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RICHMOND HILL, ONTARIO, FRIDAY, MAY 17, 1872.

SUPPLEMENT.

THE WASHINGTON TREATY.

Speech of Sir John A. Macdonald and Debate.

In the Dominion House of Commons, on Friday, May 3, 1872.

OTTAWA, May 4, 1872.

Sir JOHN A. MACDONALD rose and said:—

Mr. Speaker, — I move for leave to bring in a Bill to carry into effect certain clauses of the Treaty negotiated between the United States and Great Britain in 1871. The object of the Bill is stated in the title. It is to give validity, so far as Canada is concerned, to the treaty which was framed last year in the manner so well known to the House and country. The bill I proposed to introduce the other day was simply a bill to suspend those clauses of the Fishery Acts which prevent fishermen of the United States from fishing in the inshore waters of Canada, such suspension to continue during the existence of the treaty. I confined it to that object at that time, because the question really before this House was whether the fishery articles of the treaty should receive the sanction of Parliament or not. As, however, a desire was expressed on the otherside that I should enter into the subject fully on asking leave to bring in the bill, and as, on examining the cognate Act which has been laid before Congress at Washington, I find that all the subjects—even those subjects which do not require legislation—have been repeated in that Act, in order, one would suppose, to make the Act of the nature of a contract and obligatory during the existence of the Treaty, so that in good faith it could not be repealed during that time, I propose to follow the same course. The Act I ask leave to bring in contains the first clause, for the suspension of the laws of Canada, so far as it relates to the United States inshore waters. The Bill provides, that during the existence of the Treaty fish and fish oil, (except fish of the inland lakes of the United States and of the rivers emptying into those lakes, and fish preserved in oil), being the produce of the fisheries of the United States, shall be admitted into Canada free of duty. The third clause provides for the continuance of the bonding system during the twelve years or longer period provided by the Treaty; and the fourth clause provides that the right of transshipment contained in the 30th clause of the Treaty shall, in like manner, be secured to citizens of the United States during the existence of the Treaty. The last clause of the Bill provides that it shall come into effect whenever, upon an Order in Council, a proclamation of the Governor-General is issued giving effect to the Act. In submitting the Bill in this form, I am aware that objection might be taken to some of the clauses, on the ground that having relation to the questions of trade and money, they should be commenced by resolution adopted in Committee of the Whole. That objection does not apply to the whole of the Bill—to those clauses which suspend the action of our Fishery Act. But it would affect, according to the general principle, the clause which imposes a duty, for there shall be no duty on fish and fish oil, and also the clauses respecting the bonding system and transhipment. I do not, however, anticipate that that objection will be taken, because in presenting the Bill in this form I have followed the precedent established in 1854, when the measure relating to the Reciprocity Treaty was introduced in Parliament. It was then held that the Act, having been introduced in the form of a resolution which was submitted by a message from the Crown, became a matter of public and general policy, and ceased to be merely a matter of trade; and, although those hon. gentlemen who interested themselves in parliamentary and political matters at that date will remember that the Act which was introduced by the Attorney-General for Lower Canada in 1854 (Mr. Drummond) was simply an Act declaring that various articles, being the produce of the United States, should, during the existence of the Treaty, be received free into Canada, and that the Act repealed the tariff *pro tanto*, it was not introduced by resolution, but after the Treaty had had been submitted and laid on the table, and after a formal message had been brought down by Mr. Morin, the leader of the Government in the House, to the effect that the bill was introduced with the sanction of the Governor-General. I do not, therefore, anticipate that objection will be taken by any hon. member, and I suppose the precedent so solemnly laid down at that time will be held to be binding now. Should objection, however, be taken, the clause in the bill respecting the suspension of the Fishery Act and transhipment are sufficient to be proceeded with in this manner; the other portion may be printed in *italics*, and can be brought up as parts of the bill or separately as resolutions, as may be thought best. The Journals of the House state that on the 21st of Sept., 1854, Mr. Chauveau submitted a copy of the Treaty which was set out on the face of the journals. On the same day Mr. Drummond asked leave to bring in a bill to give effect to a certain treaty between Her Majesty and the United States of America, and on the 22nd, on the order of the day for the second reading of the bill, Mr. Morin, by command, brought down a message from the Governor-General signifying that it was by His Excellency's sanction it had been introduced, whereupon the House proceeded to the second reading. That bill was simply one declaring that various articles mentioned in the treaty should, during the existence of the treaty, be admitted into this country free of duty. The House, now, Mr. Speaker, if they give leave that this bill shall be introduced and read a first time, will be in possession of all of those portions of the Treaty of Washington that in any way come within the action of the Legislature. Although the debate upon this subject will, as a matter of course, have a wide range, and will properly include all the subjects connected with the Treaty in which Canada has any interest, yet it must not be forgotten that the Treaty as a whole is in force, with the particular exceptions I have mentioned, and the decision of this House will, after all, be simply whether the articles of the Treaty extending from the 18th to the 25th inclusive, receive the sanction of Parliament, or whether those portions of the Treaty shall be a dead letter. This subject has excited a great deal of interest, as was natural, in Canada ever since the 8th of May, 1871, when the Treaty was signed at Washington. It has been largely discussed in the public prints, and opinions of various kinds have been expressed upon it—some altogether favorably, some