I want it to be kept steadily in view that in all the arrangements provided by this treaty, Canada holds for Canadians her fishing grounds for their own exclusive use and benefit; and, Sir, with the intelligence, the industry, and the enterprise of our people, I am quite certain that they will be able under the provisions of this treaty to hold their own anywhere. I will now, Sir, proceed to deal with the subject of the treaty itself, and I take up first the most important question, that of delimitation. I need not tell you that that is a question in controversy. It is a question, as my hon. friend from Northumberland (Mr. Mitchell) knows, has been a most fertile cause of discussion between the United States and Great Britain and Canada. The Americans have maintained that what we termed our exclusive right to shut them, Sir, it would have been difficult to obtain any other word I could give them to them by the score, in which they have again and again maintained that position, and demanded that right.

Mr. MITCHELL. Did not Great Britain for forty years enforce her construction of that Treaty of 1818?

Sir CHARLES TUPPER. I can only say that nobody knows better than my hon. friend that Great Britain induced him to recall his regulations and restrictions, after he had issued them, and restricted his jurisdiction to within three miles of the shore.

Mr. MITCHELL. And why? Because Great Britain could control the Government of this country, and I had to do it; that is why.

Sir CHARLES TUPPER. Never mind. My hon. friend's inquiry was as to the position of Great Britain, and I give it to him. Great Britain has always contended, and has rightly contended, for technical exclusion from any bay, and the Crown officers of England have sustained that contention. But my hon. friend knows that it is one thing to hold a technical construction, and it is another to undertake to enforce it.

Mr. MITCHELL. Will the hon. gentleman let me put one question to him? He states that Great Britain has held a technical construction of the Treaty of 1818. I would say that Great Britain has actually enforced her technical construction for forty years. And with reference to what the hon. gentleman says about exclusion from bays, the first decision was given in reference to the Bay of Fundy, where the headland on one side was American and the headland on the other was Canadian or Nova Scotian. That was the first give-away of our treaty rights.

Sir CHARLES TUPPER. My hon. friend then means that for the first forty years Great Britain held a particular view which she has abandoned for the last forty years.

Mr. MITCHELL. I do not mean that. I will say what I mean if the hon. gentleman will let me. I say that for the first forty years Great Britain legitimately enforced that contention and the Americans recognized it. Under the decision in the case of the Bay of Fundy, one side of which was American and the other side Nova Scotian, it was held that that bay was not exclusively an English bay, and upon the decision in that case our rights were given away and suspended by England, and were not enforced as strictly as they had been before.

Sir CHARLES TUPPER. Well, I do not intend to be drawn into a discussion by my hon. friend, because I do not question very much his statement; but ask him whether he thinks a right which is technically claimed but practically abandoned for forty years, is gaining in strength. I take a different view. But perhaps my hon. friend will allow me to proceed, and reserve his remarks for a future period. On the 17th September, 1845, Lord Stanley wrote to Lord Falkland—

Her Majesty's Government have attentively considered the representations contained in your dispatches, respecting the policy of granting permission to the fishermen of the United States to fish in the Bay of Chaleur, and other large bays of a similar character on the coast of New Brunswick and Nova Scotia; and apprehending, from your statements, that any such general concession would be injurious to the interests of the British North American Provinces, we have abandoned the intention we had entertained on the subject, and shall adhere to the strict letter of the treaty which exists between Great Britain and the United States, relative to the fisheries in North America, except so far as they may relate to the bay of Fundy, which has been thrown open to the North Americans under certain restrictions.

So that Lord Stanley, intimated practically that what was done in the Bay of Fundy was to be the rule.

Mr. MITCHELL. No.

Mr. MILLS (Bothwell). The very opposite.

Sir CHARLES TUPPER. He says in so many words that this was what they had intended but that they had abandoned the idea upon representation.

Mr. MILLS (Bothwell). Let the hon. gentleman read it again.

Sir CHARLES TUPPER—

Mr. Everett thought that the negotiations were now in a most favorable state.

That is, after the Bay of Fundy was given up.

Mr. MITCHELL. By a full and satisfactory adjustment of the dispute.

He had the fullest assurance that the British Government contemplated a further extension of the same policy by the adoption of a general regulation that American fishermen should be allowed freely to enter all bays of which the mouths were not more than six miles in width.

In May, 1845, Lord Stanley communicated this intention to Lord Falkland, who immediately replied. Then Nova Scotia came forward, and Canada came forward, and the result of their firm remonstrances, based on this constitutional right, was that he recoiled from the intention to allow the Americans to go within three miles of the shore, and decided to maintain the original contention.

Mr. MILLS (Bothwell). Hear, hear.
Sir CHARLES TUPPER. That is what I said exactly. I come to this question, and, as I said before, no public officer, in my judgment, no Minister, ever exhibited more zeal or ability in the management of his department than did my hon. friend.

Mr. MITCHELL. Never mind that.

Sir CHARLES TUPPER. From the time it was organised under his charge he showed the greatest possible determination to hold on to all that he had, and to get as much as he could in the interests of Canada. Now, I will draw the attention of my hon. friend and the House to the fact that, actuated by that motive, in 1870, he sent out the following instructions:

"In each capacity your jurisdiction must be strictly confined within the limit of three geographical miles of any of the coast, bays, creeks, or harbors of Canada, with respect to any action you may take against American fishing vessels and the United States citizens engaged in fishing."

Mr. MITCHELL. Under instructions from England.

Sir CHARLES TUPPER. No. This is before the pressure, as the hon. gentleman will see, but he went on trying to get in the thin end of another wedge, and I commend his attempt. He said:

"Where any of the bays, creeks, or harbors, shall not exceed ten geographical miles in width, you will consider that the line of demarcation extends from headland to headland, either as the earees of any bay, creek, or harbor, or from and between given points on both sides thereof, at any place nearest the mouth, where the shore is less than ten miles apart; and may exclude foreign fishermen and fishing vessels therefrom, or exits, if found within three marine miles of the coast."

Then he went on to give the jurisdiction and the action that should be taken under it; and the bays from which he instructed his officers to exclude American fishing vessels those ten miles in width. What followed? We have a dispatch from Lord Granville to the Governor General:

"Her Majesty's Government hopes that the United States fishermen will not be for the present prevented from fishing except within those miles from land or in bays which are less than six miles broad at the mouth."

