POWER TO MAKE TREATIES

Continued From Page 1.

should have done was to have withdrawn from the negotiations in January last, when that could have been done, and to appeal to parliament, so it would be able to tell the British government that in refusing to go before such a tribunal the government had the unanimous sanction of parliament. What was the use of spending $400,000 to present our case before such a tribunal as that. (Hear, hear.) The government, too, had gone back of the position it took before the Joint High Commission that before any further negotiations could take place the Alaska boundary question was to be settled, when the United States refused to appoint judges as their commissioners.

Three Canadians.

The government of Canada should have insisted upon appointing three Canadians. That would have been accepted by the Colonial Office, and would probably have led to a better state of things than we have at present. True, on March 6, 1903, the government protesting against the composition of the commission, complained that the treaty had been ratified while they were still considering the subject, but they more probably erred on the side of generosity in not insisting upon "impartial judges of repute" being named on the British side. At all events the government might then have insisted upon the appointment of three Canadians. Mr. Borden blamed the government for having departed from its determination not to submit the question, for the tribunal was lacking in the assurance of finality, and without the consent of parliament allowing the subject to go to just such a tribugal, and that without providing that the finding should be ratified by parliament.

He blamed the government also for having assented to the modification of the Clayton-Bulwer treaty without insisting upon a concession to Canada in return, the government having taken the unfortunate stand that Canada had no interest in that treaty. Particularly was this inexplicable in view of the postion taken by Lord Lansdowne in our behalf.

"It does seem to me," said Mr. Borden in conclusion, "that the situation will present itself to the people of the country in this way. I regret once more than behind the back of parliament these proceedings were taken, that without any consultation whatever with parliament, my right hon. friend has seen fit to adopt that course for which the government are absolutely responsible, and which has resulted so unfortunately for the interests of this country." (Cheers.)

Sir Wilfrid Replies.

Sir Wilfrid Laurier replied. He said that Mr. Borden and himself, however they might disagree to certain phases of this question, agreed that it was not advisable to discuss the award without the information that would enable them to do so. However, Mr. Borden had said later that Canada would have probably had more justice if three Canadians had been appointed commissioners rather than two Canadians and the Chief Justice of England.

"Perhaps," said Sir Wilfrid "my hon. friend is right, and perhaps in selecting the Chief Justice of England as a jurist of repute to pass upon these questions, we were mistaken. Perhaps we should not have confided our interests to the highest expert in England. But up to the present time I fail to accept this view. I do not come to such an opinion as that yet, and I do not think we are in a position to maintain against the Chief Justice such harsh language."

Mr. Borden: "I hope the right hon. gentleman will acquit me of using any harsh language towards the Chief Justice. I said that, subject to the report of his opinion which might modify my words, I could not at present comprehend the course of the line around these islands. And if my right hon. friend can comprehend it, I shall be glad to hear his explanation." (Laughter and applause.)

Stands by Alverstone.

Sir Wilfrid replied that it was rather harsh for the leader of the opposition to suppose that the Chief Justice of England has not treated Canada as justly as a Canadian would have done. It was harsh language to use towards Lord Alverstone, and he would refuse to accept that criticism until we had the reasoned opinion of the Chief Justice, so we might know whether he was right or wrong.

"Much as I regret the decision," said Sir Wilfrid. "Much as I am surprised at it, I will not pass criticism of that kind nor suppose that the Chief Justice of England has given an opinion which would not have been given by a Canadian in his place."

Sir Wilfrid did not think our case on the Lynn Canal so weak as Mr. Bourassa claimed, nor so strong as it had been represented by others. It seemed to him it was a contentious case, in which a good deal could be said on both sides. In reading the argument as it proceeded, before the commission, he had come to the conclusion we had the best of it, but perhaps in that he was biased, but it was his opinion. He was never far from doubt as to the strength of our case, and perhaps our case was such a one as a lawyer going into court would know he might expect a decision on the other side.

Advises Calm.

