

cases in which, by the instructions, he was directed to refuse his consent, were set forth in a general clause, with certain classes of specified cases. Mr. Blake asked to have this instruction abolished in all these cases, and then he said:—"This view seems to me to apply with even added strength to certain of the classes, viz. 1, 3, 4 and 6, and that part of 7 not referring to the prerogative." Now, 4 was precisely the one the honorable gentlemen referred to. It said that assent must be given to "no bill establishing differential duties." The only one of the classes excepted in Mr. Blake's general demand was clause 8. The Hon. gentleman might think the Treaty of Washington very excellent. He (Mr. Penny) was not one of those who ran it down, but there were gentlemen in the Ministry, colleagues of Sir John, who thought it so bad that they professed to find it necessary to apply for money from England to make it acceptable. As to the free navigation of the St. Lawrence he thought it was an advantage to Canada, but he did not see why we should grant it forever and only get the navigation of Lake Michigan for ten years. There was no reason, either why we should not have got the free navigation of the Columbia River, and he need hardly remind the House we had lost the channel we contended for in the Straits of St. Juan as a result of the Treaty. With regard to whose fault it might be that the arbitration respecting the Fisheries was not going on, he thought it was idle to discuss it at present. The Americans would not appoint an arbitrator, and they stopped the way; but it might have been arranged in dealing with so sharp a people as our neighbors, to have this matter settled simultaneously with the Alabama matters, so that the final settlement might have been had by handing over whatever balance might remain on the settlement between the two countries. With regard to the award of the Commissioners in the Fisheries he would not set up his opinion as to whether they must be unanimous to make their award valid, but in the arbitration between Ontario and Quebec, Judge Day, who acted for Quebec, claimed the right to upset the award of the majority, because it was not unanimous.

Hon. Mr. MILLER—The award was final, nevertheless. The case is exactly against you.

Hon. Mr. PENNY said he only mentioned this to show that such a point was raised, and by a lawyer of very good authority. One thing was important, however, in this connection. It was that in this same treaty it was stated distinctly, that the majority should prevail in the one case, of the Ala-

bama claims, while in the other, that respecting the fisheries, no such statement was made. It was certainly a rule in law that, when such a distinction was made in the same document, it was because different action was intended. It was, therefore, probable that it would be contended that the decision of the arbitrators on the fishery claims must be unanimous to make an award. He agreed in the opinion that such round about discussions as the present should be avoided, but the example was set by the honorable gentleman opposite, and it seemed to be the custom of the country.

Hon. Mr. BUREAU said, perhaps if he had spoken in French he would have expressed his views more clearly. He contented that he had not touched on subjects which had no relation to his motion, since it involved all our rights and privileges. He was very glad to have the honorable gentleman's opinion about the clauses he had cited. If the award of a majority of the commissioners would be obligatory, so much the better; but whenever an opportunity was offered, our neighbors always managed to have the last word.

Hon. Mr. WILMOT said he thoroughly believed both the late Government and the present Administration had been pressing on the Imperial Government the necessity of bringing this question to a point. Two of the Commission, he believed had been named, but the United States would not appoint the third. Another matter was the navigation of the canals. He had read a memorandum from the Minister of Customs to the Government pressing on the United States to carry out that portion of the treaty, and to procure for our people the reciprocal use of their canals. Their vessels have the use of ours, but it seems impossible to get the navigation of their canals under the terms of the treaty. With regard to differential duties, he knew since Confederation we had legislated in that direction, as he had previously said, and had also issued notes that were legal tender, although the Royal Instructions directed the Governor-General not to assent to the bills without a suspending clause. The sooner such anomalies were swept away the better. We had a perfect right, constitutionally, to tax our own people, raise our own money and expend it among ourselves without being interfered with by the royal instructions. This matter might have been brought up in a more tangible shape, but even this desultory discussion would do good. He had not seen the report of the Minister of Justice on the subject of changes in the Royal Instructions until now, and was not in