

Sir Robert Bond's Speech ON THE HAGUE AWARD.

SIR ROBERT BOND.—In dealing with the Address delivered by His Excellency the Governor this afternoon, I shall not attempt, at this late hour, to trespass unnecessarily upon the patience of the House, and as all matters of importance referred to by His Excellency will be presented for discussion in some other form during the present session, I shall confine my remarks to the highly interesting and most important subject to which the second paragraph of His Excellency's Speech directs our attention, namely, the recent Awards of The Hague Tribunal. I am glad to say that we who sit on the Opposition side of the House are able to unite with His Excellency the Governor, and those who sit opposite us in this House, in an expression of satisfaction at the result of the Colony's reference to The Hague. But I regret that our expression of satisfaction cannot be as full and complete as we could desire. We have to regard the decision as a compromise of course, but still such a compromise as we think should establish

Peace With Honour.
The distinguished gentleman, Dr. Lammasch, who presided over The Hague Tribunal, in his opening address to the Court said, that matters of great importance had been adjusted by the Tribunal within the past ten years, some of them involving the most delicate questions of sovereignty and national pride, all implicating intricate problems of international law. But perhaps never till now had there been entrusted to an arbitral tribunal a question of such gravity and of so complex a nature; that during more than ninety years the questions implicated in the case before them had been the subject of almost unintermitted diplomatic correspondence and transaction, and more than one had brought England and the United States of America to the

Verge of War.
That was not an exaggerated statement, it was literally true. In the year 1907 the tension in respect to the issues that have been dealt with by The Hague was so severe that one of the leading London papers, "The Standard," alleged that "His Majesty's Government had believed it necessary to take into consideration the contingency of war with the United States of America in the event of no settlement being reached." It was in England carrying on negotiations with His Majesty's Government relative to the dispute when this statement appeared, and on being questioned by Reuter's representative agent the same, I replied, "War with the United States is out of the question. It would be the

Calamity of the Ages.
Self-respect is the surest road to peace, and no country appreciates self-respect more than the United States of America or regards the people who sacrifice it with more contempt." I fully appreciated the gravity of the situation, but in a letter addressed to Lord Elgin, Secretary of State for the Colonies, a few days previous to this, I had suggested a reference of all questions in dispute to The Hague Tribunal, and I was hopeful that all parties concerned would agree to the proposal and it was thus my high privilege to lay the first stone in this structure of peace, which, it is to be sincerely hoped, has been firmly established by the decision of The Hague Tribunal. I have no desire, Sir, I have no intention to unnecessarily revert to the past, but in order to furnish a reason

For One Measure of Satisfaction at the decision announced at The Hague, it is necessary to consider the issues that were involved in the reference to that Court; the attitude of this Colony in respect to the same, and in how far the Colony has been sustained in her attitude. It was not a mere question of the taking or purchasing of a few herring that was involved, it was one of jurisdiction and sovereignty—the jurisdiction of the Government of this Colony in the carrying out of its municipal laws, and the sovereignty of Great Britain in and over the Colony and its territorial waters. The position set up by the Government of the United States of America may be briefly stated as follows, namely:

1st.—That the fishery laws of this Colony are not binding upon United States fishermen in the exercise of their rights under the Treaty of 1818. Now, in respect to their position, the attitude of the late Government, of which I had the honour to be Prime Minister, was that the liberty to take fish which the inhabitants of the United States have enjoyed under the Treaty of 1818, in common with the

subjects of Great Britain, is subject to all reasonable regulations or laws made by Newfoundland for the protection and preservation of the fisheries, provided always that such regulations or laws are equitable and fair as between our local fishermen and the inhabitants of the United States. The Hague Tribunal has upheld the Colony in this contention. It has declared that the right to make such regulations

Without the Consent of the United States.
and to improve them, is inherent to the sovereignty of Great Britain, and that if the United States contests the reasonableness of any such regulations or laws, the question of reasonableness must be decided by an impartial commission of experts. If The Hague Tribunal itself had, as might reasonably have been expected, it would have passed upon the existing regulations and laws, the reasonableness of which have been contested by the United States, and had ordered that a Commission of Experts must deal with all future regulations before they can come in force, provided the United States Government contests their reasonableness, then I submit there could be no room for avil or complaint on either side. But that Rules and Regulations approved by the Legislature for the preservation and continuance of the fisheries, laws under which both American and Newfoundland fishermen have in common conducted their fishing business advantageously, harmoniously, and without question or protest for a quarter of a century or more, should now at the instance of the United States be suspended, pending the report of an American and Dutch expert, is hardly that