"But on the Portland Channel," continued the Prime Minister, "it seemed to me we had not only a strong case, but beyond doubt one in which there was no argument on the other side whatever. Therefore it is with wonder, surprise and astonishment that I find the award instead of giving us the whole of our contention which seemed clear beyond all doubt, loses for us two islands which belong to us. These islands I believe do not in themselves amount to much, they are simply rocky. But they have a great importance from the position in which they are. It is a great blow to Canadian interests, that we are to lose these islands, but this is not the time to discuss that question. I would advise people to be calm and quiet until we have the whole case before us, so that every one who can may apply his judgment to the real merits of the decision.

Sir Wilfrid took issue with Mr. Borden as to the government's position in agreeing to refer this question to the tribunal which settled i. Mr. Borden had declared the government should not have departed from the position it insisted upon at the Joint High Commission in Washington, namely, that there should be no reference risking a surrender of territory. What the British side wanted to have was a reference on the lines of the Venezuela treaty, which involvd a possible surrender of territory. It was agreed between Britain and Venezuela that if the territory of the one were found in the possession of the other it might be left there on payment of compensation. Canada wished to have a similar provision in the Alaska treaty and to provide that if the territory of one country was found to be in possession of the other the arbitrators would be at liberty to leave it in the hands that held it subject to such compensation as might be found equitable. This was not doubted. Had it been adopted and the town of Skaguay, for instance, found to be in British territory, the commissioners would be empowered to allow Skaguay to remain in the hands of the Americans on such terms as seemed equitable, and thus not involving a surrender of territory.

Against Our Protest.

"Under the award that has been given Canada is to obtain two islands which, against our protest, have been in the possession of the United States. Pearse and Wales Islands, and it would have ben in the power of the commissioners to allow these islands to remain in possession of the Americans under such conditions as they would deem equitable. But this treaty involved no surrender. All that was referred to the tribunal was the duty of judicially interpreting the terms of the treaty of 1825, to determine where the boundary lay. There was thus no necessity of referring such a treaty to parliament as would have been essential had there been any surrender of territory involved, because parliament alone can deal with its territory."

The Prime Minister continued: "So far, therefore, our position is very different from what it was in 1899. What were we to do? I have often regretted that, Mr. Speaker, and never more than on the present occasion, that we are living beside a great neighbor who I believe I can say without being deemed unfriendly to them are very grasping in their natural acts, and who are determined upon every occasion to get the best of any agreement which they make. I have often regretted also that, while they are a great and powerful nation, we are only a small colony, a growing colony, but still a colony.

Wants Larger Powers.

"I have often regretted also that we have not in our hands the treaty-making power which would enable us to dispose of our own affairs. But in this matter we were dealing with a proposition that was forced upon us. We have not the treaty-making power. I am sorry to say that the whole correspondence which we have had upon this question since 1899 has not yet been placed before parliament, I am sorry, not only that we are not in such an independent position that it is in my power to place before parliament the whole of the correspondence as it passed between the Canadian government and the British government. But we shall have that correspondence. And it will be placed before parliament at the next session, the whole of it, no matter what protests may come from abroad. We shall have the whole of it, and then this country may know exactly what is taking place and what share of responsibility must rest upon each of the parties concerned in this matter—(hear, hear.)

Disadvantages Also.

"But having no such power our hands are tied to a large extent owing to the fact of our connection, which is for our benefit, but which also has its disadvantages—the fact of our connection with the Mother Country making us not free agents and obliging us to deal with questions affecting ourselves thru the instrumentality of the British Ambassador.

"The question came before us, and what were we to do? Were we to leave that question forever an open one? Were we to leave that frontier forever a bone of contention? Were we to leave a condition of things under which it might happen that in case of a discovery of gold being made in the disputed territory that American miners and Canadian miners would rush in and a clash might occur which would eventuate in conflict and bloodshed and difficulties which the mind shudders to contemplate? We had to come to some conclusion, and after long negotiations, which will be seen when the whole correspondence is brought down, the offer was made to us of accepting this treaty, which implied a judicial interpretation of the treaty of 1825, the result of which could give nothing to our opponents and take nothing away from us, but which would simply determine what were our rights under that treaty.