That is the answer to the instructions. My hon. friend, I grant you, was under compulsion; he was, I grant you, under pressure from Her Majesty's Government; but that only makes the case stronger from my standpoint, and my standpoint is that in the position we occupy, dependent upon Her Majesty's Government for that right, armed and strength, and power, which will enforce a regard for the interests of the people of this country, we must pay some deference to Her Majesty's Government. Considering the fostering care which Her Majesty's Government have at all times given the interests of Canada, we are bound to reciprocate by meeting any just claim for consideration from the party which is mainly involved in our contentions. Therefore, I say my hon. friend was right, but he did withdraw that instruction, and he issued in its place the following instructions, as contained in a report of Council:

"The Council is aware that when the British Government in 1864 opened the Bay of Fundy to American fishermen, as an amiable relaxation of treaty rights, the act was officially regarded as a practical acknowledgment by American authorities of the British construction of the Convention of 1818. It was immediately followed by a demand for general application to all states exceeding six miles wide."

So that I say to my hon. friend that I gave him my own terms, as sustaining the statement that I made of the desire of the Government of the United States to have access to our waters within three miles of the shore, whether in bays or out of bays.

Mr. MITCHELL. I promised not to interrupt the hon. gentleman, and I will not; but I will simply say that I have a complete answer to that.

Sir CHARLES TUPPER. No doubt the hon. gentleman is so ingenious that he could answer himself over and over again.

Mr. MITCHELL. He is so careful in his public capacity that he can do it.

Sir CHARLES TUPPER. I have no fault to find with my hon. friend in his public capacity as a Minister. I have a great deal more fault to find with him in his private capacity, as sitting on the other side of the House.

Mr. MITCHELL. Do you think there is much difference between us.

Sir CHARLES TUPPER. Here is a despatch from Downing Street, dated 6th June 1870:

"Her Majesty's Government are fully aware that no step should be taken which should prejudice the question."

I want to draw the attention of the House to the fact that this was not a settled or concluded question, that it was not a question upon which the Governments of Great Britain and the United States had agreed or on which they had arrived at a common interpretation; and I want to draw my hon. friend's attention to the doubt that Her Majesty's Government had upon the subject. What do they say?

"Her Majesty's Government are fully aware that no step should be taken which should prejudice the question."

"But they do not abandon the hope of the question of abstract right may yet be avoided by some arrangement between Canada and the United States, or that the limits may be definitely settled by arbitration or otherwise; and while any existence of this kind exists, they desire to avoid all occasions of dispute, so far as this is possible, consistently with the substantial protection of the Canadian fisheries. With these objects, they think it advisable that United States fishermen should not be excluded from any waters except within three miles from the shore, or in the usual case of a bay which is less than six miles wide at its mouth but spreads to a greater width within. It will, of course, be understood and explained to the United States Government that this liberty is conceded temporarily and without prejudice to the right of Great Britain to fall back on her treaty rights, if the prospects of an arrangement lessen, or if the concession is found to interfere practically with the protection of the Canadian fisheries."

That was also a despatch from Lord Granville, June 6th, 1870. Now, under the pressure of this, as my hon. friend has stated, he changed his instructions in reference to the ten miles and put in six miles, and forbade his officers to interfere with the American fishermen, not as in the first instructions he gave, if they were within three miles of the month of the bay, but only if they were within three miles of the shore, and he says:

"Until further instructed, therefore, you will not interfere with any American fishing vessel or boat or any American fishermen, unless they are found within three miles of the shore."

Mr. MITCHELL. Under positive instructions from England, against my representations and everything else.

Sir CHARLES TUPPER. I think I have satisfied my hon. friend that, as far as Her Majesty's Government were concerned, while they maintained the abstract right under the treaty, they were unwilling to raise the question of bays, and the result is, as my hon. friend knows, that for the last thirty-four years, certainly since 1864—and I will
not go further back than 1854—there has been no practical interference with American fishing vessels unless they were within three miles of the shore, in bays or elsewhere.

Mr. MITCHELL. Will his honor allow me to ask him one question?

Sir CHARLES TUPPER. I would ask the hon. gentleman not to do it now. I was in hopes to finish by 6 o'clock and I am sure the House will sympathise with me in that desire. Tha Government instead of considering this as a question passed beyond controversy, did what? The hon. gentleman was a member of the Government at the time, and the Government, Hoped Mr., now Sir Alexander Campbell to go to Lord Kimberley and ask for the appointment of a commission on which England and the United States and Canada would be represented, the United States and Great Britain, the Dominion should be represented. Her Majesty's Government will propose to the United States Government the appointment of a commission.

I give that to the House as the proof that, so far from this being regarded as a matter upon which no question could arise, it was not so treated. Lord Kimberley, in a despatch sent by the British Government, said:—

"The object of Her Majesty's Government is, as you will observe, to give effect to the wishes of your Government, by appointing a joint commission on which both Great Britain and the United States will be represented, with the object of ascertaining what ought to be the geographical limits of the exclusive fishing rights of Canada under the terms of the treaty. The American concessions, as represented by the United States, must be adjusted, with the object of ascertaining what ought to be the geographical limits of the exclusive fishing rights of the British North American colonies. In accordance with the understandings of Her Majesty's Government, it is proposed that the enquiry should be held in America."

And then there is a memorandum from the Foreign Office giving the reasons for the appointment of that commission, and from that I will read a single sentence:

"The right of Great Britain to exclude American fishermen from waters within three miles of the coast is unassailable, and, it is believed, uncontested. But there appears to be some doubt what are the waters described as within three miles of bays, creeks, and harbors. When a bay is less than six miles broad, its waters are within the three mile limit, and therefore clearly within the meaning of the treaty, but, when it is more than that breadth, the question arises whether it is a bay of Her Britannic Majesty's dominions."

I hope I have satisfied the House that, so far from the question of delimitation, when we took it up at Washington, being one on which no question could be raised, it was an open question in which Canada and Great Britain on the one side maintained an extreme contention, and the United States Government maintained the very reverse, which was also an extreme contention.

Mr. MITCHELL. Nothing of the kind.

Sir CHARLES TUPPER. If I have not made it clear to the hon. gentleman, I am sure I have been not so unfortunate with the rest of the House. Now, what more? The hon. gentleman knows that, in the first place, the Government of Canada had agreed to a commission to ascertain what those rights were. Would we agree to a commission to ascertain, whether a foot of land in Canadian territory was ours or belonged to some one else? The hon. gentleman knows that we would not. But we did agree to this commission. My hon. friend from Bothwell (Mr. Milles) seemed a little while ago to be somewhat reticent as to whether there was any doubt at all on this subject. A great many members in this House will recollect that, when the Treaty of Washington had been arranged, that hon. gentleman moved in this House that, before the Halifax Commission should sit, the doubts respecting our geographical limits should first be settled. I am not saying that I did not agree with him, but I say that at that time the question was raised properly, and I opposed him, and I gave my reasons for so opposing him. If you look at the debates of that date, you will find, in the statements made by my right hon. friend the leader of the Government and those of hon. gentlemen on both sides of the House, that the desire was expressed that these doubts, which undoubtedly did exist, should be set at rest, but we did not think the time opportune before the sitting of the commission. When we changed sides, and the hon. member for Bothwell (Mr. Milles) sat on this side of the House, with the hon. member (Mr. Blake) who, I regret to know, is no longer able to lead that side of the House, after having pressed upon Ministers of the Crown, they agreed with us that it was not desirable to raise the question before the sitting of the Halifax Commission, and they have allowed it to sleep until now. I am frank to say that the plenipotentiaries now have made concessions on this question.

