

Mr. MILLS (Bothwell.) As I understand, this gives to the American Government the right to make the subject of the constitution of the Admiralty Court for this purpose a matter of diplomatic controversy, and to ask the Imperial Government to simplify the proceedings of the court and make them less expensive. The American Government would have a right to complain if they thought there was unnecessary delay or unnecessary expense, and they might suggest what provisions they thought would be necessary to carry this article into effect.

Mr. THOMPSON. I concur with the hon. gentleman to this extent that, if it were found, under the practice of the Vice-Admiralty Court, that the proceedings were of such a character as not to fulfil the provisions of this article of the treaty, that they were not summary and inexpensive, the American Government would have a right to ask, and we would have a right to ask, that the practice should be simplified *quoad* those proceedings.

Mr. WELDON (St. John). Would it not be necessary to have additional legislation under any circumstance?

Mr. THOMPSON. I think not. I think, if prompt attention is given to it by the courts, the practice can be made summary and inexpensive. The great difficulty in the adjudication of these admiralty cases is that the judges who conduct the business of those courts have a great many other judicial engagements, but we have power to appoint assistant judges if necessary, and, if those judges are overburdened with work, it will be very easy to appoint assistant judges with the approval of His Excellency, and in that way delay will be avoided, and the proceedings will be made summary.

Mr. DAVIES (P.E.I.) I think some Imperial statute will have to be passed on the subject, because, under the treaty, every step, every action or proceeding, in every city, has to take place at the place of detention. I am under the impression, as the courts are now constituted, those cases can be heard alone at Halifax, or St. John, or Charlottetown, as the case may be, and the judge has no power to try a case, for instance, at Canso if a vessel is detained there, or at Pictou. I fancy that some Imperial legislation has got to take place to carry that section of the treaty out.

On section 12, sub-section 3.

Mr. JONES (Halifax). Will the hon. gentleman explain the reason for making an exception in favor of bait? Is he not afraid it will lead to smuggling along the coast?

Sir CHARLES TUPPER. That provision was introduced especially to meet the practice in Newfoundland. In Newfoundland, as I dare say my hon. friend knows, it is the practice of American fishing vessels to sell the small fish that they do not wish to form a portion of their cargo to take back, to the person who catches the bait on the shores of Newfoundland. The practice is to exchange one class of fish for the bait. It was in order to meet that difficulty that we provided not to interfere with a practice that has become very prevalent there, and we provided that bait might be subject to barter.

Mr. JONES (Halifax). Of course I can see the force of the explanation. But is the hon. gentleman not afraid that it will lead to smuggling all along our own coast?

Sir CHARLES TUPPER. No, for the reason that no American fishing vessel can come into our waters at all, or be in a position to buy bait, without first obtaining a license, and the moment she obtains a license, she brings herself under the surveillance of the officers of the courts, and they can at once ascertain whether she has goods on board for the purpose of exchanging them with the inhabitants for bait. The fact that she has to obtain a license in order to buy

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bait, will bring her into a position that will make it extremely difficult for her to violate the customs law.

On section 14,

Mr. JONES (Halifax). With regard to this amount to be received for licenses, does the Government propose putting that into the revenues of Canada? It would almost appear that they are selling the privileges of the fishermen for the sake of getting a certain amount of money to go into the revenues of the country. Should there not be some understanding that the money derived in that way should be added to the bounty which the fishermen now get? It may amount to a considerable sum, and I think it would be a fair mode of disposing of the license fees received, to devote them to the use of the fishermen, because our fishermen certainly are going to be placed at a disadvantage if these people are allowed to come in, and the money received for licenses should be distributed among them.

Sir CHARLES TUPPER. That subject has not yet received the consideration of the Government. It is an old adage, First catch your hare; and before we give ourselves a great deal of trouble as to the disposition of this money, it will be necessary to obtain it. It is not exactly as the hon. gentleman says. The tonnage fee that requires to be paid by American fishermen will correspond to the duty that our fishermen in the meantime have to pay in the ports of the United States; and the hon. gentleman will see that the fact that they are obliged to obtain these commercial privileges by the payment of this tonnage fee, does not give them the advantage they would otherwise enjoy in competing with our fishermen in the markets of the United States. But the suggestion the hon. gentleman has thrown out is one that he is quite aware would commend itself very much to the consideration of this Government, who have always exercised such a paternal care for the interests of the fishermen.

On sub-section 4,

Sir CHARLES TUPPER. This clause was really for the purpose of enabling a vessel running in for shelter and running out again, not entering for wood and water, but purely and simply for shelter, to avoid any detention.

Mr. DAVIES (P.E.I.) I am rather inclined to think that the intention was not exactly carried out by the treaty. There are four purposes named, two of which are wood and water, and if American vessels come in for wood and water it is perfectly clear that they must communicate with the shore. So this proviso seems to nullify the concession so far as regards wood and water.

On sub-section 5,

Mr. DAVIES (P.E.I.) Under this section it is competent for the Government to maintain the existence of the *modus vivendi* even if the treaty is rejected by the Senate.

Sir CHARLES TUPPER. Yes.

Mr. DAVIES (P.E.I.) I wish this to be understood clearly. We delegate to the Government the right to continue the *modus vivendi* for two years even notwithstanding the rejection of the treaty by the Senate of the United States.

Sir CHARLES TUPPER. We would have power to do it by avoiding a proclamation.

Mr. DAVIES (P.E.I.) Parliament delegates to the Governor in Council power to maintain the *modus vivendi* even if the treaty is rejected by the United States Senate.

Sir CHARLES TUPPER. For the two years only.

Mr. DAVIES (P.E.I.) The *modus vivendi* is only for two years, and it would be for any such portion as the Governor in Council may see fit.