altogether opposed, and many others of intermediate shades of opinion. And among other parts of the discussion has not been forgotten the personal question—relating to myself—the position I hold and held as a member of this Government, and as one of the High Commissioners at Washington. Upon that question I shall have to speak by-and-bye; but it is one that has lost much of its interest from the fact that by the introduction of this Bill the House and country will see that the policy of the Government of which I am a member is to carry out, or try to carry out, the Treaty which I signed as a plenipotentiary of Her Majesty. Under the reservation made in the Treaty, this House and the Legislature of Prince Edward Island have full power to accept the fishery articles or reject them. In that matter this House and Parliament have full and complete control. (Hear, hear). No matter what may be the consequences of the action of this Parliament; no matter what may be the consequences to Canada and the United Kingdom, no matter what may be the consequences to the existence of the present Government of Canada, it must not be forgotten that this House has full power to reject these clauses of the Treaty if they please, and maintain the right of Canada to exclude Americans from our inshore fisheries, as if the Treaty had never been made. (Hear, hear.) That reservation was fully provided in the Treaty. It was made a portion of it—a essential portion—and if it had not been so made the name of the Minister of Justice of Canada would not have been attached to it as a plenipotentary of England. (Hear, hear.) That right has been reserved, and this Parliament has full power to deal with the whole question. I will bye-and-bye speak more at length as to the part I took in the negotiations, but I feel that that reservation having been made I only performed a duty—a grave and serious duty, but still my duty—in attaching my signature to the Treaty as one of Her Majesty's representatives and servants. (Hear, hear.) Now, Sir, let me enter into a short retrospect of the occurrences which transpired some years before arrangements were entered into for negotiating the Treaty. The Reciprocity Treaty with the United States existed from 1854 to 1866, in which latter year it expired. Great exertions were made by the Government of Canada and a great desire was expressed by the Parliament and people of Canada, for a renewal of that Treaty. It was felt to have worked very beneficially for Canada. It was felt to have worked also to the advantage of the United States, and there was a desire and a feeling that those growing interests which had been constantly developing and increasing themselves during the existence of the Treaty would be greatly aided if it were renewed and continued. I was a member of the Government at that time, with some of my hon. friends who are still my colleagues; and we took every step in our power, we spared no effort, we left no stone unturned, in order to gain that object. The House will remember that for the purpose of either effecting a renewal of the Treaty, or, if we could not obtain that, of arriving at the same object by means of concurrent legislation, my hon. friend, the member for Sherbroke (Hon. Sir A. Galt) at that time Finance Minister, and the present Lieut.-Governor of Ontario went to Washington on behalf of the Government of Canada. It is a matter of history that all their exertions failed; and after their failure, by general consent—a consent in which I believe the people of Canada were as one man—we came to the conclusion that it would be humiliating to Canada to make any further exertions at Washington, or to do anything more in the way of pressing for a renewal of that instrument; and the people of this country with great energy addressed themselves to find other channels of trade, other means of developing and sustaining our various industries, in which I am happy to say they have been completely successful. (Hear, hear.) Immediately on the expiration of the Treaty our right to the exclusive use of the inshore fisheries returned to us, and it will be in the remembrance of the House that Her Majesty's Government desired us not to resume that right, at least for a year, to the exclusion of American fishermen, and that the prohibition of Americans fishing in those waters should not be put in force either by Canada or the Maritime Provinces. All the Provinces, I believe, declined to accede to the suggestion, and it was pressed strongly on behalf of the late Province of Canada that it would be against our interests if for a moment after the Treaty ceased we allowed it to be supposed that American fishermen had a right to come into our waters as before; and it was only because of the pressure of Her Majesty's Government, and our desire to be in accord with that Government, as well as because of our desire to carry with us the moral support of Great Britain, and the material assistance of her fleet, that we assented, with great reluctance, to the introduction of a system of licenses for one year at a nominal fee or rate. This was done avowedly by us for the purpose of asserting our right. No greater or slighter mode of asserting a right and obtaining acknowledgment of it by those who desired to enter our waters for the purpose of fishing could be devised, than by exacting payment for the permission, and therefore it was that we assented to the licensing system. (Hear, hear.) Although in 1866 that system was commenced, it did not come immediately into force. We had not then fitted out a marine police force, for we were not altogether without expectation that the mind of the Government of the United States might take a different direction, and that there was a probability of negotiations being renewed respecting the revival of the Reciprocity Treaty, and therefore, although the system was established it was not rigidly put into force, and no great exertion was made to seize trespassers who had not taken out licenses. In the first year, however, a great number of licenses were taken out; but when the fee was increased so as to render it a substantial recognition of our rights, the payments became fewer and fewer, until at last it was found that the vessels which took out licenses were the exception, and that the great bulk of the fishermen who entered our waters were trespassers. In addition to the fact that our fisheries were invaded, that we were receiving no consideration for the liberty, and that our rights were invaded boldly and aggressively, it was now alleged by the American Government, or members of the American Cabinet, that the renewal of the Reciprocity Treaty was not only inexpedient but unconstitutional, and that no such