Duty to End It.

"I think it was the duty of the Canadian government to put an end to this unfortunate condition of things to which I have referred. This was the position when we took up the case. We wanted to have the treaty judicially interpreted. We wanted no territory from the Americans—we wanted simply what belonged to us. That was the proposition made to us and we decided to accept it. Now after we had given our assent to this treaty after we had consented to refer the question to this tribunal, which was to be composed of six impartial jurists, we were notified that the jurists who were to be appointed by the American government were gentlemen who, with all respect be it said, could not qualify as impartial jurists.

They had expressed their opinions upon this question already with a good deal of emphasis. We protested against their appointment and we asked the British authorities to convey our protest to the President of the United States, representing that the gentlemen who had expressed upon the floor of Congress opinions upon this question could not come within the terms of impartial jurists, as contemplated by treaty. And, sir, what took place? Before our protest had been taken into consideration the treaty was ratified by the British authorities. (Hear, hear.) Then another difficulty arose. What were we to do under these circumstances, the treaty having already been ratified? His Majesty had given his assent to it. His Majesty is the only person in the empire who has a right to sanction a treaty.

What Was to Be Done?

I want to know what our friends on the other side of the House would have done. I ask the leader of the opposition what would have been their conduct on that occasion? What would have been the consequences if we had declined to give our assent? The consequences probably would have been that the United States authorities would have planted the American flag upon the disputed territory and we would have been obliged either to retire with disgrace or to go to war to preserve our rights. That would have been the consequence. Therefore, we said no, we will do the best we can in the condition of things in which we find ourselves. We confided our rights to the judgment of men who we believed were able to defend them before the tribunal. We thought that we could entrust our case to a commission of impartial jurists who would judicially interpret that treaty, all the time supposing that they would be jurists of repute.

The proposition was made to us that the British government should appoint the Lord Chief Justice of England, Lord Alverstone, to represent the British side. According to my hon. friend (Mr. Borden) we made a mistake; we should have insisted upon the appointment of three Canadians instead of two; he insists that Canadian interests would have been more secure in the hands of three Canadians than in the hands of the Lord Chief Justice of England, associated with two Canadians. If that means anything it means that the Lord Chief Justice of England, who was charged with the duty of judicial interpretation of that treaty, did not judiciously interpret it, but allowed himself to be biased by influences which it would be a shame to mention or suppose. (Hear, hear.) If it means anything it means that if the Lord Chief Justice of England judicially interpreted the terms of the treaty and apportioned the rights of the parties according to law and justice, then a Canadian would have had to go against his conscience to arrive at the same conclusion."

Will Wait.

The Prime Minister went on to say that he refused to accept this proposition, and represented that he would continue to believe Canada's interests had been safeguarded in that respect, and wait till he had received Lord Alverstone's reasoned opinion on the point. Sir Wilfrid also dissented from the view that the condition of finality being wanting in a commission of six it would have been better to have had a commission of seven, for, supposing the seventh were appointed by France, Germany or Sweden, he might have stood between Sir Louis Jette and Mr. Aylesworth, and the decision would surely have been against Canada. The result had been to dispose of the objection to the want of finality.

"But," continued Sir Wilfrid, "the difficulty is not there. The difficulty as I conceived it to be is that so long as Canada remains a dependency of the British Crown the present powers we have are not sufficient for the maintenance of our rights. It is important that we should ask the British parliament to grant more extensive power, so that if ever we have to deal with matters of a similar nature again we shall deal with them in our own way."

Mr. Borden: Did not the right hon. minister state in regard to the colonial conference during the debate on the address at the present session that the political relations were absolutely satisfactory, and that no modifications were required?