Mr. MITCHELL. Hear, hear.

Sir CHARLES TUPPER. The hon. gentleman says "hear, hear," but did he ever hear of any two nations, or any two individuals, who have not met, one or other of them, going into an arrangement to have it amicably settled and adjusted without both sides giving way in some degree or other? I think the very spirit and policy of this Commission which was proposed, was to ascertain, to settle and to remove these doubts, and I say, when we met these gentlemen and they proposed to us this ten mile limit, and said: If you give up the extreme contention that no bay, however broad its mouth, can be entered by an American fisherman, we will agree to take the ten mile limit, and when they met us further and said that, in addition to that they would take up and consider the question of any special bays we thought ought not to be opened up to foreigners, then we took this question up, as we were bound to take it up, and found a solution by mutual concession. Instead of giving into their contention that they could go into the Baie des Chaleurs within three miles of the shore, we made a treaty by which they cannot enter the Baie des Chaleurs at all. And the hon. gentleman knows that the Miramichi Bay, and a number of other bays that we consider of vital importance to be kept free from any kind of intrusion, have been conceded to us. We met them in a spirit of mutual concession. I have no hesitation in saying that I believe that, if we had met long before we parted, we were animated by the conviction that we owed it to the countries we represented, by mutual concessions, as far as could possibly be done, to find such a solution as would settle these questions that have disturbed the intercourse and threatened the peace of the two greatest English-speaking nations of the world, on the best terms that we could possibly find.
Mr. MILLS (Bothwell). Will the hon. gentleman tell us the meaning of article 5?

Sir CHARLES TUPPER. If the hon. gentleman will possess his soul in patience for a little while, I will try to do so. What is article 5? If the hon. gentleman has it in his hands, perhaps he will read it.

Mr. MILLS (Bothwell).

"Article V.—Nothing in this treaty shall be construed to include within the common waters or in the interior portions of any bay, creeks, or harbors as cannot be reached from the sea without passing within the three marine miles mentioned in Article I of the Convention of October 10, 1818."

Sir CHARLES TUPPER. I am obliged to my hon. friend for his question, and I will give him a most explicit and, I am quite sure, a satisfactory answer. I hold the delineation of a bay in my hand. It is imaginary, it is true, but it is none the less just what you may meet with at the mouth of any bay. This bay is fifteen miles from mainland to mainland and yet under the instructions of my hon. friend from Northumberland (Mr. Mitchell) not to go within three miles of the shore, they could not get into it now. I said: You do not propose by that ten-mile arrangement to enter a bay that you could not enter under the six-mile arrangement, do you? Certainly not. Then I gave them this delineation, and that clause was put in the treaty for the purpose of giving effect to it, and to prevent giving any possible uncertainty. Now, Sir, as I said before, we were met in a most anomalous position by the hon. gentleman on the one side, and the United States on the other, and Canada, to accept, as a great improvement upon the existing condition of things. Therefore, as I said, we made the concession, not of any thing that has been enforced practically by Canada, but the abstract right to exclude from bays that were more than six miles wide.

It being six o'clock, the Speaker left the Chair.

After Recess.

Sir CHARLES TUPPER. Before passing away entirely from the subject of delimitation, to which I drew the attention of the House for some time, I would like to say that in addition to the doubts which have been admitted on all sides to exist and required to be set at rest, the Government of the United States had a very strong standing ground, a very strong position, in the delimitation which was adopted by what was called the North Sea convention, a convention between Her Britannic Majesty, the German Emperor, the King of Prussia, the King of the Belgians, the King of Denmark, the President of the French Republic, and the King of the Netherlands, regulating the North Sea fisheries. This convention was signed at The Hague on the 9th May, 1852; and if upon that elaborate review of the bays from which foreign vessels should be excluded, these powers adopted the principle of limiting that exclusion to bays that were less than ten miles in width, you can readily see the strong position the Government of the United States would have in claiming that the delimitation should have some regard to the international policy of these great countries that had been dealing with a precisely similar question. Article 2 of the convention says:

"The fishermen of each country shall enjoy the exclusive right to fish within a distance of three miles from low water mark."

The three marine miles mentioned in the Convention of October 10, 1818, shall be measured seaward from low water mark; but at every bay, creek or harbor, not otherwise specially provided for in this treaty, such three marine miles shall be measured seaward from a straight line drawn across the bay, creek or harbor in the part nearest the entrance at the first point where the width does not exceed ten marine miles."

As I have said before, to accept the delimitation, to accept as the jurisdiction of Canada from which foreigners shall be excluded, the ten-mile limit as proposed by the Government of the United States, was to stand not only upon the ground that a good deal of doubt and hesitation seem to have been exhibited by Her Majesty's Government and the Government of Canada in dealing with that subject, but they had in addition the precedent of the Hague convention, where all the great powers to which I have referred, after careful examination and deliberation, decided that the fishermen of all countries should be at liberty to come into any waters where the bay was more than ten miles wide at the mouth. When we accepted this ten-mile delimitation, which was not all that appears to have been aimed at by any Canadian Government, the extreme limit that any person had proposed as a matter of delimitation, we made it a condition of the acceptance of that restriction that certain bays should be exempt from its operation, and although I have not furnished hon. gentlemen opposite with a chart on which those delimitations are marked by myself, as I thought it would hardly do to do that, it will be seen by the examination of such representations as have been given on this subject, that the exceptions which the plenipotentiaries of the United States were willing to concede have left us very small ground for complaint, although I frankly state it was a concession made by the plenipotentiaries of Her Majesty for the purpose of arriving at a common ground on which we could solve the difficulties with which this question was surrounded. Our concessions did not stop there. I am quite ready to admit, and I think it might as well be stated in the outset, that the Canadian Government would find it, I will find it, quite difficult as our friends the plenipotentiaries of the United States would find it, to justify this treaty if it was to be examined in the light of the extreme contentions maintained on both sides previously. I need not inform the House that in diplomatic intercourse it is customary, it is right for the representatives of a Government to state the strongest and most advanced ground that they possibly can sustain in relation to every question, and I would not, like, I confess, to be tried before the House by the ground taken by my hon. friend the Minister of Justice and by the Minister of Marine and Fisheries. The ground they took was quite right; they were authorised by the strict terms of the treaty in taking the strong ground they did; they would have failed in their duty to this House and to this country if, called upon to deal with this question as a matter of diplomatic intercourse and discussion, to support the Government of the United States and of Canada, they had not taken the extreme contention that the literal terms of the Treaty of 1818 would warrant. They did their duty in adopting that course; but when it comes to a question of conference, to a question of international discussion for the purpose of ascertaining whether between the extreme contentions of the two parties on the one side and the extreme contentions of the other, any standing ground may be found on which the two parties may meet and settle a dispute of great international
difficulty by mutual concession, the case is entirely altered, and the responsibility resting upon the plenipotentiaries of any country would be very great if they refused to consider fair and reasonable concessions on the one side and to make them by fair and reasonable concessions on the other. So that I have no hesitation in saying that, dealing with this great question in that spirit, dealing with a question that is of vital importance to the British Empire, of vital importance to the Government of Great Britain, who were constantly threatened with embarrassment and serious difficulties and collision with the great country to the south of us, a question, too, of great magnitude to the United States of America, a question of still greater magnitude, in my judgment, to the people of Canada, one on which we had more at stake and more to lose in a great struggle of that kind than either of the two interested parties, which I have referred to as looking at the question in that broad and national spirit, looking at it with a desire to remove the possibility of what I consider would be the greatest misfortunes that could happen to the divided world—a collision between the two great English-speaking nations—looking at it from that broad standpoint, it would have been criminal on my part and on the part of those who represented Her Majesty's Government and the interests of the people of Canada, if they had not endeavored, by making fair and reasonable concessions, to find a common ground that would provide a solution of these important and serious questions, that might enable a treaty to be formulated and accepted as a just and equitable settlement upon both sides. As I have said, our concessions did not rest at the delimitation. We come now to the next portion of the treaty, and that is the treatment of American fishermen within our waters. I trust I have explained article 6 to the satisfaction of the hon. member for Bothwell (Mr. Mills), and the other articles immediately following refer to the mode of delimitation and do not require any special remarks from me. Article 9 says:

"Nothing in it is a treaty shall interrupt or affect the free navigation of the Strait of Canso by fishing vessels of the United States."

I may explain to the House that that was not a surrender of British interest or advantage at the delimitation or at the request of the plenipotentiaries of the United States. That clause was inserted in the treaty by ourselves, and for this reason: That the rule for the delimitation which was adopted, the two-mile rule, would have necessarily excluded, if we took in Chedabucto Bay, which we did take in by making the delimitation, as hon. gentlemen will see, not from one side of the main land of the bay to the other, which would have joined it to the United States, but from the island between; by that delimitation the United States would have been shut out altogether from passing through the Strait of Canso because they could not have gone into Chedabucto Bay, and therefore they asked that Chedabucto Bay should be excluded from the delimitation, which made it an exclusive bay, in order to prevent their being shut out of the navigation of the Strait of Canso. Well, Sir, under those circumstances we met that by providing nothing new. We provided simply that nothing in this treaty shall interrupt the free navigation of the Strait of Canso, as previously enjoyed by fishing vessels to which we confined it, and in that way we avoided making an exception of Chedabucto Bay, which is the entrance from the Atlantic side to the Straits of Canso. Article 10 provides:

"That United States fishing vessels entering the bays or harbors referred to in Article 1 of this treaty shall conform to harbor regulations common to them and to fishing vessels of Canada or Newfoundland."

I do not think that requires any reference on my part because it speaks for itself, and is simply provides that whatever harbor regulations there are in force the fishing vessels shall be obliged to conform to them. Article 10 further provides:

"They shall not report, enter, or clear, when putting into such bays or harbors for shelter or repairing damages, nor when putting into the same, outside the limits of established ports of entry, for the purpose of purchasing wood or of obtaining water; except that any such vessel remaining more than twenty-four hours, exclusive of Sundays and legal holidays, within any such port, or communicating with the shore therefrom, may be required to report, enter, or clear; and no vessel shall be excused hereby from giving due information to boarding officers."

I may say, Sir, with reference to this, that a great deal was made of the apparent injustice of subjecting fishing vessels obliged to put in for humane purposes, such as vessels in distress and vessels under stress of weather to rigorous restrictions. A great deal was made of the difficulties that were thrown in their way, and the obstructions that were placed apparently by Canada, in the way of their exercising and enjoying those privileges that the Treaty of 1818 clearly and distinctly provided they should enjoy. I think, Sir, that this House and the people of this country will agree with me that it was not undesirable in the intervals of good neighborhood, in the interests of the great reputation of Canada for humane and friendly considerations to fishing vessels obliged to put into our ports for shelter, and especially where they had under the treaty a right to come in under such circumstances and not leave the shore, to remove any obstructions or hindrances that lay in their way. It was urged, on the other hand, that in the United States our fishing vessels were not treated with the same stringency that those vessels were which under treaty right are permitted to come into our waters for those four purposes, and evidence was placed before the conference to show that in the port of Portland the course pursued was a more liberal course than the stringent regulations which had been used in Canada. The collector of that port who had been collector for 30 years was examined and gave his testimony as to the treatment of the Dominion vessels in the United States waters. He was asked:

"During the time you have been the chief collector, whether or not, there have been numerous cases of Dominion vessels, including vessels engaged in fishing in that port, and if they failed to report, though lying more than twenty-four hours, have penalties been imposed for such failure during the term of your service?"

His answer was, as I remember:

"If there were any instances of Dominion vessels failing to report when lying more than twenty-four hours, their presence has been observed by the port officers. I do not recollect of any single instance when or where a penalty was imposed, and I find no record of any such payments in the accounts of this office."

Under those circumstances we felt that we might fairly allow vessels that had no connection with fishing vessels coming in distress, or vessels coming in under stress of weather to take shelter on our coast, that we might fairly exempt them from reporting for a period of 24 hours provided they did not touch the shore. It was represented that in many cases the previous regulations had involved great hardship and difficulty, that the customs houses were remote from the outlying portions of the harbor where the shelter was obtained, and that to remain long enough to go up to the customs house officer and to make the necessary report would involve a very serious delay and might prevent them getting to sea at all at the time they would desire. I do not conceive that any very great injury to our interests is likely to result where these privileges are only extended to vessels which are not permitted at all to communicate with the shore. The moment they have a communication with the shore, that moment it is incumbent upon them to report, or they are liable to the pains and penalties provided by this Act if they do not do so. I think this House will agree with me and I believe the people of this country will agree with me that it was a wise provision to
relieve them of what they found to be a great hardship, and so aid in effecting the removal of a very false impression abroad where people did not understand how stringent the necessity was for guarding our coasts.

"They shall not be liable in such cases or hazards for compulsory pilotage."