renewal could or would be made. The Government of Canada then, in 1870, after conference with the Imperial Government, and after receiving the promise of the Imperial Government that we should have the support of their fleet in the protection of our just rights, a promise which was faithfully carried out, prepared and fitted out a sufficient force of marine police vessels to protect our rights, and I am glad to believe that that policy was perfectly successful. Great firmness was used, but at the same time great discretion. There was no harshness, and no scenes were made of a doubtful character. No desire to harass the foreign fishermen was evidenced, but on the contrary, in any case in which there was doubt, the officers in command of the seizing vessels reported to the head of their department, and when the papers were laid before the Government they, in all cases, gave the offending parties the benefit of the doubt. Still, as it would be remembered, some of the fishermen made complaints, which complaints, although unjust, I am sorry to say, were in some instances, were made and supported on oath, of harshness on the part of the cruisers, and an attempt was made to agitate the public mind of Canada, and there was at that time a feeling on the part of a large portion of the people of Canada, that this feeling, I am however happy to say, has since disappeared, that the action of Canada was unfriendly. Her Majesty's Government were, of course, appealed to by the authorities of the United States on all these subjects, and complaints were handled with the utmost tact and kindness by the authorities of the United States towards their subjects, and complaints were handled from one Government to the other, and proved a source of great irritation. While this feeling was being raised in the United States there was, on the other hand, a feeling among our fishermen that our rights were, to a very great degree, invaded. In order to avoid the possibility of dispute—in order to avoid any appearance of harshness—in order, while we were supporting our fishery rights, to prevent any case of collision between the Imperial Government and the United States, or between the Canadian authorities and the United States, we avoided making seizures within the bays or in any way bringing up the headland questions. This was very unsatisfactory, because, as it was said by the fishermen, "if we have these rights we should be protected in the exercise of them," and it was therefore well that that question should be settled at once and for ever. In addition, however, to the question of headlands a new one had arisen of an exceedingly unpleasant nature. By the wording of the Convention of 1818, foreign fishermen were only allowed to enter our waters for the purposes of procuring wood, water and shelter; but they claimed that they had a right, although fishing vessels, to enter our ports for trading purposes, and it was alleged by our own fishermen that, under pretence of trading, American fishermen were in the habit of invading our fishing grounds and fishing in our waters. The Canadian Government thought it therefore well to press, not only by correspondence, but by a delegate, who was a member of the Government, upon her Majesty's Government, the propriety of having that question settled with the United States, and, consequently, my friend and colleague the Postmaster-General went to England to deal with that subject. The results of his mission are before Parliament. At the same time that he dealt with the question I have just mentioned, he forced upon the consideration of Her Majesty's Government the propriety of England making on our behalf a demand on the United States Government for reparation for the wrongs known as the "Fenian raids." England agreed to press upon the United States both these matters, and to ask that all the disputed questions relating to the inshore fisheries, under the Convention of 1818, should be settled in some mode to be agreed upon between the two nations, and also to press upon the United States the wrongs sustained by Canada at the hands of citizens of the United States who had invaded our country. Before Her Majesty's Government had actually, in compliance with their promise, made any representation on these two subjects to the United States Government, England had been engaged on her own behalf in a controversy of a very grave character. The House is aware that there is continually arising between claims of countries, involving the gravest consequences, and that, hitherto, results had been most unsatisfactory. An attempt had been made to settle the question by what was known as the Johnson-Clarendon Treaty, but that treaty had been rejected by the United States authorities. So long as this question remained unsettled between the two nations there was no possibility of the old friendly relations that had so long existed between them being restored, and England felt that it was of the first importance to her that those amicable relations should be restored. It was not only her desire to be in the most friendly position towards a country which was so closely associated with her by every tie, by common origin, by common interest, by common language, but it was also her interest to have every cloud removed between the two nations, because she had reason to feel that her position with respect to the other great powers of the world was greatly affected by the knowledge which those other nations had of the position of affairs between the United States and herself. The *prestige* of Great Britain as a great power was affected most seriously by the absence of an *entente cordiale* between the two nations. Two years ago England was, as a matter of course, greatly interested in the great and serious questions which were then convulsing Europe, and was in danger of being drawn by some complication into the hostile relations of some of the conflicting powers; and she felt—and I speak merely what must be obvious to every hon. member in the House—that she could not press or assert her opinion with the same freedom of action so long as she was aware, and so long as other nations were aware, that, in case she should be unfortunately placed in a state of hostility with any nation whatever, the United States Government would be forced by the United States people to press, at the very time when she might be engaged in mortal conflict with another nation, for a settlement of those *Alabama* claims. Hence, Mr. Speaker, the great desire of England, in my opinion, that that great question should be settled, and hence, also, the intermingling of the particular questions relating to Canada with the larger Imperial questions. And, Sir, in my opinion it was of