Sir Wilfrid: I stated that in so far as Imperial federation was concerned. It is important that we should be calm in regard to this matter. We have not lost everything. The Americans have not gained everything they wanted. If there is a thing I regret it is that the Yukon Bill in 1896 did not become law. If it had we would not now be confronted with this difficulty. But it is no use to look back on the past. It behooves us at an early date to establish communication upon Canadian territory between the Yukon and the rest of the Dominion. I am not prepared to say what we should recommend. But it is a question for all Canadians, and they should be prepared for some sacrifice in order to establish communication between the distant and more settled parts of our country. (Cheers.)

SIX SMITHS STOOD UP,

Then Smith the Seventh Answered 'Phone and Treated.

Chicago, Oct. 23.—It was only an innocent telephone message, but it created a commotion resembling a football rush in the lobby at the Great Northern Hotel yesterday and resulted in the dislocation of a man's ankle.

"Telephone message for Mr. Smith," sang out one of the hotel pages, resplendent in scarlet and bottle green livery as he passed thru the rotunda.

There was a wild scramble for the boy by no less than six men, hailing from widely different parts of the United States, and each of whom recognized the name as his own.

Smythe, Schmidt and Smith.

Percy Smythe, a Toronto clothing merchant, made so much haste that he slipped on the tiled floor and with a rueful face limped to a chair. He had twisted his ankle. At the same time Henry C. Schmidt of Philadelphia was disentangling himself from a bronze statue of St. George and the Dragon at the north end of the rotunda, where he had been hurled by Geo. M. Smith of New Orleans.

While the man with the German adaptation of the name was muttering something about "dear old Philadelphia," John Smith of Kalamazoo, Michigan, and James W. Smith of Corning, N. Y., rushed from the grillroom and tumbled over the recumbent form of the page, who had fallen over the Toronto clothing man. Nor was this all, for Paul Smyth of Galveston, Texas, who had been talking with Secretary Rush, left him with the exclamation:

"That's a call from my wife, whom I left in Springfield!"

Now Comes Number Seven.

When the gathering of Smiths had been pulled apart and apologies exchanged and "Buttons" had been lifted to his feet and told "not to mind," a man who had been an amused spectator sauntered up from the cigar stand. He took the memorandum from the hand of the boy, and, turning to the assemblage of Smiths, remarked:

"The message is for me. I am Jarvis Smith of Butte, Mont. If you'll wait a minute I'll answer the telephone and then I'll be glad to drink to our better acquaintance."

"We'll wait," said the Smiths, in chorus.

WILL LEAVE BRITAIN.

(Canadian Associated Press Cable.)

London, Oct. 23.—The Chronicle publishes a letter from a business man, who says that the librarian of one of the big Canadian public libraries told him: "You've got to have protection here or we'll leave you. We can't fight the Yanks on the present basis. Canada is the most prosperous section of the empire, and we are not going to be tied permanently to people who don't understand things. Chamberlain is the only man who understands the seriousness of the situation."

VALUE IS LESSENED.

(Canadian Associated Press Cable.)

London, Oct. 24.—The Times says: "The omissions from the Unionist Free Food League document greatly detracts from its argumentative value because it does not recognize the stagnation in the export trade, except with the colonies or the increasing invasion of the home market by goods that we could make better at home, but for the operation of foreign tariffs. It does not notice the loss of employment to British workmen."

RUSSIA WARLIKE.

London, Oct. 23.—In a despatch to The Daily Mail, the correspondent of that paper at Yokohama reiterates a statement made Oct. 19, that the Russians are fortifying Yomgampho, and declares that to-day he has authentic information that they have built a fort and are preparing to mount heavy guns there.