Justice to Peace
that might reasonably have been expected from such an august Tribunal. Granting that from the Treaty of 1818 there results an obligatory relation whereby the right of Great Britain to exercise its rights of sovereignty by making regulations is limited to such regulations as are made in good faith, and are not in violation of the Treaty, and that the reasonableness of a regulation is a question to be decided by an impartial authority, it does not seem contrary to common sense and reason that laws that have been in existence for years, operating for the good of all parties concerned, an experience has demonstrated, should now be subject to such a test as proposed. This concession to the United States is all the more remarkable in view of the remarks of the President of The Hague Tribunal during the hearing of the Colony's case. He said that "if the concurrence of the United States is necessary to the enforcement of the fishing regulations of Newfoundland the logical deduction and consequence would be that the United States shared in the sovereignty of the Treaty of 1818 and over the Island and its territorial waters has been admitted by the Award. It is also remarkable inasmuch as it seems to violate a doctrine of International Law recognized and enforced by the United States, namely, "That aliens while within the jurisdiction of the United States and enjoying the protection of its laws must be obedient to them equally as citizens of the United States are." This is laid down in Moore's Digest of International Law, and the British International Law as defined by Phillimore concurs in the doctrine by stating that "Every individual on entering a foreign country binds himself by a tacit contract to obey its laws."

Entirely Satisfactory.
and coupled with the decision of contention 2 leaves us complete masters of the situation so far as the sale and purchase of bait fishes is concerned.

The Very Opposite Position
before the Halifax Commission in 1878. But, Sir, I still believe that under a strict interpretation of the Treaty of 1818 American fishermen must be excluded from the fishery between Cape Ray and Quirpon Islands.

The Immense Research
that was necessary to sift documentary evidence that ran back as far as the seventeenth century. This could not have been forthcoming but for the interest taken in our case by His Majesty's Government. No intelligent person can peruse the arguments of Lord Robson and Sir Robert Findlay without being struck with their clearness of thought, accuracy of discrimination, and strength of reasoning, that Newfoundland had never done so, but on the contrary I knew that she had taken

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Dialectical Ability
than in the arguments of Lord Robson, Sir Robert Findlay, and Senator Root. I repeat, Sir, we lie under the deepest obligations to His Majesty's Government, to Lord Robson and Sir Robert Findlay for the victory we have won at The Hague. Let us hold what we have won as a lever, to be used in the interest of the fishermen of this Colony; let us not be cajoled on the one hand or menaced on the other into a relinquishment of the rights and the powers that have now been placed beyond question by The Hague Award. I used the word menaced just now because in reading the argument of one of the United States counsel—a Mr. Elder—I noticed an intimation that if The Hague Tribunal decided against the contention of the United States respecting the purchase of herring, and Newfoundland still refused to grant the privileges, the United States would take some course, not explained, to compel Newfoundland to accede to the demand. A most astounding statement before Peace Commission truly, and Lord Robson did not permit it to pass without comment. Lord Robson in addressing the Court said Mr. Elder intimated very clearly that "if notwithstanding such a finding as His Majesty's Government, His Majesty's Attorney General, Lord Robson, and to Sir Robert Findlay, in the matter of the conduct of our case. No thoughtful person can peruse those volumes without recognizing

founders from the penalty attaching to a breach of our law when it says, "Thou shalt not engage in the exportation of bait fishes in American bottoms."

This is Entirely Satisfactory.
3rd.—The Government of the United States contended that American fishing vessels were not bound to enter or report at our Custom Houses.

The position taken by the late Government of this Colony was that American fishing vessels entering ports of this Colony must report to Customs House or become subject to the penalty provided for a breach of our Customs law. The Hague Tribunal has upheld the Colony in this contention, for it has decided that the requirement that an American fishing vessel should report, if proper conveniences for doing so are at hand, is not unreasonable. This is entirely satisfactory.

4th.—The Government of the United States contended that American fishing vessels entering the harbours of the Treaty Coast were not liable for light dues.