greater consequence to Canada than to England, at least as a great consequence, that the *Alabama* question should be settled. (Cheers.) Sir, England has promised to us, and we have all faith in that promise, that in case of war the whole force of the Empire shall be exerted in our defence. (Cheers.) What would have been the position of England, and what would have been the position of Canada, if she had been called upon to use her whole force to defend us when engaged in conflict elsewhere? Canada would, as a matter of course, in case of war between England and the United States, be the battle ground. We should be the sufferers. Our country would be devastated, our people slaughtered, and our property destroyed; and, while England would, I believe, under all circumstances faithfully perform her promise to the utmost (cheers), she would be greatly impeded in carrying out her desire, if engaged elsewhere. It was therefore as much the interest of this Dominion as of England that the *Alabama* and all other questions that in any way threatened the disturbance of the peaceful relations between the two countries should be settled and adjusted, and, therefore, although to a considerable extent I agree with the remarks that fell from the Minister of Finance when he made his budget speech, that, looking at the subject in a commercial point of view, it might have been better in the interest of Canada that the Fishery and Fenian questions should have been settled free and apart from the Imperial question, I am pleased, and I was pleased, that the fact of Canada having asked England to make these demands upon the United States gave an opportunity for re-opening the negotiations with respect to the *Alabama* and other matters. It was fortunate that we made that demand, for England could not with due self-respect have initiated or re-opened the *Alabama* question. She had concluded a treaty in London with the representative of the United States, and that treaty, having been rejected by the supreme Executive of the United States, England could not herself have opened it. Then, on the other hand, England felt that, as she was the Empire and not the Dominion, she was in a position to make these demands upon the United States, as it afforded the opportunity of all these questions being made again the subject of negotiation. The correspondence which is before the House between the Secretary of State of the United States and the British Ambassador, Sir Edward Thornton, has shown how that result was arrived at. As the invitation was made by the British Ambassador to consider the fishery question, the United States Government, I have no doubt, though I do not know it as a matter of fact, by a quiet and friendly understanding between the two powers, replied, acceding to the request, on condition that the larger and graver matters of dispute were also made the matters of negotiation. Hence it was, Sir, that the arrangements were made under which the Treaty of Washington was effected. Sir, I have said that it was of the greatest consequence to Canada, and to the future peace and prosperity of Canada, that every cloud which threatened the peace of England and the United States should be dispelled. I was struck with an expression that was used to me by a distinguished English statesman, that three powers in Europe who are not so friendly to England heard with dismay that the *entente cordiale* between the two nations was to be renewed (hear, hear); and you have seen mentioned in the public press the active exertions that were made by one power, or by the representative of one power, for the purpose of preventing that happy result (hear, hear); and I believe that Germany has been avowed by the Government of Russia in the same way as poor Vicovich was on a previous occasion, when he was the organ of Russia in the East, I cannot but feel that he was punished only because his zeal outran his discretion. I can vouch for his active exertions for the purpose of preventing this Treaty of Washington receiving the sanction of the Senate of the United States. (Hear, hear.) While England was strongly interested in the settlement of these questions, both for herself and for Canada, the United States were also interested, and made overtures in a most friendly spirit. I believe that there was a real desire among the people of the United States to be friends towards England. I believe that the feeling of irritation which had been caused by the unhappy events of the war, and by the escape of the *Alabama*, had almost entirely disappeared, and I hope and believe that the people of the United States were then and are now strongly in favour of establishing permanently a friendly feeling between the two nations. Then, besides, they had a further interest in settling all matters in dispute; for so long as the United States and England were not on friendly terms—so long as they were standing aloof from each other—it affected very considerably the credit of the United States securities in Europe. Not only the funds of the United States, but all the securities of the States in Europe. Not only the funds of the United States as a whole, but the securities of every State of the Union, and of all American enterprises seeking the markets of the world were injuriously affected by the unfriendly relations between the two countries. They were, therefore, prepared to meet each other in this negotiation. To proceed with the history of the circumstances immediately preceding the formation of the Joint High Commission at Washington, I will state that on the 1st of February, 1871, a communication was made to me by His Excellency the Governor-General on behalf of Her Majesty's Government, asking me, in case there was going to be a Joint Commission to settle all questions between England and the United States, whether I would act as a member of that Commission. I give the date because it has been asked for. The communication was verbal and founded upon a telegraphic communication to His Excellency which cannot be presented; and being of a nature which the House can readily understand ought not properly to be laid before this House. This communication was, in the first place, for myself alone. I was not allowed to mention it for the time to any one else. My reply was that I would be greatly embarrassed by any injunction of secrecy as regards my colleagues, and that under no circumstances would I accept the position without their consent. I subsequently received permission to communicate it to them, and I received their consent to act upon the Commission. Before accepting, however, I took occasion, for my own information and satisfaction, to ask through His Excellency what points of agreement and of