It was represented that a fisherman coming in by distress or by stress of weather was compelled to take a pilot or was subject to the charge for a pilot and that this was felt to be very onerous while the fact is that our own fishermen were practically free from any such pilotage regulations and it was therefore a concession to remove the pilotage dues. I admit it was a concession to relieve them from the charge of pilotage. It was a case in which in my judgment it was not worth the candle, and the money that would be obtained for pilotage was very small, while it would create a most unpleasant impression abroad if it were understood that while giving them the shelter the treaty compelled us to give them, we took the opportunity to force upon them a charge for pilotage that they did not require and which they thought unnecessary.

Mr. MITCHELL. Are not vessels under a certain size exempted from pilotage, Sir Charles?

Sir CHARLES TUPPER. Under 80 tons they are exempt. As my hon. friend knows our fishermen are pilots themselves, and they do not require to pay, and this was practically putting their fishermen upon the same footing as our own fishermen in regard to this charge.

Mr. MITCHELL. It is not much.

Sir CHARLES TUPPER. My hon. friend is right; it is not much. I think he will readily agree with me it was too small a matter to quarrel over—too small a matter to be a question of a breach between two nations.

Mr. MITCHELL. If you did nothing more than that we would be satisfied.

Sir CHARLES TUPPER. At the same time it was a concession, and it was a concession for the purpose of meeting them half way as far as we were able, and which we were glad to be able to do. The article further says:

"They shall not be liable in such bays or harbors for compulsory pilotage; nor, when therein for the purpose of shelter, of repairing damage, of procuring wood, or of obtaining water, shall they be liable for harbor dues, tonnage dues, buoy dues, light dues, or other similar dues; but the commission shall not permit other charges inconsistent with the enjoyment of the liberties reserved or secured by the Convention of October 26, 1818."

The truth is that although there appears to be a considerable concession in that, it does not amount to much from the fact that we have no light dues. In Newfoundland where they have rather heavy light dues it is a much more serious concession than it is in Canada, but Mr. Winter, the able Attorney General of Newfoundland, whose advice and assistance we had throughout those negotiations, felt that it was a concession which the island of Newfoundland would not object to although they would lose something in the way of light dues. Now, Sir, article 11 provides:

"United States fishing vessels entering the ports, bays and harbors of the eastern and north-eastern coasts of Canada or of the coast of Newfoundland under stress of weather or other casualty may unwind, reload, tranship or sell, subject to customs laws and regulations, all fish on board, when such unloading, transhipping, or sale is made necessary as salutary to repairs, and may obtain outboard repairs and supplies damaged or lost by disaster; and in case of death or sickness shall be allowed all needed facilities, including the shipping of crows."

I do not think, Sir, I shall have to take much time in satisfying this House that, although this is a very considerable and important concession, and although we were not compelled, in my judgment, under a strict literal interpretation of the Treaty of 1818 to make it, yet it was a wise and justifiable concession to make. What would be thought of Canada if an American, or a United States fishing vessel—I do not like to use the word American, because I think it is a term we have as much right to as our neighbors; I prefer to speak of them as the people of the United States, and ourselves as Canadians, and when I speak of the whole continent of America, I do not hesitate to apply the term American to the people of both Canada and the United States—but what would be thought of Canada if a vessel of the United States, loaded with fresh mackerel or fish of any other description, were driven by stress of weather, and perhaps in a sinking condition and compelled to resort to a Canadian port, and if, instead of allowing her to tranship her cargo or sell it on paying the duty and go upon a marine slip for repairs, we said: No, you must throw overboard the whole of your cargo, because we find you are not allowed to bring your fish into Canada?

Mr. MITCHELL. Do you not refuse a vessel that privilege?

Sir CHARLES TUPPER. I say that under the Treaty of 1818 we could refuse. Under the strict interpretation of that treaty, they had no right to unload their cargo and tranship or sell it; but what I say is that in making this concession—it is an undoubted concession—were only acting from the dictates of humanity and with a due regard to the credit and reputation of our country all over the world.

Mr. MITCHELL. But ask the question, did you not refuse it in any case?

Sir CHARLES TUPPER. No, I did not refuse.

Mr. MITCHELL. You would not, I know, you are too warm-hearted.

Sir CHARLES TUPPER. If my hon. friend really wants a frank answer—and he knows how frank I desire to be on all these occasions—I will tell him. We said: Under this treaty you have no right to do it, but we will allow you to do it when the application was made; but, we said, I must not be regarded as a precedent, but it is a concession, and in attempting to reach a settlement of these questions there must be concessions on both sides. Article 11 further provides:

"Licenses to purchase in established ports of entry of the aforesaid coast of Canada or of Newfoundland, for the homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels, shall be granted to United States fishing vessels in such ports promptly upon application and without charge, and such vessels, having obtained licenses in the manner aforesaid, shall also be accorded upon all occasions such facilities for the purchase of casual or necessary provisions and supplies as are ordinarily granted to trading vessels; but provisions or supplies shall not be obtained by bars, nor purchased for re-sale or traffic."

That was another concession. There is no doubt at all, Sir, that these were rights which under the strict terms of the Treaty of 1818 they could not demand, nor could they insist upon them being granted; but at the same time I think I am within the jurisdiction of the Hon. Sir John Macdonald when I say that in the case of a vessel which is homeward bound and requires provisions or necessary supplies to take her home, if, for instance, she has some of her rigging carried away, or some of her salt washed overboard, and is obliged to lose
her voyage is going back to a distant port to reach, a provision that she may obtain usual and necessary supplies of that kind was demanded in the interests of good neighborhood, and it was not going too far to say that we would allow them to enjoy those advantages. Therefore, Sir, I am glad to see that the bill will have the House's approval of the House and the country, and that they will feel that we have only acted with a wise judgment, and with due regard to the best interests of Canada for the sake of maintaining an amicable and friendly relations, in putting these provisions into this treaty. Article 12 provides: "Fishing vessels of Canada and Newfoundland shall have on the Atlantic coast of the United States all the privileges reserved and enjoyed by the treaty to the United States fishing vessels in the aforesaid waters of Canada and Newfoundland."