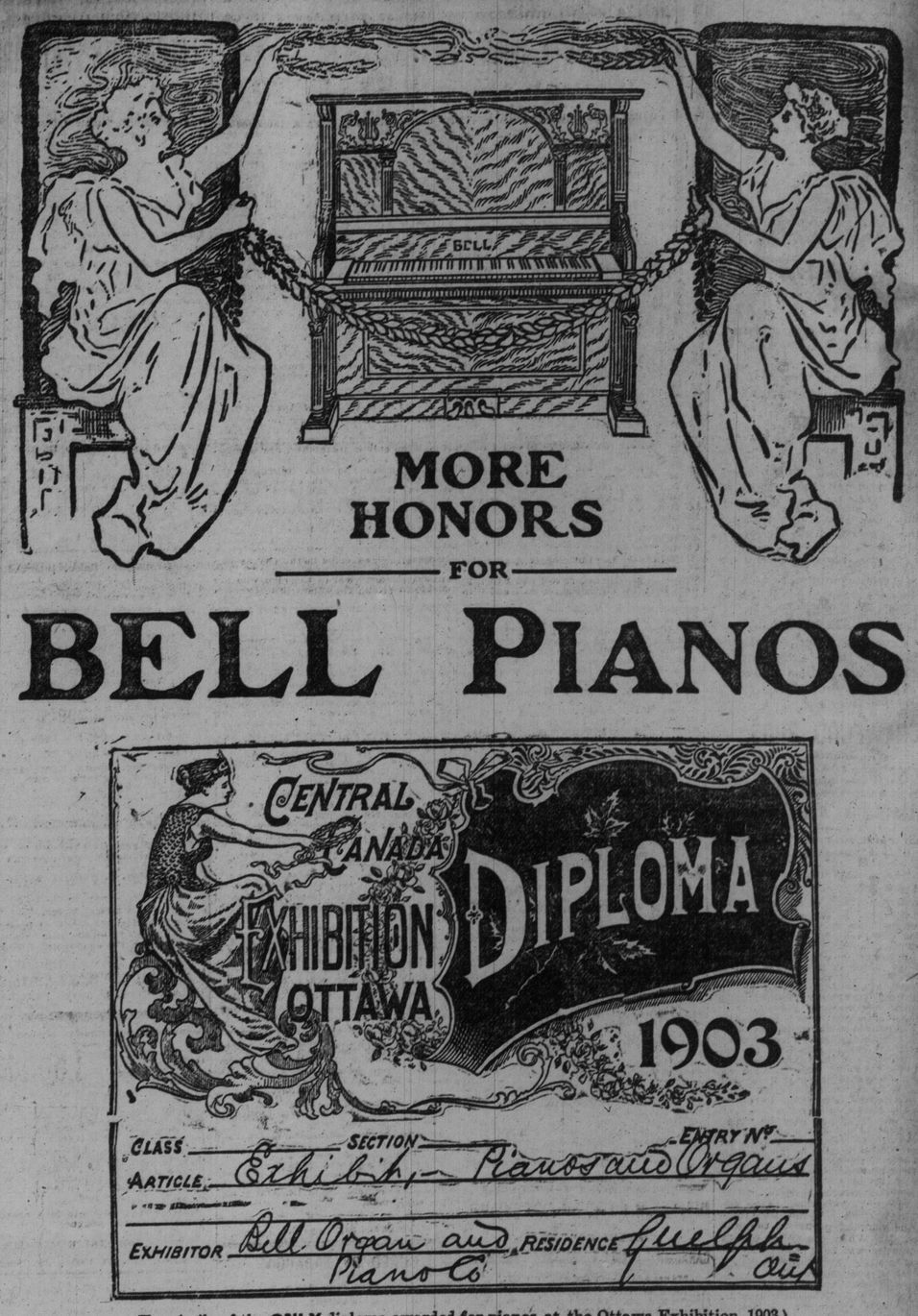
The Japanese government, the correspondent continues, is conferring with representatives of all Japanese railways with a view of effecting the most speedy mobilization of the army whenever this becomes necessary.

Voice From the Dead.

A letter from J. R. Harcourt, Mhow, India, was received by Dr. McKay, secretary of the Presbyterian Foreign Mission, yesterday. It was written in the interim between the death of Dr. Menzies and that of Mrs. Harcourt, and told of the former's last illness. A letter has been received by Miss Livingstone of the Ewart Training Home, written by the late Mrs. Harcourt just before she was seized by the plague, describing vividly the awful scenes in the plague infected districts. Miss Jane B. James, late of Hamilton, who has been in China since January last, will take the place at Au Reu of Miss Edith Wood, this city, who died recently. Miss James was formerly a teacher in Moulton Ladies' College, and has been attending the Teachers' Training Home at Yang Chow since she arrived in China.

