

as is foreshadowed by the observations which the hon. gentleman has read in the press, it were intended, either before or after the passage of the regulations, that gunboats of the United States, or cruisers of the United States, should accompany our fleet of sailing vessels on the Pacific Ocean, we would request that some vessel commissioned by Her Majesty should be there to see that the duty was not too zealously discharged, or oppressively discharged, with regard to any of our people or their vessels.

Sir RICHARD CARTWRIGHT. May I inquire of the hon. gentleman, while he is on his feet, whether the United States on their part assented to the proposition which I understood was made by the British plenipotentiaries, that offences committed by British subjects should be tried in British courts?

Sir JOHN THOMPSON. Yes, we understand they have, and that the draft of an Act which they have prepared, contains that provision. There was no objection made to that during the conference which took place in Paris; and in fact under the *modus vivendi* which has been in force, that procedure was insisted upon, was provided for, and was carried out. One of our vessels was sent to be tried at Victoria, B.C., when an adjudication took place upon it.

Mr. EDGAR. Is the *modus vivendi* supposed to be in force still?

Sir JOHN THOMPSON. No, it has expired. But I may add, we have already communicated to Her Majesty's Government the impropriety of making any provision with regard to the coming season which would be applicable at all to vessels which have already sailed.

Sir RICHARD CARTWRIGHT. The only reason I called the attention of the hon. gentleman to the matter is this: He will notice that a very short time indeed can elapse, under article 2 of the regulations, before these provisions are supposed to come into force, and they are very positive:

The two Governments shall forbid their citizens and subjects respectively, to kill, catch or pursue, in any manner whatever, during the season extending each year from the 1st May to 31st July, both inclusive, the fur seals on the high sea in that part of the Pacific Ocean inclusive of the Behring Sea which is situated to the north of the 35th degree of north latitude.

So if the close season is to be enforced this year, there are barely five weeks now to bring it into effect.

Sir JOHN THOMPSON. That prohibition can only be done by statute, and we have called attention to the position, in fact some weeks ago, before the sealers had sailed.

Mr. MILLS (Bothwell). I suppose that the First Minister will have no objection to bringing down any correspondence that has taken place with the British Government, as soon as the measure is before the English Parliament. It seems to me that we should have, at an early day, that correspondence in our possession, so as to be better able to form an opinion on the subject. Of course, there is a difference between the treaties so far as the American Government and people are concerned, and the people of the United Kingdom. Under the constitution of the United States, a treaty is a part of the supreme law, and comes into operation without any Act of Congress ratifying it. I suppose that so far as people of the United States are concerned, the treaty is already in force, but so far as the people of the British Empire are concerned this treaty cannot come into operation until after Parliament has legislated.

Sir JOHN THOMPSON. There can be no objection on our part to any paper being brought down on that subject—of course, we have to obtain the approval of Her Majesty's Government. The view with regard to the effect of the treaty in the United States undoubtedly affects the question, but there is still the question whether these regulations made under the provision of the Paris treaty, ought to be regarded as a treaty without receiving the assent of the Senate. That is the view of one of the American arbitrators; I cannot express an opinion upon it.

Motion to adjourn withdrawn.

CANADA TEMPERANCE ACT.

Mr. DAVIES (P.E.I.) moved for leave to introduce Bill (No. 11) to amend the Canada Temperance Act. He said: The amendment suggested is a very small one. Under the Canada Temperance Act prosecutions, so far as Prince Edward Island is concerned, are in the city and town brought before stipendiary magistrates, but outside the city and town they have to be brought before two justices of the peace, there being no stipendiary magistrates for the outlying portions of the province. The result has been that a very large number of cases, the Attorney General writes at least three-fourths of them, are appealed from the justices to the Supreme Court, and a period of from one month to six months sometimes elapses before these appeals can be heard. The appeals are really re-hearings, the witnesses having to be brought forward again. The result has been that the witnesses are not forthcoming, and a large number of the prosecutions fail from the absence of witnesses, and justice is not administered. The attorney of the Island intends to appoint stipendiary magistrates, professional men of good standing, for counties outside of the