

not appear to have been the first communication between the two Governments, for we find that Mr. West on 12th March, 1885, addressed a confidential memorandum to Mr. Bayard.

"The fishery clauses of the Treaty of Washington of 1871 will expire on 1st July next. It has been represented by the Canadian Government that much inconvenience is likely to arise in consequence, unless some agreement can be made for an extension of the period."

It was represented to the Canadian Government that much inconvenience would be likely to arise in consequence of the abolition of the fishery clauses. We have a letter addressed to Mr. West on the 23rd inst. We assume that Mr. West had a copy of the despatch of Lord Derby. There it was mentioned not that it would be inconvenient to Canadian fishermen but would cause inconvenience to American fishermen, the very men who were surrendering the privilege were to be called upon to submit to inconvenience. The point is put forward by Mr. West as follows:—

"When the time comes (1st July next) American ships will be actually engaged in fishing within the territorial waters of the Dominion. These vessels will have been fitted out for the season's fishing and have made all their usual arrangements for following it up until its termination in the autumn. If under these circumstances the provincial or municipal authorities in Canada were to insist upon their strict rights and to compel such vessels on pain of seizure to desist from fishing, considerable hardship would be occasioned to the owners, and a feeling of bitterness engendered on both sides which it is clearly the interest of both Governments to avert.

"It seems therefore desirable in order to avoid such possible complications, that both Governments should come to an agreement under which the clauses might be in effect extended until 1st January, 1886.

"If this was done the existing state of things would come to an end and a date between the fishery season of 1885 and that of 1886, and an abrupt transition at a moment when fishery operations were being carried on would be thus avoided."

It seems to me that there is a concession made on our part,—and I assume that the views put forward by Mr. West in his memorandum are expressed on behalf of the Canadian as well as the Imperial Government. I do not think it shows a want of respect of this Government to come to the conclusion that the very first thing done on the 12th March, within less than three months of the termination of the fishery clauses of the treaty, was an application by this Government to have the time extended not for the benefit of Canadian fishermen but in order to prevent American fishermen being inconvenienced. This point is referred to by Mr. Bayard in a memorandum which is also brought down among the papers. That memorandum after referring to the legislation points out:

"The legislation passed by the Congress of the United States' Act of March, 1873, for the execution of the fishery articles of the Treaty of Washington, has been repealed by the joint resolution of March 3, 1883, the repeal to take effect July 1, 1885. From that date the effects of the fisheries articles of the Treaty of Washington absolutely determine, so far as their execution within the jurisdiction of the United States is concerned, and without new legislation by Congress modifying or postponing that repeal, the Executive is not constitutionally competent to extend the reciprocal fisheries provisions of the Treaty beyond the 1st July next, the date fixed by the action of Congress."

Mr. West's memorandum of 12th March, 1885, suggests the mutual practical convenience that would accrue from allowing the fishing ventures commenced prior to 1st July, 1885, to continue until the end of the season for fishing of that year, thus preventing their abrupt termination in the midst of fishing operations on the 1st of July. I am perfectly justified in saying that the First Minister and the Government must have been fully aware of the effect of the termination of that notice; also that on 1st July, under the constitution of the United States, Congress would not be sitting, it was highly improbable that after 4th March Congress would be in session, and if no action was taken by Congress the Executive, to use the language of Mr. Bayard, is not competent to extend the reciprocal provisions of the treaty. If those negotiations had been entered upon at an earlier period—for there is nothing to show that the late United States Government

and President Arthur were not as favorable to Canada as are the present President and Congress—the matter might have been taken into consideration by Congress and the privileges extended, the loss of which must seriously affect the Maritime Provinces, and thus place the fishermen on the same footing as American fishermen, and that fish caught by Americans in Canadian waters should not be carried into the United States free without our fish being also carried in free. But the opportunity was lost; it was allowed to slip by and nothing was done. The matter was taken up after Congress had prorogued and separated. Mr. Bayard wrote to Mr. West as follows:—

"It has been, moreover, suggested on the part of the Province of Newfoundland and of the Dominion of Canada that in view of the mutual benefit and convenience of the present local traffic, consisting of the purchase of ice, bait, wood, and general ship supplies by the citizens of the United States engaged in fishing from the inhabitants of the British American fishing coast, the usual operations of the fishing season of 1885 should be continued by the fishing vessels belonging to citizens of the United States until the end of the season of that year, and that the local authorities of Newfoundland and of the Dominion of Canada, in a spirit of neighborhood should abstain from molesting such fishermen or impeding their progress or their local traffic with the inhabitants incidental to fishing during the remainder of the season of 1885, and all this with the understanding that the President of the United States would bring the whole question of the fisheries before Congress at its next session in December, and recommend the appointment of a commission in which the Government of the United States and of Great Britain should be respectively represented, which commission should be charged with the consideration and settlement upon a just, equitable and honorable basis of the entire question of the fishing rights of the two Governments and their respective citizens on the coast of the United States and British North America.

"The President of the United States would be prepared to recommend the adoption of such action by Congress with the understanding that in view and in consideration of such promised recommendation there would be no enforcement of restrictive and penal laws and regulations by the authorities of the Dominion of Canada or of the Province of Newfoundland, against the fishermen of the United States resorting to British American waters between the 1st July next and the close of the present year's fishing season; the mutual object and intent being to avoid any annoyance to the individuals engaged in this business and traffic, and the irritation or ill-feeling that might be engendered by a harsh or vexatious enforcement of stringent local regulations on the fishing coast pending an effort to have a just and amicable arrangement of an important and somewhat delicate question between the two nations.

"Public knowledge of this understanding and arrangement can be given by an exchange of notes between Mr. West and myself, which can be given to the press."

Now, Mr. Speaker, in this memorandum no copy of Mr. West's memorandum appears to have been furnished; but on the 22nd of April Mr. West sent a despatch to the Government here enclosing a copy of this memorandum which I have just read. On the 22nd of April the Governor General acknowledged the receipt of this, and in referring to it said:

"I have the honor to acknowledge the receipt of your letter of the 23rd inst., enclosing a copy of the memorandum submitted to you by the Secretary of State upon the subject of an understanding which the Government of the United States desires to establish with that of the Dominion, in view of the approaching expiration of the fisheries articles of the Treaty of Washington.

"I have referred Mr. Bayard's memorandum to my Government, and I hope to be able to communicate further with you upon the subject in the course of a few days.

"I may, however, in the meanwhile express the hope that you will convey to the Secretary of State the assurance that his proposal will receive most careful consideration, and that the Government of the Dominion is sincerely desirous of placing its relations with the Government of the United States both in regard to the question of fisheries and in regard to all questions affecting the commerce of the two countries upon a footing advantageous and satisfactory to both, and likely to avoid, as far as circumstances will admit, all risk of misunderstanding and annoyance to the individuals concerned therein."

You will observe that the memorandum of Mr. Bayard simply accepts a proposal of Mr. West that the Americans should have the benefit of the Canadian fisheries without the alternative that the Canadians should be allowed to utilise the American fisheries; it does not at all refer to the matters referred to in the 30th article of the treaty. On the same day, the 28th of April, the following despatch is sent to the Colonial Office:—