The position taken by the late Government was, that as the lighthouses were built and are maintained out of the taxes contributed by the fishermen of this Colony, it was not unreasonable to demand light dues from American fishing vessels deriving benefit from these lighthouses. The decision of The Hague Tribunal was that the exercise of the fishing liberty by the inhabitants of the United States should not be subject to light dues not imposed upon Newfoundland fishermen. The annual cost of maintenance of our lighthouse system is forty-five thousand dollars, which amount is very largely contributed by the fishermen of the Colony. The American fishermen have the benefit of these light houses, and it therefore can scarcely be regarded as satisfactory that the Award should have exempted them from contributing to the upkeep of that which is for the common benefit of the fishermen of the Treaty Coast. It is of course correct that light dues are not imposed directly upon the Newfoundland fishermen, but they are taxed indirectly for this light service.

So That is Only a Question of the Expediency of Regulating the Tax.
and under the Award of The Hague Tribunal American fishermen may be made liable for lighthouse dues.

5th.—The United States Government contended that American vessels resorting to the Treaty Coast for the purpose of exercising the liberty granted under the Treaty of 1818 were entitled to have the commercial privileges of buying bait from the fishermen of Newfoundland.

The position taken by the late Government of this Colony was, that the Treaty of 1818 did not confer any commercial privileges on the citizens of the United States, and that they have no right to buy bait without the direct sanction of the Government of this Colony. The Hague Tribunal has upheld the Colony in this contention, for it was decided that American vessels cannot at the same time and during the same voyage exercise their Treaty rights and enjoy commercial privileges, even assuming that commercial privileges were accorded by some other agreement. This is

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6th.—The United States contended that under the Treaty of 1818 American fishermen were granted the privilege of fishing in the bays, harbours and creeks between Cape Ray and Quirpon Islands.

The position taken by the late Government was that we had a perfect right under the law to say to our own citizens, "You shall not take service upon American fishing vessels exercising liberties under the Treaty of 1818," and to prevent them from so doing. In this position the Colony has also been upheld by The Hague Tribunal, for it has decided that while non-inhabitants of the United States may be engaged as members of a fishing crew, such non-inhabitants derive no immunity from the Treaty of 1818. In other words, the engagement of Newfoundlanders by American skippers does not protect those New-

founders from the penalty attaching to a breach of our law when it says, "Thou shalt not engage in the exportation of bait fishes in American bottoms."

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Sir Robert Bond's Speech on the Hague Award.

issues that were before The Hague Tribunal, ideas which undoubtedly influenced the arguments and attitude of the United States Government, in relation to Newfoundland. I am led to this conclusion, Sir, from a perusal of documents laid before The Hague Tribunal and of the arguments of American Counsel. Articles that appeared in the Daily News and Western Star and copies of the motions of the late Government were put in evidence before the Tribunal, and arguments extending over days were based upon them, thus showing the importance that was attached to those utterances. Mark, I do not say that these party utterances influenced the Arbitrators in their decision. I do not say so because I cannot prove it, but I do say that

They Were Used by American Counsel for the Purpose of Influencing the Arbitrators.

and I am not at all certain that they did not minimize in the eyes of the Arbitrators the importance of a decision by them in respect to the reasonableness of existing fishing regulations. They might well have reasoned the point in this way: "Well, if it is true that the people on the Treaty Coast are so poverty-stricken that the dollars left by American skippers is a veritable Godsend to them; if it is true that they want no interference whatever with Americans on that coast; if it is true that the whole electorate of the Colony is opposed to any such interference, and turned the late Government out of power when appealed to on this question; if this be true, and it has not been denied by Newfoundland and other British Counsel, who should we deal with the question? No question as regards regulations may now arise, we will therefore exercise the discretion given us under Article III. of the terms of reference, and make provision for a Special Commission, in case it is required." It is exactly what The Hague Tribunal did, and the Colony is now confronted with another reference or a capitulation to the Americans. I have read in their matchless book of truth and wisdom that

"The Way of Transgressors is Hard."

How abundantly has this been verified in the case of my political opponents. The only Newfoundland Counsel who addressed The Hague was the late Government's friend, Sir James White, and he was met by American Counsel in this way: "Oh that my great-grandfather had interviewed you, you would have read to the Court an interview that Sir James had given a representative of the London Morning Post three or four years ago, in which he strongly upheld the American position and condemned the fishery policy of the late Government. It was he, I perceived then how seriously handicapped was the Colony by these party political utterances. I can doubt the Government of the Colony was handicapped in its present negotiations at Washington from these utterances. The United States would have said to them, "Why should we consider your position as regards fishing regulations? You are the ones who denounced the late Government for interfering with us. It was your party organs that declared that the people of the West Coast would starve, if it were not for the gold left amongst them by American skippers. Did not read the late Government were handicapped at the polls upon this fishery question? If this was not true, then we would have greatly deceived us, and we can have nothing more to do with you, and if all that you have alleged is true, then we defy you to withhold the privileges we demand, for your mandate is not to interfere in any way with American fishermen." This of course is a very awkward position for the Government to find themselves in, and it indicates how important it is when dealing with great international questions for the Colony to present

A Solid Front, Unbroken by Petty Party Squabbling and Jealousy.