The Socialists will meet in Forum Hall to-night, when Phillips Thompson will give an address on the "Outlook for Socialism."

Fishery Commissioner Bostelo was in Detroit yesterday conferring with several United States officials looking to an international convention of game and fish wardens for securing uniform protective legislation.



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EASY ENOUGH

To Shake Off Coffee and Sickness.

It is easy to shake off coffee no matter how bad one may crave it, when well-made Postum Coffee is served in its place.

"I have drunk coffee for years and always experienced trouble from it," says a Kansan. "I knew it was causing my sickness, as my doctor told me it was, and following the doctor's advice I have repeatedly sworn off. But after a short time I could not stand it any longer and would go back to coffee and the old troubles. Never until I tried Postum about a year ago could I shut off the coffee for any length of time.

"At that time I was suffering terribly from stomach trouble, nervousness, headaches and all the other ills that go with a badly upset coffee stomach. I am a school teacher, and if I made my coffee strong enough to stimulate my stomach I could work fine for a time, but would collapse at night. Gradually I failed to get stimulation from the coffee and my brain seemed actually clogged up from drinking coffee and my stomach was in a wretched state.

"A friend came to see me and advised that I try Postum, and then went out and got me a package, she was so certain it would help me. But my landlady did not make it right, and I was so disappointed with the taste that I went back to coffee. My health finally got so bad I was on the point of giving up school work. Then my friend returned to see me one day, and asked about the Postum, and when she found out what the trouble was, she made it for me according to directions, boiling it full 15 minutes, and to my surprise I found it delicious.

"Then I shut off the coffee and found it easy to do by drinking Postum in its place, which completely satisfied any coffee taste, and I began to feel better almost immediately. I have used Postum ever since and my stomach has not given me a minute's trouble. I am now strong again, my nerves are steady and normal, and I feel so fine I cannot begin to tell you how thankful I am.

"I persuaded my brother who was an inveterate coffee-drinker for years to give up the coffee and try Postum, and he has had such grand results from this that he says he will never go back to coffee. When I went home on a visit to my parents I persuaded them to use Postum in place of coffee, and the results have been that mother's nervousness and sleeplessness have disappeared." Name given by Postum Co., Battle Creek, Mich.

Look in each package for a copy of the famous little book, "The Road to Wellville."

CREATES EXCITEMENT.

(Canadian Associated Press Cable.)

London, Oct. 24.—Herr Goldberger, member of the Economic Committee, has created great excitement in Germany by the publication of an elaborate work in which he takes the view that American manufacturers will abandon protection under the belief that they are making a hopeless endeavor to conquer the markets of the world at the expense of American consumers.

The action brought in the High Court of Justice by the proprietors of "Salada" tea for an injunction restraining the East India Tea and Coffee Company from infringing the well-known trade mark "Salada," has been settled by the defendant agreeing to discontinue the use of the word resembling "Salada."

FOR INCITING ANARCHY.

New York, Oct. 23.—Armed with a warrant sworn out by Secretary Cortelyou of the United States Department of Commerce and Labor, four immigration inspectors with several secret service detectives and a number of policemen went to Murray Hill Lyceum tonight and arrested John Turner, an Englishman, on a charge of inciting and promoting anarchy in violation of the alien labor laws.

WHAT?

Editor World: Cutting it three ways: Uncle Sam gets his share; Grand Trunk Pacific share; Cap Sullivan his share. What becomes of Johnnie

Ed. C. S.

The local officials of the Canadian Furniture Manufacturers, Limited, report that the loss by fire in the Whitten factory Thursday night includes the sawmill and plant and a quantity of lumber. The mill was insured for $6000 and there was $14,500 insurance on the lumber.