

shores. The argument is, however, of a nature too legal to be of interest to the House, and requires to be very carefully studied before it can be understood. I will not, therefore, trouble the House with that argument but I will read one or two passages to shew the general statement of the case.

He then read extracts from American writings to shew that the right to fish in Canadian waters was not abrogated by the war of 1812. "We shall now enquire whether the convention of 1818 is an existing compact, and if not, what are the rights of American fishermen under the treaty of peace of 1783.

Since the expiration of the Reciprocity Treaty in 1866, the British Government, both at home and in the provinces, has, in its statutes, its official instructions, and its diplomatic correspondence, quietly assumed that the convention of 1818 is again operative in all its provisions. That the State Department at Washington should by its silence have admitted the correctness of this assumption, which is equally opposed to principle and to authority, is remarkable. We shall maintain the proposition that the treaty of peace of 1783 is now in full force, that all limitations upon its efficiency have been removed; and that it is the only source and foundation of American fishing rights within the North Eastern Territorial waters. In pursuing the discussion we shall show, first, that the renunciatory clauses of the convention of 1818 have been removed; and secondly, that article III of the Treaty of 1783 thus left free from the restrictions of the subsequent compact, was not abrogated by the war of 1812."

The writer thus concludes: "Article III of the Treaty of 1783 is therefore in the nature of an executed grant. It created and conferred at one blow rights of property, perfect in their nature, and as permanent as the dominion over the national soil. These rights are held by the inhabitants of the United States, and are to be exercised in British territorial waters. Unaffected by the war of 1812, they still exist in full force and vigor. Under the provisions of this Treaty, American citizens are now entitled to take fish on such parts of the coasts of Newfoundland as British fishermen use, and also on all the coasts, bays, and creeks, of all other of His Britannic Majesty's dominions in America, and to dry and cure fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, the Magdalen Islands and Labrador. The final conclusion thus reached is sustained by principle and by authority. We submit that it should be adopted by the Government of the United States, and made the basis of any further negotiations with Great Britain."

I quote this for the purpose of shewing that the pretension was formally set up and elaborated by jurists of no mean standing or reputation, and therefore it is one of the merits of this Treaty that it forever sets the dispute at rest. The writers on this subject, the very writers of whom I have spoken, admit that if the treaty is adopted the claim is gone, because it is a formal admission by the United States Government that under the Convention of 1818, we have now on the 8th of May, 1871, the property in these inshore fisheries, and this was admitted again after the question had been raised and mooted in the United States, that the very ratification of

the treaty was formally equal in its effect to an abrogation of the Convention of 1818. They agree by this treaty to buy their entry into our waters, and this is the strongest possible proof that their argument could be no longer maintained, and the agreement by the fishermen to pay a sum of money by way of license for permission to enter our waters is the strongest possible proof of the admission on the part of the fisherman that they have no right to come into Canadian waters except by our consent. Just as the payment of rent by a tenant is the strongest proof of his admission of the rights of the landlord, so is the agreement to pay to Canada a fair sum as an equivalent for the use of our fisheries an acknowledgment of the permanent continuance of our right.

So much, sir, for that portion of the treaty which affects the fisheries. I alluded a minute ago to the St. Lawrence. The surrender of the free navigation of the River St. Lawrence in its natural state was resisted by England up to 1828. The claim was renewed by the present Government of the United States, and asserted in the formal message by the present President of the United States. Her Majesty's Government in the instructions sent to Her Commissioners took the power and responsibility of this matter into her own hands. It was a matter which we could not control. Being a matter of boundary between two nations, and affecting a river which forms the boundary between the limits of the Empire and the limits of the United States, it is solely within the control of Her Majesty's Government, and in the instructions to the plenipotentiaries this language was used: "Her Majesty's Government are now willing to grant the free navigation of the St. Lawrence to the citizens of the United States on the same conditions and tolls imposed on British subjects."

I need not say, sir, that as a matter of sentiment I regretted this, but it was a matter of sentiment only. However, there could be no practical good to Canada in resisting the concession, and there was no possible evil inflicted on Canada by the concession of the privilege of navigating that small piece of broken water between St. Regis and Montreal. In no way could it affect prejudicially the interest of Canada, her trade, or her commerce. Without the use of our canals the river was useless. Up to Montreal the St. Lawrence is open not only to the vessels of the United States, but to the vessels of the world; Canada courts the ships of the whole world, and it would have been most absurd to suppose that the ports of Quebec and Montreal should be closed to American shipping. No greater evidence of actual war can be adduced than the fact of the ports of a country being closed to the commerce of another. It never entered into the minds of any that our ports should be closed to the trade of the world in general, or the United States in particular, no more than it entered into the minds of the English to close the ports of London or Liverpool—those ports whither the flags of every nation are invited and welcomed. (*Cheers.*)

From the sources of the St. Lawrence to St. Regis, the United States are part owners of the banks of the river, and by a well-known principle of international law the water flowing between the two banks is common to both, and not only is that a principle of