

the Commission. He ought to have urged our separate claims as the present Premier of Newfoundland did.

Mr. DAVIES. Does the hon gentleman contend that any counsel acting on behalf of the Commission could have asked the Commissioners to award a separate claim for any Province? The hon. gentleman knows that the arbitration was as between Great Britain and the United States.

Mr. BRECKEN. My hon. friend held a brief as counsel for the whole Dominion at large, but he was also Premier of the Colony at the time; and if that right existed then, as I contend it did just as strongly as it does today, I say that it was the duty of the hon. gentleman, in some shape or form, to have brought that matter before the Commission. His clients were the Dominion Government, but he was also the Premier of the Colony and he should have made some effort to have pressed the claim which he says exists now, and which must therefore have existed then. The hon. gentleman is quite right when he says that in 1871 we consented to agree to the views of the Imperial Government, though they were contrary to our own views in the matter, and that in 1872 we confirmed that arrangement by legislation. And if that was the position we occupied when we legislated in June 1872, whatever award might be given by the Commissioners for the overflow of the Dominion fisheries within the three-mile limits, we would have our share of it in proportion. We had bonds in the Treasury, we had money in our coffers, we had claims due us, but when we went into Confederation they were not handed over, nor were they asked for; and when this share was awarded, and we had legislated as we did under the treaty, we were then in precisely the same position as Newfoundland. That Commission sat in 1877. Suppose it had sat in August, 1872, and the award had been given, and a month or two after we had, by our legislation, confirmed it, would we not have been entitled to our share just as much as Newfoundland, and can it be said that because of circumstances over which we had no control that Commission was delayed until the year 1887, that rights which existed in 1872, by this delay, were taken from us? I do not see how that is going to be the contention. I remember very well the debate which took place in this House in 1880, and the very able speech delivered by the First Minister at that time—and, of course, in regard to constitutional questions both the House and the country look upon the right hon. gentleman as a very high authority. The First Minister contended,—and no doubt theoretically he was correct,—that the right to fish within the three-mile limit was an Imperial right; that it belonged to Her Majesty's subjects in general; that fishermen might come from Ontario, Quebec, the North-West or any other part of the Dominion, and fish within that limit; that it was a common right, that it was not in the shape of a royalty, although Prince Edward Island particularly might enjoy greater advantages than other people from the fact that they are in the neighbourhood. But if that was an Imperial right, why did not the money awarded go into the Imperial treasury? Why was it handed over to the Dominion of Canada? Then there comes another argument: If it is not a territorial right but an Imperial right, and if the waters around the shores of the various provinces are the property of British subjects in all parts of the Dominion, why were \$1,000,000 given to the Island of Newfoundland? If the hon. gentleman will turn to the evidence taken before the Commission they will find from the statements of one of the American counsel, Mr. Forster, that as regards the matter of the fisheries, the most valuable fisheries were around Prince Edward Island. We know very well that the Newfoundland bank fisheries are beyond the three-mile limit; and I assert, without fear of contradiction, that there is no part of the Dominion of Canada more seriously affected by allowing Americans to fish within the three-mile limit than Prince Edward Island.

Mr. BRECKEN.

I happen to know something about the matter, for when I was Advocate-General, an American schooner was seized, brought into harbour and condemned, and we had the whole evidence taken. If the Americans were excluded from the three-mile limit, taking one year with another, it would be disastrous to them in the prosecution of the mackerel fishing on that part of the coast. It is true that sometimes they may follow fishing outside of the three-mile limit; but, as a general rule, if they were prevented from fishing within that limit they could not prosecute fishing with success. Here is another point which gives Prince Edward Island a particular claim for the portion of the award. The Americans resort to a mode of fishing very different from that pursued around our coast by our fishermen. We have very few fishing schooners, and the general practice is to fish with boats. The Americans come there with seines and take fish of every description, probably not 25 per cent. of which are of any value to them, for they only take mackerel, and the other fish are thrown overboard, decompose in the water and damage our fisheries. Another consideration which goes to show that we should receive a portion of the award is, that the Americans will throw vast quantities of bait on the surface of the water for the purpose of drawing fish around them, and in that way they will draw schools of mackerel from the waters in which our men are fishing. These are arguments to show that we really have sustained a loss. I do not think that I need press the case further than to say that we were outside the Dominion when the bargain was made, and when it was ratified; and if the Commission had sat promptly, as it should have done, we would have been in the same position as the Island of Newfoundland. I agree with one remark made by my colleague, that men of all shades of politics in Prince Edward Island consider that we have a just and equitable claim to a fair share of the \$5,500,000 awarded by the Halifax Commission and paid by the United States Government to Great Britain for the privilege of fishing within the three-mile limit.

Mr. McINTYRE. As this subject has engaged much attention among the people of Prince Edward Island for many years, I desire to say a few words in regard to it, especially as I had not the honour of having a seat in Parliament the last time it was considered here. I am glad the hon. member for Queen's (Mr. Davies) has placed the case before the House in its proper light, because when it was last introduced it was in connection with the cases of the other Maritime Provinces, Nova Scotia and New Brunswick. It must be remembered that we were altogether in a different position from those Provinces at the time the Washington Treaty was negotiated. At that time, as has been said, we were an independent Province; but as Great Britain was anxious that we should give our adhesion to the treaty, the Island Government of the day did so on the distinct understanding that this action should not prejudice our case, should any award be made against the American Government or whatever course might be adopted, because at that time it was not certain whether an award would be made or not. On 1st July, 1873, Prince Edward Island entered Confederation, and on the same day the Washington Treaty was put in force by a proclamation issued by the President of the United States. This has been made the ground-work for refusing our claim to a share of the award. What the real ground-work was I have been unable to ascertain. I do not intend, however, to say anything more on that branch of the subject, because the action of the Government has done away with that contention, whatever it was. It will be remembered that, prior to the election of 1882, the Finance Minister came down with a proposition to give a certain amount of bounty to the fishermen of the Maritime Provinces. This was in consideration, or partly in consideration of the amount due to the Mari-