

during that time. But the hon. gentleman who now leads the House and his friends stated that they were careful not to recede from the practice they had adopted in previous years of arbitrarily excluding the Americans from their privileges. The Minister now says that this is not a permanent Bill. It is a permanent Bill in this sense, that heretofore the Bills with this object have been passed for one year only, and the Minister of Marine and Fisheries has had to come back each year and say why he asked for an extension.

Mr. TUPPER. Was not the first Bill for two years?

Mr. DAVIES (P.E.I.) Yes, for the special object and the special purposes which I have stated. Every year since that time, the hon. gentleman has been obliged to come to the House and explain why he wished this provision continued for another year. Why was this done and what reasons were given for this extension? It was because the hon. gentleman hoped and continued to hope that there would be a commercial treaty negotiated between this country and the United States and that, in view of that great and desirable object, it was eminently proper that we should continue to concede to the United States fishermen the privileges we had given them for a temporary and specific purpose only. It was in the hope and on the ground that this concession would promote amicable feelings and further the object that we were supposed to have in view, that Parliament, year after year, assented to these concessions. But is that the ground which the hon. gentleman takes now? Where do we stand to-day? The hon. leader of the House says he adheres to the interpretation of the treaty which he gave in 1887 in several of his despatches. But the hon. gentleman did more than that. In the despatches which he penned previous to 1888, he not only laid down what he perceived to be the interpretation of the treaty of 1818, but he laid down several propositions, one after the other, importing that it was absolutely essential for the protection of the North American fisheries and the reservation to our own citizens of the rights which we had under the treaty of 1818, that the Americans should be excluded. We did not differ on both sides of this House as to the interpretation of the treaty; we did differ as to the policy of the Government in carrying it out. I need not read to the House the words of the hon. gentleman, because almost everybody recollects them, but he strenuously urged that to concede these privileges to the American fishermen would be, in effect, giving up the whole question. Now, the hon. gentleman, if I understand him aright, proposes, to a large extent, to take from this House the controlling right of determining from year to year whether we will renew this concession, and to vest it in the Governor in Council. Now, the hon. gentleman stated in his despatch, as afterwards adopted and made a Minute of Council:

"But that which Mr. Phelps calls 'literal interpretation,' is by no means so preposterous as he suggests, when the purpose and object of the treaty come to be considered. While it was not desired to interfere with ordinary commercial intercourse between the people of the two countries, the deliberate and declared purpose existed on the part of Great Britain, and the willingness existed on the part of the United States, to secure absolute and free from the possibility of encroachment the fisheries of the British possessions in America to the people of those possessions, excepting as to certain localities, in respect

of which special provisions were made. To effect this it was merely necessary that there should be a joint declaration of the right which was to be established, but that means should be taken to preserve that right. For this purpose a distinction was necessarily drawn between the United States vessels engaged in commerce and those engaged in fishing."

Then he goes on to say:

"The fisheries could not be preserved to our people if every one of the United States fishing vessels that were accustomed to swarm along our coasts could claim the right to enter our harbours, to post a letter, or send a telegram, or buy a newspaper, to obtain a physician in case of illness or a surgeon in case of accident, to land or bring off a passenger, or even to lend assistance to the inhabitants in fire, flood, or pestilence, or to buy medicine, or to purchase a new rope."

Sir JOHN THOMPSON. That is a quotation.

Mr. DAVIES (P.E.I.) That last is a quotation. The first part I read is the hon. gentleman's own language, viz:

"The fisheries could not be preserved to our people if every one of the United States fishing vessels that were accustomed to swarm along our coasts could claim the right to enter our harbours."

Now, I want to bring the House to the point where we are to-day. That policy was adopted, and with very poor results. Then came the treaty for a temporary and specific object alone, and under that treaty the *modus vivendi* went into operation for two years. Then we extended it in the hope that it might be made the means of conciliating public opinion in the States, and a basis on which negotiations might be made for more extended trade relations. Now, if I understood the statement of the Minister of Finance the other day, all possible hope of obtaining trade relations with the United States has been abandoned by that side of the House to-day. We stand in this position: that we are re-enacting this law, and are divesting Parliament of its control over this question, and are giving to the Governor in Council sole and absolute control over these matters, and so we are giving up, from their standpoint, the slightest hope of negotiating any treaty whatever. We do not stand in that position on this side of the House. We have a strong hope, and a well-grounded hope, that when the proper time comes and the proper men are at the helm, we can negotiate a new treaty. While, therefore, it would not be impolitic for us to renew the *modus vivendi* from year to year, retaining by Parliament its absolute control over it, I think myself, that side of the House having abandoned all hope of negotiating any treaty with the States, that we occupy a most extraordinary position. Therefore, so far as I am personally concerned, I protest against the policy which takes away from this House the control it ought to keep, and surrenders that control up to the Governor in Council for the time being, in a matter affecting national rights and international obligations.

Mr. KIRKPATRICK. The hon. gentleman has made a long speech against the measure, and finally winds up by asserting that he does not oppose keeping the *modus vivendi* in force from year to year. He thinks that is quite right and proper, so that, after all, his argument is not against keeping the *modus vivendi* in force, but simply against the Government. Now, the argument of the hon. member for Muskoka (Mr. O'Brien) against transferring from the Parliament to the Governor in Council the power to make laws by Order in Council, has much force in it. I think there has been of late years too great a tendency in that