I do not pretend that this is accomplishing a great deal, because it has been known to Canadian fishing vessels do require to resort to any great extent to the waters of the United States; but at the same time it is a reciprocal arrangement, and it shows that we are not granting anything to the fishermen of the United States that they are not prepared to grant in express terms to the fishermen of Canada. Article 13 provides: "The Secretary of the Treasury of the United States shall make regulations providing for the competitions exhibited by every United States fishing vessel, of its official number on each vessel; and any such vessel having to have an official number, and failing to comply with such regulations, shall not be entitled to the licenses provided for in this treaty. Such regulations shall be communicated to Her Majesty's Government previously to their taking effect." The object of that is obvious. Under the arrangements of the Government of the United States every vessel has an official number, and it will save a great deal of trouble if that official number is required to be exhibited in such a conspicuous form that the moment you see the vessel you will know that it is an American fishing vessel. That will enable you to investigate her character and position and everything about her. Although I have seen the Government of the United States very severely criticised for subjecting those vessels to such an indignity, I do not regard it as light at all. It is purely a matter of business between the two countries for the purpose of facilitating the recognition of vessels, and thus making it much easier to answer any question that may arise in relation to her; and as you will know every vessel to which you have given a license, the moment you see a vessel, you will know whether she has a license or not. This measure gives you an opportunity of identifying a vessel, and protecting your fishing grounds much more effectually than you could do without it. Article 11 provides: "The penalties for unlawfully fishing in the waters, bays, creeks, and harbors referred to in article 1 of this treaty may extend to forfeiture of the boat or vessel and appurtenances, and also of the provisions and cargo shipped when the offense was committed; and for preparing in such waters to unlawfully fish therein, penalties shall be fixed by the court, not to exceed those for unlawfully fishing."

That is to say, if you are able to establish a charge against the vessel of unlawfully preparing to fish, the court may in its judgment forfeit the vessel, but a discretion is left with the court, which it had not before, of imposing a comparatively much lighter penalty than the forfeiture of the vessel. I do not think anybody will question the wisdom of dealing with this question as we have done. We have left the penalty for unlawfully fishing to extend to the forfeiture of the vessel and everything appertaining to her. I think the House will agree with me that the penalty for the lighter offense may be lighter, and that the efficiency of the law is likely to be much greater with the lighter penalty than with the onerous ones that existed before.

And for any other violation of the laws of Great Britain, Canada, or Newfoundland relating to the right of fishing in such waters, bays, creeks, or harbors, penalties shall be fixed by the court, not exceeding in all three dollars for every ton of the boat or vessel concerned. The boat or vessel may be held for such penalties and forfeitures.

That penalty does not apply to unlawful fishing or preparing to fish, but it applies to the lighter offenses, such as attempting to purchase fish or anything of that kind. The penalty is reduced to a reasonable one, $3.00 a ton, but yet sufficient, in my judgment, to secure probably a more prompt and effective administration of the law then would be secured if you made the penalty a great deal higher.

"The proceedings shall be summary and as inexpensive as practicable."

I do not know that anybody but the judges in the courts of Vice-Admiralty could complain of that. The object of every civilized country should be to have the laws administered in as inexpensive and summary a mode as practicable.

"The trial (except on appeal) shall be at the place of detention, unless the judge shall, on request of the defense, order it to be held at some other place adjudged by him more convenient."

That is to say, it is proposed that instead of bringing those cases to the Court of Vice-Admiralty at Halifax, or St. John, N.B., or Quebec, as the case may be, it is proposed that a judge shall be sent to deal with the case in a summary manner, that the trial shall take place immediately at the place where the witnesses are all present and the facts can be ascertained, and thus save the cost and time that is occasioned by laying up a vessel for a year or two while awaiting judgment.

Mr. MITCHELL. Such as occurred in the Adams case.

Sir CHARLES TUPPER. There are two sides to that case. The delay did not rest altogether with us, but a very long delay took place at the instance of the owners of the Adams.

"Security for costs shall not be required of the defense, except when bail is offered. Reasonable bail shall be accepted. There shall be proper appeals available to the defense only; and the evidence at the trial may be used on appeal."

That is, we do not propose to appeal against the judgments of our own judges, but we allow an appeal to foreigners who are affected by the judgments of our own judges and who have not the same confidence in their judgments that we have. All this is done for the purpose of saving time and costs, thus avoiding endless litigation through delay.

"Judgments of forfeiture shall be reviewed by the Governor General of Canada in Council, or the Governor in Council of Newfoundland, before the same are executed."

Thus as a case in which, for unlawfully fishing or for unlawfully preparing to fish, the judge forfeits the vessel, that decision shall not be carried into execution until the Governor General in Council shall have had the opportunity of deliberating upon the evidence and finding that judgment was founded, so as to remand the judgment if they think there is any ground for the exercise of greater humanity than the judge has left himself able to use.

Article 13 is, of course, a contingent article. As I have already informed the House, the plenipotentiaries of the United States stated they were quite ready to put anything in the treaty that would necessarily touch the fiscal policy of their country. They said that to do so would be so absolutely to invite rejection of the treaty, on the ground that they had infringed the jurisdiction which Congress possessed, the United States Congress having, as I have shown the House, adopted, in the most emphatic form, the policy not to allow any changes in their tariff except by the act of Congress itself. We therefore put this in the contingent clause. We provide absolutely for the concessions that have been made with reference to diminution, and with reference to the treatment of United States fishing vessels, when compelled to resort to our ports in distress or in need of casual supplies or for a homeward voyage. All those were made absolute by the treaty; but when it came to that which is of great value to the United States fishermen, when it came to
that which enables the United States fishermen to make Cana-
dian basis of supplies for the purpose of better competing with
our own fishermen, we then felt that we had a right to take
our stand, and if Her Majesty's plenipotentiaries have fish,
been able to support the extreme contention of the Canadian
Government hon. gentlemen will find that, on the other hand,
the grounds, the American fishermen, who, had, as a
matter of diplomatic intercourse, taken a very strong
ground as to the indefensible rights of American fishing
vessels to obtain, in our ports, as commercial vessels, what-
ever supplies they required for carrying on their fishing-
be able to purchase bivalves, to be able to purchase supplies
every kind and to be able to tranship their fish—they
will find that our friends on the other side had, in the same
way, to concede a great deal as compared with the extreme
contention that they had made. Here it is provided, as a
just and proper security to the interests of the fishermen
of Canada, who have the right, while excluded by heavy duties
from the markets of the United States, to such protection as
the Treaty of 1818 has provided for them, that whenever
the question arises as to Canada being made the basis of
supply for the American deep sea fishing vessels—because
the Treaty question of fishing is not in controversy at all, the
Americans having given up the right to catch fish in the inshore waters
of Canada—that only can be done for a sufficient "quid pro
gusto, We have, the...free boundary provided in article 15:

"Whenever the United States shall remove the duty from sildets,
whale-oil, etc. oil, and fish of all kinds (except fish preserved in oil),
being the produce of fisheries carried on by the fishermen of Canada and
of Newfoundland, including Labrador, the privileges of the ports,
harbors, and the aforesaid coast of Canada and of Newfoundland
shall be accorded to United States fishing vessels by annual licenses, free
of charge, for the following purposes, namely:

1. The purchase of provisions, bivalves, ice, salves, linen, and all other
supplies and utensils;
2. The purchase of fish, for transport by any means of conveyance;
3. Shipping of crews.
4. Supplies shall not be obtained by barrier, but sail may be so obtained;
5. The vessel and its supplies, as far as may be consistent with the
interests of the United States, shall be allowed to remain in the harbor
of Saguenay, or on the coast of Labrador, for a period not exceeding
days.