difference existed between England and Canada with regard to the fisheries. The answer was a very short one by cable, and it was satisfactory to myself. It was extended in the despatch of the 16th February, 1871. It shortly stated that of course it was impossible for Her Majesty's Government to pledge themselves to any foregone conclusion; that it was a matter for negotiation, and it was of course out of the question on the part of either Government to give cast-iron instructions to their representatives, because that would do away with every idea of a negotiation. The despatch went on to say that Her Majesty's Government considered our right to the inshore fisheries beyond dispute; that they also believed that our claims as to the headlands were just, but that those claims might properly be a matter of compromise. It went on further to state that Her Majesty's Government believed that, as a matter of strict right, we could exclude the American fishermen entering our waters for purposes of trade and commerce. The language of the despatch was, that the question might properly be a subject for compromise. On reading that despatch I could have no difficulty as a member of the Canadian Government in accepting the position to which my colleagues assented of plenipotentiary to Washington, because, as a matter of law, our view of those three points was acknowledged to be correct, and the subject was therefore devoid of any embarrassment from the fact of Canadians setting up pretensions which Her Majesty's Government could not support. (Hear, hear.) When the proposition was first made to me, I felt considerable embarrassment and great reluctance to become a member of the Commission. I pointed out to my colleagues that I was to be one of five; that I was in a position of being overruled continually in our discussions and that I could not by any possibility bring due weight from my isolated position. I felt also that I would not receive from those who were politically opposed to me in Canada that support which an officer going abroad on behalf of his country generally received and had a right to expect. (Hear, hear.) I knew that I would be made a mark of attack, and this House well knows that my anticipations have been verified. I knew that I would not get fair play. (Hear, hear.) I knew that the same policy that had been carried out towards me for years and years would continue, and therefore it was a matter of grave consideration for myself, whether to accept the appointment or not. In that position, Sir, a sense of duty prevailed (cheers), and my colleagues pressed upon me also that I would be wanting in my duty to my country if I declined the appointment—that if, from a fear of the consequences, from a fear that I would sacrifice the position I held in the opinion of the people of Canada, I should shirk the duty, I would be unworthy of the confidence that I had received so long from a large portion of the people of Canada. (Cheers.) "What," said my colleagues, "would be said, if, in consequence of your refusal, Canada was not represented, and her interest in these matters allowed to go by default?" England, after having offered that position to the first Minister, and it having been refused by him, would have been quite at liberty to have proceeded with the Commission and the settlement of all these questions without Canada being represented on the Commission, and those very men who attack me now for having been there, and taken a certain course, would have been just as loud in their complaints, and just as bitter in their attacks, because I had neglected the interests of Canada, and refused the responsibility of asserting the rights of Canada at Washington. (Cheers). Sir, knowing, as I said before, what the consequences would be to myself of accepting that office, and foreseeing the attacks that would be made upon me, I addressed a letter to His Excellency the Governor-General, informing him of the great difficulties of my position, and that it was only from a sense of duty that I accepted the position. On proceeding to Washington I found a general desire among the two branches into which the Joint High Commission divided itself—an equal desire, I should say, on the part of the United States Commissioners as well as on that of the British Commissioners—that all questions in dispute should be settled so far as the two Governments could do so. There was a special desire that there should be a settlement of everything. It was very easy for the Commissioners of the Government through their representatives to make a treaty, but in the United States there is a power above and beyond the Government: the Senate of the United States, which had to be considered. It was felt that a second rejection of a treaty would be most disastrous for the future of both nations; that it would be a solemn declaration that there was no peaceable solution of the questions between the two nations. An American statesman said to me, "the rejection of the treaty now means war." Not to-morrow or at any given period, but whenever England happens to be engaged in other troubles and attacked from other sources. (Hear, hear.) Sir, I do not force imagine that any man or any number of men would, in any unwise or unprincipled manner, or in any manner inconsistent with the honor of the country, give way to any unreasonable opinions, we saw in it the destruction for ever of all hope for a peaceable solution of the difficulties between kindred nations. (Hear.) Still, Sir, I not forget that I was their chosen representative. I could not ignore the fact that I was selected as a member of that Commission from my acquaintance with Canadian politics. I had to consider not only the Imperial question but the interests of the Dominion of Canada, which I was there specially to represent; and the difficulty of my position was that if I gave undue prominence to the interests of Canada, I might justly be held in England to be taking a purely colonial and selfish view, regardless of the interests of the Empire as a whole, and the interests of Canada as a portion of the Empire; and, on the other hand, if I kept my eye solely on Imperial considerations, I might be held as neglecting my especial duty towards my country of Canada. It was a difficult position, as the House will believe, a position that pressed upon me with great weight and severity at the time, and it has not been diminished in any way since I have returned, except by the cordial support of my colleagues, and I believe also, if my friends in this House. (Cheers). In order to show that I did not for a moment forget that I was there to represent the interests of Canada, I must ask you to look at the despatch of the 16th February, 