

of the Treaty of 1818. I cannot conceive how any such view can be seriously put forward. The Treaty of Washington was negotiated and entered into in order to secure to the contracting parties privileges in excess of those enjoyed by virtue of the Treaty of 1818. The Halifax Commission was an international arbitration convened to decide whether the United States had received a greater benefit under the Washington Treaty than had Great Britain. The British had claimed a large money consideration for privileges which they alleged the United States had enjoyed under the Washington Treaty in excess of what the British had. All kinds of loose arguments could be and were used by Counsel on both sides, but surely it will not be seriously contended that the arguments of Counsel before the Halifax Commission can affect the interpretation of the Treaty of 1818. The lawyers engaged on that case were doing their best in the interests of their respective clients, and it is not improper or difficult to conclude that the respective Counsel would have argued right opposite to what they did if retained by the opposite side. The Treaty of 1818 was one which gave foreigners certain rights on British soil, rights which should be strictly construed, and no admission, or statement or argument used by Counsel on the Halifax Arbitration could, I submit, have the smallest bearing on the interpretation of the Treaty.

The Treaty of 1818 defines four territorial privileges given by Great Britain to American citizens, viz.:-

- (1) The liberty to take fish of every kind on that part of the Southern coast of Newfoundland which extends from Cape Ray to Ramea Islands.
- (2) To take fish on the Western and Northern coast of Newfoundland from Cape Ray to Quirpon Islands.
- (3) To take fish of all kinds on the coasts, bays, harbors and creeks from Mount Joly on the Southern coast of Labrador to and through the Straits of Belle Isle and thence Northwardly and indefinitely along the coast.
- (4) The liberty forever to dry and cure fish in any of the unsettled bays, harbors and creeks on the Southern part of the coast on Newfoundland above described, and on the coast of Labrador.

These words cannot be twisted or turned into giving Americans the right to ship men, buy bait fishes, or trade in our waters. Such privileges were not

included in the Treaty and therefore expressly prohibited.

However, this question did not come into the recent dispute, and I only refer to it at this time to express the hope that when the question of the rights of American fishermen under the Treaty of 1818 is being determined, due consideration may be given by His Majesty's Government to the point that I have raised.

The Treaty of 1818, we may suppose, was made in the interests of the Empire. It certainly was not made in the interests of this Colony. History records the severe criticism with which its terms were received at the time of its ratification. It was assailed with great force by the leading press of England, which declared that the Imperial maritime interests of the British Empire had been sacrificed to American greed. Remonstrances and denunciations poured in from all the Colonies concerned. A full account of the reception that attended its publication can be seen in Rush's work, entitled "Residence at the Court of London." It will be remembered that Richard Rush was at that time American Minister to the Court of St. James, London, and consequently an eye-witness of all that happened in relation to the treaty, and therefore his account of its condemnation is all the more interesting. This Colony could only protest when its rights were sacrificed in 1818. It can only protest today, when, added to that sacrifice, is the humiliation of the *Modus Vivendi* that has arisen out of it.

Are our protests to be in vain? Is British justice only extended to those whose numerical strength gives force to their appeal? These questions are suggested by the declaration of certain influential English journals, which, while supporting the attitude of this Government in relation to the *Modus Vivendi*, declare that "federation with the Dominion of Canada seems the only way out of the difficulty." A great Dominion, they assert, if it "cannot dictate to the Mother Country, is not likely to go down before the requirements of a foreign power, for a foreign power is hardly likely to press humiliation on a great Dominion or to invite Great Britain to do this unpleasant work." What does this declaration mean? Does it mean that the treatment that has been meted out to this Colony was intended as a compelling force towards union with the Canadian Dominion, or does it mean that by attaching ourselves to the five million people of the Canadian Dominion we can