

carry the treaty into effect were passed by the Imperial and Dominion Parliaments, the Legislatures of the said Provinces and the Congress of the United States, in consideration of the payment by the United States Government of such compensation as should be determined by Arbitrators appointed by such Treaty.

That the necessary legislation in the premises was passed by the then Province of Prince Edward Island, in the year 1872, while such Island constituted a separate Province, and being also passed by the Imperial and Dominion Parliaments and the American Congress, the Treaty came into force on the 1st July, 1873, from which date the American fishermen have continued to use and enjoy the said Fisheries.

That immediately upon the passing of such legislation, Prince Edward Island as such separate Province and as a consenting party to the Treaty, became entitled to a share of any award which might afterwards be made in favour of Great Britain as compensation for the fishing privileges conceded by the Treaty to the Americans.

That Prince Edward Island entered the Confederation on the 1st July, 1873, upon certain specified terms which did not either expressly or by implication transfer to the Dominion the right vested in the Province to a share of such compensation.

That subsequently the Commissioners appointed under the Treaty awarded to Great Britain the sum of \$5,500,000 as compensation for the privileges accorded to the United States fishermen.

That the Imperial Government paid out of such award to the Province of Newfoundland the sum of \$1,000,000 as its share of the award and the balance of the said sum less certain expenses, was paid over to the Dominion of Canada, which now holds the same.

That in the opinion of this House the Province of Prince Edward Island is entitled to receive such a fair proportion of said award as the value of the privileges conceded by that Province to the Americans, before entering Confederation, bears to that conceded by the Dominion as constituted when the Treaty of Washington was ratified.

I have read the resolutions because they contain a recital of the historical facts connected with this question up to and during the time when the award was made. I may say that the people of Prince Edward Island, irrespective of party, have come to the conclusion that they are entitled to this sum, and I hope the reasons which induced them to come to that conclusion will be sufficient to induce a majority of this House to come to a similar conclusion. The question of the general right of the Maritime Provinces, as such, to share in this award, was brought before the House and discussed at great length in 1880, when it was decided in the negative. That question I am not going to revive. I take it that the large majority which voted against the right of the Maritime Provinces to share in that award as such has completely settled that question, and it is not my desire to revive it in any shape or way at present. But the decision of the House on that general question does not in any way touch the claim which is now presented for the consideration of the House. That decision was based upon an argument which was submitted to the House by the Prime Minister, and which ran something in this way: That under Confederation the coasts of the Provinces were merged with those of the Dominion at large; that the term royalties used in the British North America Act, did not apply to the fisheries; that the right to fish was one of common right, belonging to all the people, and could not be granted by the Crown; that the British North America Act conferred the right of legislation on the subject of fisheries upon the Dominion, and having the right to legislate it has the right of administration, and that the rights of administration and responsibility must be co-relative and must draw to it all the advantages. The proposition which I submit is one which does not trench upon the previous decision of the House in the slightest, nor is in any way involved in it. When that question came before the House for discussion, the claim which I have the honour to present now was brought to its notice then by my hon. colleague, and the then Minister of Justice took occasion to remark that whatever the merits or demerits of the claim might be, it must be understood that it was not then being passed upon. I will trouble the House while I read some of the remarks of the hon. Minister of Justice at the time, because I am anxious to assure hon. gentlemen that I am not introducing for the consideration of the House any question in reference to this award, which has been decided by the House, but an entirely new question, which has not been passed upon by the House. The Minister of Justice said:

Mr. DAVIES.

‘With regard to the observations of my hon. friend from King’s, P.E.I., it may be said that the claims of the representatives of that Island stand in a somewhat different position from that of the elder Provinces, and it may be possible that there is something in their view of the case. It is quite true that negotiations did take place between the Island and the United States, with the consent and knowledge, I believe—I was not in the Government at the time—of the Dominion Government, on which, and under which, perhaps, certain rights and considerations may be due to the colony, which may not be due to the other Provinces. I can only say that, should that, on investigation, be found to be the case, should the Government find, on a full and intelligent application of the facts that, under the Constitution and law, and under the Terms under which this Island entered the Union, that any consideration that can be extended to it, the representatives may be quite sure that the fullest and fairest considerations will be given to any claims that may be established.’

This was the speech of the Minister of Justice in 1880—the present Chief Justice of Nova Scotia. Hon. gentlemen will see that the claims of Prince Edward Island were not being passed upon by the House, and were understood clearly to be reserved; and the Minister of Justice of the day though he did not give any expression of opinion assenting to the justice of the claim, clearly, was very careful in not denying this justice, in saying that it was an open question, a question to be discussed and decided upon after fuller investigation was given to the facts than had been given to them up to that time. Well, a notice of motion was given by an hon. member from the Island, somewhat similar to the one I present to-day, but it never was reached; and we stand to-day with this claim, which has been pressed by successive Governments of the Island on the Dominion Government from time to time—we stand to-day knowing that claim is unsettled, and I submit these resolutions for the purpose of having it settled, if possible. I may say that I quite agree with the Minister of Justice of that day, that in order to have an intelligent apprehension of this resolution and the claim which the Island makes, we must have a clear understanding of the facts which took place, and the action of the Island on the subject, before it became part of the Confederation. In 1871 Prince Edward Island, then a separate and independent Province, was being pressed by the Imperial Government to yield its consent to the Washington Treaty, so far as it affected that Province. Prince Edward Island was very averse to yielding that consent, for reasons which were submitted to the English authorities in the form of a Minute of Council, and which were somewhat similar to those which moved the Privy Council of Canada of that day. The people of Prince Edward Island were averse to selling their territorial rights in these fisheries for a sum of money. They expressed themselves as very doubtful, if they did consent to such a sale, whether the Treaty guaranteed the payment of that money. And in the Minute of Council, which was forwarded to the Home Government, they urged and argued strongly, that instead of receiving, in return for the concessions they were asked to make to the Americans, a sum of money, they should receive certain trade advantages. In the Minute of Council which is dated July 17, 1871, it is stated:

‘That the natural market for its principal productions is to be found in the United States, as was very satisfactorily proven during the continuation of the Reciprocity Treaty of 1854; that the fisheries of this Island are the best and most valuable in America, and are much appreciated by the fishermen of the United States; that the different Governments and Legislatures of this colony have always hoped that these fisheries would have done much to secure the advantages of another Reciprocity Treaty, or of some tariff concessions authorizing the free admission of the products of our agriculturists who form the majority of our population, and which would have resulted in promoting the prosperity of the colony; that by the treaty now under consideration the inhabitants of this Island are asked to surrender to the citizens of the United States these invaluable fisheries without receiving in return any just or fair equivalent such as was hoped to be obtained. \* \* \* The Committee submit that a commercial arrangement with the United States, in consideration of the use of the fisheries, would have been most acceptable; but as the Royal High Commissioners were unable to induce the American Government to change its commercial policy, the people of this Island being extremely loyal and devotedly attached to British institutions, would be most unwilling to throw any obstacle in the way of an amicable settlement of all causes of difference between