I think this is a measure which will meet with the hearty
approval of the House. I think this will be regarded
as a fair and reasonable proposition, that, if fishing
vessels of the United States are allowed to make
Canada a base for obtaining their supplies and furnishing
all the materials necessary for the outfit of a fish-
ing voyage, for the transhipment of their catch, and
making their...supply, and the merits of carrying on
their industry, the fishermen of Canada, with whom
they are in that case better able to compete than they could
otherwise, are entitled to have their fish entered Free in
the ports of the United States. While the plenipotentiaries of
the United States were not able to make this an absolute
provision, I do not hesitate to say that I look confidently
the period in the not remote future when it is
will be made free. But the fishermen of the United States will be able to
obtain all the advantages in our ports which are here given
to them. It will be observed that we have made this much
larger in the Provisions than either the Revised Treaty of 1854 or the Washington Treaty of 1871, inasmuch
as we have made it cover many places which were
not covered by either of those treaties, and not only that,
but we have taken care to guard against what
might be called the rather sharp practices, if such a term
were admissible in regard to a neighboring country, that,
while allowing our fish to come in free, they should impose
a duty upon the same or tariffs or coverings in which the fish
were included. More than that, we have made this cover
all the inland waters of Canada, as well as the sea coast,
and have made this provision 81. 80. that they shall be exempt
provided they take advantage of this clause and make
Canada the base of their supplies, apply to the fish of
British Columbia, that is, to the whole of Canada, the same
as it does to the Atlantic coast. I think I have now dealt
with the treaty in its entirety as it stands, and I have only
to refer to the modus vivendi in Schedule B, which provides
that, while this treaty is in operation, it can be ratified
by the Senate of the United States, the Parliament
of Canada and the Legislature of Newfoundland, during two
years or pending that ratification, until then privileges
to which the American fishermen are entitled on the initiative
of a treaty which is free, those privileges shall be enjoyed
by the American fishermen on the payment of $1.50 per ton.
I need not tell you that, on the eve of the ratification of a
treaty of this kind, by the Senate of the United States, a
collision between the fishermen of the two countries or
anything which would invite bad blood or become a
cause of prejudice would probably prevent the ratification
of a treaty which would be otherwise ratified, and
that we offered in this modus vivendi for
for two years the privilege to these United States fishermen of
maintaining these privileges under the treaty by the payment of $1.50 per ton.
I do not think this will be regarded as an excessive rate, and I think
I will greatly conduet to good neighborhood between the
two countries and the United States and Canada, which are united by
the United States plenipotentiaries in the most kindly
spirit. They recommended the President to submit it
the Senate for their information, and I think I may
say that it carries on the face of it the admission of the
Governments of both countries. Now, having referred
to the various provisions of the treaty, I am happy
say that I shall have to take up to the House,
and that it existed much more than that. If
that still had been brought into operation by the
proclamation of the President of the United States, I have no
hesitation in saying that we stood in the relation to that
great country of commercial war, and the line is very
narrow which separates a commercial war between two
countries from an actual war. Speaking a year ago, I
pointed out to my remarks, with a view to prevent the possibility
of such an Act going into force, all the advantages
that in our present position we could avail ourselves of to
suppress ourselves against such an unfriendly act on the part
the United States. I said then that it would be a mad not,
I say so now. No man who knows anything of the intimate
commercial relations which exist between Canada and the
United States could contemplate such an Act going into
operation without feeling that it would tear up from the
foundation the intimate social and commercial relations
which exist between these two countries, which are friendly
commercial rivalry, are making rapid progress which has
attracted the attention of the civilized world. It would
produce a condition of things the out of which no
man could foresee. If that Act had been adopted,
we had no means of looking to any increased com-
mercial intercourse between that great country and the Dominion of Canada. Under those circumstances, it behooved the Government of Canada to adopt any means in its power to soothe that great anxiety. It was, of course, a question whether the advantages which they said they were entitled to, they, as the Executive of that country, should put that Non-intercourse Act into force. That was the condition of things which I mentioned last Easter, to see Mr. Bayard at Washington. If you compare the condition of things to-day with the condition of things that existed then, there is no man, I care not how partisan he may be, how unfriendly to this Government he may be, who can judicially look at the position of this question then and now, without coming to the conclusion that we have emerged from midnight darkness into the light of day under the auspices of this treaty. It may be said: Suppose that the treaty is rejected by the United States Senate—a not impossible contingency. I need not tell the House that one of the advantages we enjoy under British institutions, is that we are saved from the extreme and violent agitations of party that every fourth year the Presidential election brings into our United States. Now any man who knows anything of the political state of the United States, knows that however good a measure is, however valuable, however wise, it commands itself to the judgment of every intelligent mind. It is next to impossible to induce a Republican majority in the Senate to sanction anything that a Democratic Administration proposes, that is to be expected in this matter is not so, but it will be the same. The question is, whether or not at the time the treaty was signed in this capital, under my direction and authority, on the 18th of February last, and which I now have the honor to submit to the Senate, with the recommendation that it shall receive the consent of this body, as provided in the constitution, in order that the ratifications thereof, may be duly exchanged and this treaty brought to the Senate for its consent, I believe I am in possession of all the facts, its nature, its object, and its results, upon both parties, of the difficult and vexed question to which it relates. A review of the history of this question will show that all formal attempts to arrive at a common interpretation, satisfactory to both parties, of the first article of the Treaty of October 20, 1818, have been unsuccessful and with the lapse of time the difficulty and obscurity have only increased.

"Mr. Jaletis in 1854, and again in 1871, ended in both cases in the personal application of the terms of Canada and New- foundland and of the United States, and of the payment of the money awarded by the United States. Under which the real question in different remains unsolved, to be expected, and ready to present themselves now just as soon as the conventional arrangements were abrogated.

"The situation, therefore, remained unsolved, the Treaty of 1817, and a grave condition of affairs, presenting almost identically the same features and causes of complaint by the United States against Canadian action and British dealings in that year. In May, 1849, it has continued until the present time.

"The four years of which I have spoken, the Treaty of 1818, were allowed to enter the bays and harbors of Canada and Newfoundland within the belt of three marine miles, as specified in the treaty, and the liberal construction, and their enjoyment secured without such conditions and restrictions as in the past have characterized and characterized them so seriously.

"The enforcement of penalties for fishing or preparing to fish within the inshore and exclusive waters of Canada and Newfoundland is to be accomplished under safeguards against oppressive or arbitrary action, thus protecting the defendant fishermen from punishment in advance of trial, delay, and unnecessary and nonessential expense.

