

May 3, 1872

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 suspended by Acts of those Legislatures, and the fishery rights of Canada as 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 powers."

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 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 previous promises, still that Treaty would be a binding and obligatory Treaty between England and the United States, and the latter would have had the right to enforce its provision, override any Provincial Laws and Ordinances, and take possession of our waters and rights. It would have been a great wrong, but the consequences would have been the loss, practically, of our rights forever, and so it was satisfactory that it could be settled, as it has been settled beyond a doubt, based upon the records in the correspondence between the United States and England, based upon the records in the State papers confirming a portion of the friendly relations between England and the United States that the rights of Canada to those Fisheries are beyond dispute, and that England cannot, and will not, under any circumstances whatever cede those fisheries without the consent of Canada. So that in any future arrangement between Canada and England or England and the United States the rights of Canada will be respected, as it is confirmed 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 these interests.

Now, Mr. Speaker, to come to 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 especially asked to legislate, that which interests Canada as a whole most particularly and which interests the Maritime 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 conference are kept from day to day. It was thought better to depart from the rule on this occasion, and to only record the result, therefore, while the protocols substantially contain the result of the negotiations ended in the Treaty, they must not be looked upon as chronological details of 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 further 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 an opportunity of ascertaining the feeling that prevailed at that time, not only among the United States Commissioners but among the statesmen of the United States who were there assembled, and from their communications with all these sources of information, we gathered that the feeling was universal that all questions should be settled beyond the possibility of dispute in the future, and more especially that 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 while the Commission sat in 1871 that the exclusion of American fishermen from our waters was enforced and kept up during the whole of 1871, and that great and loud though unjust, complaints were made that American fishermen had been excluded from 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 asserting certain rights, the public feeling would be aroused, and all the good which will be obtained by the Treaty would be destroyed, by quarrels between man and man engaged on the fishing grounds. This feeling prevailed, and I as a Canadian knowing that the people of Canada desired, and had always expressed a wish, to enter into the most cordial reciprocal trade arrangements with the United States, so stated to the British Commissioners, and they had no hesitation, on being invited to do so, in stating that they would desire by all means to remove every cause of dissension respecting these fisheries by the restoration of the old Reciprocity Treaty of 1854.

An attempt was made in 1871 by the hon. member for Sherbrooke (Hon. Sir A.T. Galt) and Mr. Howland, on behalf of Canada, to renew that Treaty, but failed. Because the circumstances of the United States in 1871 were very different from what they were in 1854 and it appeared out of the question and impossible for the United States to agree to a