I trust, Sir, that there will be no difference of opinion as to the course the Colony should adopt in the present instance. So far as I am aware the only question at issue between the United States and Newfoundland to-day is as to the prohibition of Sunday fishing and purse seines. The unreasonable attitude of the United States in respect to that prohibition is made apparent by the acquiescence of the Government of the United States, within the past fortnight, in a precisely similar prohibition in Canadian waters. On the 19th of January the Canadian Minister in Halifax in announcing the result of the recently concluded fishery negotiations at Washington said, "There has been little difficulty in convincing the representatives of the United States that here is nothing

You Shall Not Destroy Ours

If we can prevent you." Under the Award of The Hague Tribunal, this dispute as to the use of purse seines, and as to other prohibitions, was to be referred, as I have already stated, to a special Commission of Experts, to consist of an American, a Dutchman and a Britisher. In the event of our representative not agreeing with the other two, there was left to us an appeal to The Hague for a finalization of the dispute. But now, if I understand aright, the Government has deprived the Colony of this right of appeal by entering into a special agreement with the authorities of Washington to substitute another Tribunal in which the decision of the American and Dutchman still be final. This, I think, was a most unfortunate blunder. No doubt it will be said in extenuation that it was done to avoid the large expense of another appeal to The Hague. My answer is that all the money so far expended will be so much thrown away if we lost this reference, and that our safety lies in appealing to a Court constituted as was The Hague Tribunal. Was this return to The Hague, or to a special Commission, on the subject of regulations, the menace implied in the words of American Counsel to which I have referred? Probably, because he dwelt with more force than justice upon the poverty of our people. He may have reasoned thus in his mind: A further reference to The Hague or to a special Commission means nothing financially speaking to a great and wealthy nation such as the United States, but it will mean much to an insignificant, poverty-stricken country. This I say may have been the thought that found expression

In the Menace

to which Lord Robson took exception. It is to be greatly deplored that during the bitter party controversy over the matter of the herring policy in the matter of the herring fishery so much was said and written as to the poverty of the people on the West Coast, and of their dependence upon the American fishing fleet for a livelihood. To this must be attributed the ideas of poverty, and of interference on the part of our people to the great

(See next page.)

but a flurry that is stirred up in order to hide the real grievance. These fishery Rules and Regulations have been in force for years on the Treaty Coast, but we never heard a complaint respecting them from the United States until a few years ago, when we said to the Government of that country, "You promised Newfoundland a free market in the United States for its fishery products in exchange for the trading privileges you are now enjoying; we have waited fifteen years for the fulfilment of that promise, henceforth we shall confine you to your fishing privileges under the Treaty of 1818 until your pledge is redeemed." It was then, and not till then, that complaint was made respecting our fishery rules and regulations. I would say to you, Sir, that under the operation of the rules and regulations of which complaint is now made by the United States, their fishing vessels obtained all the fish they required on the Treaty Coast.

During the Years and Years

that have passed, if our fishermen could, and did, supply all the wants of the Gloucester fishing fleet through all these years and under these regulations, why cannot American fishermen supply themselves under the new regulations? If these rules were good for our fishermen, how can they be bad for American fishermen? If they did not hamper our fishermen in the conduct of the business, how can they hamper American fishermen? Of course the contention of the United States Government amounts to an absurdity, unless it is admitted by them that it will not pay their fishermen to bring large crews and necessarily large outfits of fishing gear from Gloucester to prosecute the fishery as it has been conducted for a quarter of a century or more. If this is admitted, and that their only possible chance of making the voyage pay is by using purse seines, thus reducing labour and the cost of outfit, our answer should be clear and emphatic, namely, "You have destroyed your own inshore fishery by the use of purse seines, the Canadian fisheries in certain localities were well nigh depleted by the same means."

Must Be Abandoned.

Why? Because it will not pay to bring the necessary crews and equipment from Gloucester. Now as regards our fishery Rules and Regulations. The contention of the United States that they are unreasonable is

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