"The hospitality secured for our vessels in case of actual distress, with liberty to land and sell and transport their cargoes, is full and liberal.

"These provisions will secure the substantial enjoyment of the treaty rights for our fishermen under the Treaty of 1818, for the continuance has been steadily made in the corresponding treaties, and by our Minister at London, and by the American negotiators of the present treaty.

"The treaty now submitted to you has been framed in a spirit of liberal equity and reciprocal benefit, in the conviction that mutual
advantage and consonance are the only permanent foundations of peace and friendship between States, and that with the adoption of the treaty now in Council, before the Senators, a beneficent and satisfactory intercourse between the two countries will be established so as to procure perpetual peace and harmony.

"In connection with the treaty herewith submitted I deem it my duty to transmit to the Senate a written offer to the arrangement, to the nature of a media res. This is based on the conclusion of the treaty the part of the British plenipotentiaries, to secure kindly and peaceful relations for the period that may be required for the consideration of the treaty by the respective Governments and for the adoption of the necessary legislation to carry its provisions into effect if approved.

"This paper, freely and on their own motion, signed by the British plenipotentiaries, is to all appearances a model of the treaty, and fully in accordance with the promise of the Government to make such an arrangement for the benefit of the people of the United States, as appears to be the result of the ratification of the treaty, but to be subject to the intervention to the United States Congress in the matter of the time to be given to them to adopt the necessary legislation to carry its provisions into effect if approved.

"The world, in more instances than one, has been guilty of unfair advantages to the people, pending the ratification of the treaty, but no assurance to the people, and the United States Senate, as the best evidence of the sincerity of what they said. What has happened already? Already we have action by the financial enchanter of the Administration of the United States, I mean Mr. Mills, the gentleman who in the United States Congress represents the Government of the United States, and stands in the position most analogous in the United States to the Finance Minister in this House, the Chairman of the Committee on Ways and Means, who propounds the policy of the Administration in the House. How is he selected? The Democratic party sustaining the Government selects a man as Speaker of the House of Representatives, who is in accord with the policy of the Administration for the time being, and Mr. Carlisle, the Speaker of the House of Representatives, nominates the Chairman of the Committee on Ways and Means and all the members of the committee, and therefore the Chairman of that committee occupies the position of representing the Government in bringing forward such Bills as will represent the views and sentiments of the Democratic party in the United States supporting the Administration. What have we seen? The ink is barely dry upon this treaty before he, as the representative of the Government and Chairman of the Committee of Ways and Means, brings in Bills to abolish what? Why, to make free articles that Canada sends into the United States, and upon which last year $1,800,000 of duty was paid.

Some hon. MEMBERS. We paid?

SIR CHARLES TUPPER. I ask, Sir, if that is nothing.

Some hon. MEMBERS. Who paid?

SIR CHARLES TUPPER. I do not intend to insult both the great political parties of this country who have since 1854 and long before maintained that the interests of Canada—the interests of British North America—were intimately bound up in obtaining free intercourse with the United States for our natural products—I do not intend to insult the two great parties in this country by telling them that they were fools, that they did not know what they were doing. Down to the present hour we have adopted the policy on both sides of the House, and we have pledged ourselves to the people to do everything that lay in our power to obtain a free market for the natural products of our country with the United States, and I say you must answer me the question as to whether that was in the act of supreme folly or whether it was wise statesmanship on the part of both parties in this country to adopt that policy, before you ask me such a question as "who pays the duty?" I say that under this Bill which has been introduced and which, I believe, will pass, for it does not require two-thirds of the Senate where the Republican majority is only one in the whole House to pass this Bill, it requires a majority of one only and I am very sanguine that this Bill will pass during the present session. Modified it may be, but I am inclined to think the amendments will be still more in the interest of Canada than as the Bill stands to-day. If this is the case I think we may congratulate ourselves upon securing the free admission of our lumber, upon which was paid during the last year no less than $1,315,460. On copper ore made free by the Mills' Bill we paid, or there was paid—to make it meet the views of the hon. gentlemen opposite more correctly—$29,845.
On salt $1,092 duty was paid. This is rendered free by the
Mills' Bill. I am sorry to find as I hoped would be the case
from the first copy of the Bill that came to me that pota-
toes were not included amongst vegetables. I am sorry to find
there is a doubt, as to whether the term "vegetables not
specially enumerated" will not exclude potatoes. In
grappling with this policy of making the natural products
of the two countries free, you do not expect any person who
wants to carry a Bill to put a heavier load upon his shoulders
than he is able to carry, lest he may break down and do
nothing. You expect him to take it in detail, and as
I believe, you will find the policy contained in
this Bill of making those natural products of Canada free,
carried out until you have perfect freedom of intercourse
between the natural products of Canada and the United
States of America. Of wool we sent last year 1,319,300
lbs. of one kind, and a variety of other kinds, upon which a
duty was paid to the extent of $189,885. Now as I say on
articles of prime importance and interest to Canada the
removal of duty by the Mills' Bill amounts to no less than
$1,092. You will be glad to hear that I do not intend
to detain the House any longer. In discharge of the duties
— the very onerous and important duties—of one of Her
Majesty's plenipotentiaries at that conference, I have stead-
ily kept in view what in my heart and judgment I believed
were the best interests of Canada. In the measure which I
have the honor to submit to this House I believe will be
found embodied a Bill which is of the most vital impor-
tance to Canada to pass. As it stands to day the Govern-
ment of the United States have only my signature to sustain
the course that has been taken. I was not there as the repre-
sentative of the Government of Canada, nor can my signature
to the Treaty necessarily imply the approval and support of
even the Government of Canada. I compiled on that occa-
sion the position of one of Her Majesty's plenipotenti-
aries, charged not only with the responsibility of what I owed
to Canada, but also the responsibility of my duty to the
Empire. I can only say, Sir, that I felt I would best dis-
charge my duty to the Empire by steadily keeping in view
the interest of Canada. I believe, Sir, that there is no way
in which any public man in this country can promote the
interests of the great Empire of which we form a part,
better, or as well, as by taking such a course of public
action as will build up a great British community on this
northern portion of the continent of America. I believe,
Sir, that we owe it to the Empire as well as to ourselves,
steadily to keep in view every measure that will conduce
to the rapid progress of Canada, the development of our
inexhaustible resources and the building up of a great and
powerful British Dominion on this side of the Atlantic.
I say, Sir, that in the discharge of my duty I have steadily
kept that conviction in view, and I believe the course
which has been pursued will not only commend itself to
the judgment and the support of the great majority in this
House, but that the great majority of the people in this
country will feel that in the adoption of this treaty we are
taking a step that is calculated to conduce to the progress
and greatness and best interests of Canada.

Printed by MacLean, Roger & Co., Parliamentary Printers, Wellington Street, Ottawa.