1871, which reached me at Washington a few days after I arrived there. It will be seen that Lord Kimberley used this expression:—"As at present advised, Her Majesty's Government are of opinion that the right of Canada to exclude Americans from fishing in the waters within the limit of three marine miles of the coast is beyond dispute, and can only be ceded for an adequate consideration. Should this consideration take the form of a money payment, it appears to Her Majesty's Government that such an arrangement would be more likely to work well than if any conditions were annexed to the exercise of the privilege of fishing within the Canadian waters." Having read that despatch, and the suggestion that an arrangement might be made on the basis of a money payment, and there being an absence of any statement that such an arrangement could be made with the consent of Canada, I thought it well to communicate with my colleagues at Ottawa; and, although we had received again and again assurances from Her Majesty's Government that those rights would not be affected, given away or ceded without our consent, it was thought advisable, in consequence of the omission of all reference to the necessity of our consent, to obtain assent being obtained to any monetary arrangement, to communicate by cable that Canada considered the Canadian fisheries to be her property, and they could not be disposed of without her consent. That communication of without her consent. That communication was made by the Canadian Government on the 10th of March, and of that Government I was a member. Anybody that knows how communication proceed from the Canadian Government to England, giving them fair notice that the Canadian Government, of which I was a member, would insist upon the right of dealing with her own fisheries, but I took occasion to press upon the head of the British Commission at Washington, that my own individual opinion, as representing Canada, should be laid before Her Majesty's Government. The answer that came back at once by cable was extended in full in the despatch of the 17th March, 1871, and it was most satisfactory, as it stated that Her Majesty's Government had never any intention of advising Her Majesty to part with those fisheries without the consent of Canada. Armed with this I felt that I was relieved of a considerable amount of embarrassment. I felt that, no matter what arrangements might be made, no matter whether I was outvoted by my colleagues on the Commission, or what instructions might be given by Her Majesty's Government, the interests of Canada were safe, because they were in her own hands and reserved for her own decision. Now, Mr. Speaker, it must not be supposed that this was not a substantial concession on the part of Her Majesty's Government. It is true that Lord Kimberley stated, in his despatch of 17th March, that, when the Reciprocity Treaty was concluded, the Acts of the Nova Scotia and New Brunswick Legislatures relating to the fisheries were repealed by Acts of those Legislatures, and that the fishery rights of Canada were now under the protection of a Canadian Act of Parliament, the repeal of which would be necessary in case of the cession of those rights to any foreign power. It is true in one sense of the word; but it is also true that if Her Majesty, in the exercise of her powers, had chosen to make a Treaty with the United States, ceding not only those rights, but ceding the very land over which those waters flow, that the Treaty between England and the United States would have been obligatory and binding, and the United States would have held England to it. No matter how unjust to Canada after all her promises, still that Treaty would be a valid and obligatory Treaty between England and the United States, and the latter would have the right to enforce its provision, over-ride any Provincial laws or ordinances, and take possession of our waters and rights. It would have been a great wrong, but the consequence would have been the loss practically of our rights for ever; and so it was satisfactory that it should be settled, as it has been settled, beyond a doubt, upon the record of the Conference at Washington, that England cannot and will not, under circumstances whatever, cede those rights without the consent of Canada; and that, any future arrangement between Canada and England, or England and the United States, the rights of Canada will be respected, as it is conceded beyond dispute that England has not the power to deprive Canada of them; so that we may rest certain that, for all time to come, England will not, without our consent, make any cession of those interests. Now, Mr. Speaker, to come to the mode of treating the various subjects which interest Canada more particularly, I will address myself to them in detail; and, first, I will consider the question of most importance to us, the one on which we are now specially asked to legislate, that which interests Canada as a whole most particularly, and which interests the Maratime Provinces especially—I mean the articles of the Treaty with respect to our fishery rights. I would, in the first place, say that the protocols which accompany the Treaty, and which are in the hands of every member, do not give, chronologically, an every day account of the transactions of the Conference. Although, as a general rule, I believe the protocols of such conferences are kept from day to day, it was thought better to depart from the rule on this occasion, and to record only the conclusions arrived at. While the protocols substantially contain the result of the negotiations ending in the Treaty, they must therefore not be looked upon as chronological dates of the facts and incidents as they occurred. I say so because the protocol which relates more especially to the fisheries would lead one to suppose that at the first meeting, and without previous discussion, the British Commissioners stated "that they were prepared to discuss the question of the fisheries either in detail or generally, so as either to enter into an examination of the respective rights of the two countries under the Treaty of 1818 and the general law of nations, or to approach at once the settlement of the question on a comprehensive basis." Now, the fact is, that it was found by the British Commissioners, when they arrived at Washington and had had an opportunity of ascertaining the feeling that prevailed at that time, not only among the United States Commissioners, but among the public men of the United States whom they met there, and from their communication with other sources of information, that the feeling was universal that all questions should be settled beyond the possibility of dispute in the future; and more