

February 20, 1871

regulation was made at once asserting the rights, and exempting American fishermen from inconvenience during that season. That was accomplished by requiring them to take out licence on payment of a nominal fee. The Nova Scotia government made a strong protest against our going so far; but also preferring to stand in accord with the Imperial Government they acquiesced in the concession and arrangement made. Subsequently, as was known, the fee was increased, but still, to a very moderate extent, only to \$1 and that was merely for the purpose of again asserting our claims and again showing that we really did intend to protect our fisheries and that it was not to be considered that the establishment of a nominal fee was at all what Canada considered to be the value of her fisheries. In the following season, the licence was again increased, but the government found that the American fishermen were altogether disregarding the regulations, and were continually trespassing in our waters. The number of licences issued steadily decreased every year, until at last, he might say, they ceased altogether and American fishermen fished in our waters without obtaining any permission whatever. In 1866, there were 354 licences issued; in 1867 there were 281; in 1868 they had decreased to 56, and in 1869 to only 25. In other words, the American fishermen insisted on fishing in our waters without giving compensation. The licence system was found to be a failure.

In consequence of this state of things, the Canadian government resolved to do away with the licensing system and to exclude foreign fishermen from our waters, preserving our right for our own people. This was indicated to Her Majesty's Government and they agreed with the Canadian government to maintain, as before, a naval squadron in our water to aid in the protection of our fisheries. It was thought by the Imperial Government that in addition to the material and moral support we received in the protection of our rights, that we ought to aid that squadron ourselves. We therefore placed a marine police of eight vessels in our waters, to act in accord with Her Majesty's squadron, Her Majesty's naval officers commanding the United Squadron. Under this new arrangement, our fisheries had been on the whole exceedingly well protected, and it was admitted by those who understood the subject, and were especially interested in the reservation of our own fisheries for our own fishermen, that they had been protected in the most efficient manner during the past season, and the papers, when brought down, would show how much we owed to the zealous, prudent and discreet course of Her Majesty's naval officers. It was known to the House that since the Treaty of 1818, with respect to our fisheries, that other questions had arisen as to the geographical extent of our fisheries and the construction of the Treaty itself. Now, with regard to the question of the renunciation by the United States forever of the right to fish within three miles from our shores, there could be no dispute.

There was no question raised by the American government. There was, however, the question commonly called the Headland Question which was an important one. By concert with Her Majesty's government, and in order to secure the material aid and support of that government, it was arranged that, for the present, the question of headlands should be placed in abeyance; that was not actually enforced. At the same time, it was arranged between the

Canadian and Imperial Governments, and the Imperial Government and the Government of the United States, that this right was not to be abandoned in any way, notwithstanding that it was at the time not actually pressed. But, he (Hon. Sir John A. Macdonald) might say with regard to all questions relating to the fisheries, Her Majesty's government and the Canadian government had been quite in accord, and the Imperial Government had given positive and repeated assurances that not one of our rights should be abandoned or surrendered. It was, however, obvious to the Canadian government that it was exceedingly inconvenient that we should have rights, or supposed rights, that remained a dead letter—that these rights, especially as regarded the geographical question as to what portions of our waters were included within the terms of the Treaty, should be defined, and it was exceedingly important that any remaining questions or doubts as to the actual and true meaning of the headland question should be brought to an end. It was, of course, exceedingly inexpedient that we should be continually asserting our rights and at the same time be unable to enforce them. If we had a right we should know it and enforce it, or receive compensation for its abandonment. The Imperial and Canadian governments therefore had a good deal of correspondence on this point, and it resulted in his colleague—Hon. Mr. Campbell—going to England on that and other matters, and the papers would show that the Canadian government requested Her Majesty's government to open communication with the Government of the United States on the headland question for the purpose of establishing the limits of exclusion from our shores, et cetera.

It was decided that it was to be done by a mixed commission, on which Canada was to be represented. Canada also requested that the commission should sit on this side of the water. In due time, Hon. Mr. Campbell got a favourable communication stating that in consequence of the request of Canada, that application would be made to the United States government. In proper time, when Her Majesty's government thought it was advisable to take the necessary steps, they communicated with the United States government, and it was arranged that there should be a commission, to be composed in the first place of three representatives on each side. The three named by Great Britain were the British Ambassador, Earl de Grey and himself (Hon. Sir John A. Macdonald). The American Government cheerfully assented to the proposition, and expressed a desire to widen the questions to be decided between the two governments. England assented at once, and at the suggestion of the United States, the Commission was increased to five on each side. The five were Earl de Grey, Lord Tenterden, Sir Stafford Northcote, Prof. Bernard and himself (Hon. Sir John A. Macdonald). Thus the case stood, and, as he said before, in the communications which had passed between the two governments, no rights of Canada would be surrendered in any way, without our consent, and without that the present action of the proposed commission would not be conclusive, but would go before the House of Lords and the House of Commons.

Hon. Sir A.T. GALT said he would like to have the correspondence brought down before the departure of the Premier to Washington.