especially that, if by any possibility a solution of the difficulty respecting the fisheries could be arrived at, or a satisfactory arrangement made by which the fishery question could be placed in abeyance as in 1854, it would be to the advantage of both nations. It must be remembered that the Commission sat in 1871, and that the exclusion of American fishermen from our waters was enforced and kept up during the whole of 1870, and that great and loud, though I believe unfounded, complaints had been made that American fishing vessels had been illegally seized, although they had not trespassed upon our waters. Persons interested had been using every effort to arouse and stimulate the public mind of the United States and the people of the United States against Canada and the Canadian authorities; and it was felt and expressed that it would be a great bar to the chance of the Treaty being accepted by the United States if one of the causes of irritation which had been occurring a few months before should be allowed to remain unsettled. Collisions would occur between American fishermen claiming certain rights and Canadians resisting those claims that thereby feelings would be aroused, and all the good which might [illegible] would be [illegible] and many [illegible] ground [illegible] Treaty with [illegible] and of exactly the same [illegible] of 1854; so the [illegible] believing that a treaty similar to that of 1854 could not be obtained in words and in detail, thought that it might be obtained in spirit, and this view was strongly pressed upon the Joint Commission. This will appear from the protocols that the United States Commissioners stated that a Reciprocity Treaty could not be accepted without being submitted to both branches of Congress; that there was not the slightest possibility of Congress passing such an act; that the agreement by the two Governments to a Treaty including provisions similar in spirit to the Treaty of 1854 would only insure the rejection of that Treaty by the Senate; and, therefore, that some other solution must be found. I believe that the United States Commissioners were candid and, I may add, generous in their view of the situation. I believe that had the Treaty contained all the provisions or the essential provisions of the Treaty of 1854 they would have ensured its rejection by the Senate. When I speak of the Conferences that were held on the fisheries, I would state for the information of those members of the House who may be unacquainted with the usage in such matters, that the Commissioners did not act at the discussion individually. The Conference was composed of two units—the British Commission and the United States Commission. If a question arose in conference on which either of the two parties, the British or American branch, desired to consult together they retired, and on their return gave their views as a whole without reference to the individual opinions of the Commissioners. As an individual member of the British Commission, and on behalf of Canada, when it was found that we could not obtain a renewal of the Reciprocity Treaty, I urged upon my English colleagues that the Canadians should be allowed to retain the exclusive enjoyment of the inshore fisheries, and that means should be used to arrive, in some way or other at a settlement of the disputed question in relation to the fisheries, so to settle the headland question and the other one in relating to trading in our ports by American fishermen; and I would have been well satisfied, acting on behalf of the Canadian Government, if that course had been adopted. The Imperial Government; but Her Majesty's Government felt, and so instructed their Commissioners, and it was so felt by the United States Commissioners, that the leaving of the chance of collision between the American fishermen and the Canadian authorities a matter of possibility would be by no means or greatly prejudice the success of the negotiations that were to restore the amicable relations and the friendly feeling between the nations; and therefore Her Majesty's Government pressed that these questions should be allowed to remain in abeyance, and that some other settlement in the way of compensation to Canada should be sought. The protocol shows, Mr. Speaker, that the United States Government, through their Commissioners, made a considerable advance, or at least some advance, in the direction of reciprocity, because they offered to exchange for our inshore fisheries, in the first place, the right to fish in their waters, whatever that might be worth; and they offered to admit Canadian coal, salt, fish, and, after 1874, lumber, free of duty. They offered reciprocity in these articles. On behalf of Canada, the British Commissioners said that they did not consider that that was a fair equivalent. (Hear, hear.) It is not necessary that I should enter into all the discussions and arguments on that point, but it was pointed out by the British Commissioners that already a measure had passed one branch of the Legislature of the United States making coal and salt free and stood ready to be passed by the other branch, the Senate. It was believed at that time that the American Congress for its own purpose and in the interest of American people was about to take the duty off these articles, and therefore the Commission could not be fairly considered as in any way a compensation, as Congress was going to take off the duty whether there was a Treaty or not. Then as regards the duty on lumber, which was offered to be taken off after 1874, we pointed out that nearly a third of the whole of the time for which the Treaty was proposed to exist would expire before the duty would be taken off our lumber. The British Commissioners urged that that under those circumstances the offer could not be considered as a fair one and that Canada had a fair right to demand compensation over and above these proposed reciprocal arrangements. Now, Mr. Speaker, before that proposition was made, I was in communication with my colleagues in the Canadian Government, who were exceedingly anxious that the original object should be carried; that a Reciprocity Treaty should be allowed to retain; [illegible] that the questions in [illegible] Her Majesty [illegible] found [illegible] be [illegible] Canada waters to pre[illegible] and the consequence of that is that no such combination can exist, and Canadians can purchase the bait and be able to fish on equal terms with the Americans. (Hear, hear.) It is thus seen, Sir, that this Reciprocity Treaty is not a mere matter of sentiment—it is a most valuable privilege which is not to be neglected, or despised, or sneered at. With respect to the language of these articles, some questions have been raised and placed on the paper, and I have asked the hon. gentlemen who were about to put them to postpone doing so, and I now warn hon. members—and I do it with the most sincere desire to protect and vindicate the interests of Canada—if this Treaty becomes a matter, and we ratify the fishery articles, I warn them not to raise questions which otherwise might not be raised. I think, Mr. Speaker, there is no greater instance in which a wise discretion can be used than in not suggesting any doubt. With respect, however, to the question which was put by the hon. member for the county of Charlotte—and it is a question which might well be put, and which requires some answer—I would state to that hon. gentleman, and I think he will be satisfied with the answer, that the Treaty of 1871 in the matter his question refers to, is larger and wider in its provisions in favour of Canada than was the Treaty of 1854, and that under the Treaty of 1854 no question was raised as to the exact locality of the catch, but all fish brought to the United States market by Canadian vessels were free. I say this advisedly, and I will discuss it with the hon. gentleman whenever he may choose to give me the opportunity. The same practice will, I have no doubt, be continued under the Treaty of 1871, unless the people of Canada themselves raise the objection. The warning I have just now expressed I am sure the House will take in the spirit in which it is intended. No hon. member will, of course, be prevented from exercising his own discretion, but I felt it my duty to call the attention of the House to the necessity for great prudence in not raising needlessly doubts as to the terms of the Treaty. It will be remembered that we have not given all our fisheries away. The Treaty only applies to the fisheries of the old British American Provinces, and in order that the area should not be widened, it is provided that it shall only apply to the fisheries of Quebec, Nova Scotia, New Brunswick, and Prince Edward Island; so that the Treaty does not allow the Americans to have access to the Pacific coast fisheries, nor yet to the inexhaustible and priceless fisheries of the Hudson Bay. These are great sources of revenue yet undeveloped, but after the Treaty is ratified they will develope rapidly; and in twelve years from now, when the two nations sit down to reconsider the circumstances and readjust the Treaty, it will be found that other and greater wealth will be at the disposal of the Dominion. I may be asked—though I have not seen that the point has excited any observation—why were not the products of the lake fisheries laid open to both nations, and in reply may say that those fisheries were excepted at my instance. The Canadian fisheries on the north shore of the great lakes are most valuable. By a judicious system of preservation and protection we have greatly increased that source of wealth. It is also known that from a concurrence of circumstances and from situation, the fisheries on the south shore are not nearly so valuable as ours, and it therefore appeared that if we once allowed the American fishermen to have admission to our waters with their various engines of destruction, all the care taken for many years to cultivate that source of wealth would be disturbed and injured and really prejudiced, and there would be no end of quarrels and dissatisfaction in our narrow waters, and no reciprocity, and therefore that Canada would be much better off by preserving her own inland fisheries for her own people, and giving the right to enter [illegible] upon this Treaty and really [illegible] articles, [illegible] be taken to the charge of injuring our own cause in discussing the advantages of the arrangements because every word used by me may be quoted and used as evidence against us hereafter. The statement has been so thrown broadcast that the arrangement is a bad one for Canada, that in order to show to this House and the country that it is one that can be accepted, one is obliged to run the risk of his language being used before the Commissioners to settle the amount of compensation as an evidence of the value of the Treaty to us. It seems to me that in looking at the Treaty in a commercial point of view, and looking at the question whether it is right to accept the articles, we have to consider mainly that interest which is most peculiarly affected. Now, unless I am greatly misinformed, the fishery interests in Nova Scotia, with one or two exceptions for local reasons, are altogether in favour of the Treaty. (Hear, hear.) They are anxious to get free admission for their fish into the American market, that they would view with great sorrow any action of this House which would exclude them from that market, that they look forward with increasing confidence to a large development of their trade and of that great industry in which they are interested, and that if it be to the interest of the fishermen and for the advantage of that branch of national industry setting aside all other considerations—we ought not wilfully to injure that interest. Why, Sir, what is the fact of the case as it stands? The only market for the Canadian No. 1 mackerel in the world is the United States. That is our only market and we are practically excluded from it by the present duty. The consequence of that duty is that our fishermen are at the mercy of the American fishermen. They are made the hewers of wood and the drawers of water for the Americans. They are obliged to sell their fish at the Americans' own price. The American fishermen purchase their fish at a nominal value and control the American market. The great profits of the trade are handed over to the American fishermen or the American merchants engaged in the trade, and they profit to the loss of our own industry and our own people. Let any one go down the St. Lawrence on a summer trip, as many of us do, and call from the deck of the steamer to a fisherman in his boat and see for what a nominal price you can secure the whole of his catch, and that is from the absence of a market and from the fact of the Canadian fishermen being completely under the control of the foreigner. With the duty off Canadian fish, the Canadian fisherman may send his fish at the highest price he can obtain the best price to the American market and thus he has the means of opening a profitable trade with New York *Nation*—is this: the Treaty of 1783 was a Treaty of peace, a settlement of a boundary, and a division of country between two nations. The United States contended that that Treaty was in force and is now in force, as it was a Treaty respecting the boundary, and was not abrogated or affected by the war of 1812. Under the Treaty of 1783 the cit