

of Canada, they had not taken the extreme contention that the literal terms of the Treaty of 1818 would warrant."

—And everybody knows, since I have brought it to the attention of the House, that even if Sir Charles Tupper called it an "extreme contention" the hon. member for Queen's differed from him, as I stated before, so far as to call it a very fair statement of our case and a very able report. Now the hon. member for Queen's further erred in the criticism which he made of this *modus vivendi*. He declares that the Premier, in reply to the mover of the resolution, discussed it as if it were an act of humiliation, and the hon. member for Queen's endeavored to assure the House that there was no humiliation about it—that it was a perfectly fair arrangement. He said—and I ask the members of the House to remember it—that this *modus vivendi* gives up no territorial right of Canada. Nor does it? But the House will remember that the *modus vivendi* is but the shadow of the treaty itself. It is precisely of the same shape and nature as the treaty is, it is just what the treaty is, only an agreement that the treaty shall be accepted in all its terms before it can be ratified; and, therefore, when the hon. gentleman commends the *modus vivendi* to the House as giving up none of the territorial rights of Canada, I think it does not lie in his mouth to declare that the treaty itself, which is but the substance of this *modus vivendi* made perpetual, may properly be called a complete give away of the rights of Canada. But I am sorry to say that the hon. gentleman stands in strict and sharp contrast with himself again with regard to that question. I think he was right to-night, in commending the *modus vivendi*, but I think he entirely misunderstood the First Minister when he supposed that the First Minister was denouncing the *modus vivendi* when he spoke of the humiliation of begging reciprocity or any other concessions from the United States. When the Premier made the observations commented on, he was not referring to the terms of the *modus vivendi* at all, which, so far as I understand the statements of the Premier, has not been condemned in any particular. As I understand the question the decision of himself and his colleagues as to continuing the *modus* in force, is entirely in suspense, not for purposes of delay and procrastination, but for the purposes of seeing whether we are to get anything like an equivalent for the rights which we are conceding, and for the purpose of seeing that we do not open all the privileges of our coasts to the people of the United States, while they may refuse all privileges of their coasts to us. But this is what the hon. gentleman said about it last year:

"I would say nothing about the *modus vivendi*. If the treaty was good in itself, if it was an honorable and fair treaty, I would not object to a *modus vivendi* being agreed upon for two years, such as was offered by the commissioners from Great Britain and attached to the treaty here. But there are not only the concessions in the treaty, it appears as if the Government were not able to give the Americans enough, and as soon as they had given all they asked, the Government then said that in good fellowship and with a wish to promote good feeling we propose for the next two years, for a nominal sum, to give them everything they can possibly ask and all that our fishermen enjoy on our shores."

Now, I think the hon. member was mistaken last year, and I think he was right to-night in declaring that the *modus vivendi* gives up none of the territorial rights of our people, and does not give up either everything that the Americans ask, or everything our own fishermen enjoy on our own shores. But he was mistaken also in this particular; he misinterpreted, I think, the object of the *modus vivendi* itself. He took exception to the remark of the First Minister that to concede now the *modus vivendi* would be to enable the American fishermen, at a small price, to enjoy commercial privileges on our coast, when there is a new administration coming into office within a week which might close all the ports of the United States to our people. That was the point the First Minister made, and I think it was well made. And for the purpose of testing that, let us see the reply of the hon. gentleman. He says:

Sir JOHN THOMPSON.

"Does not the House know that the *modus vivendi* was adopted for the purpose of preventing that Retaliation Act coming into force?"

I say not at all. The object of the *modus vivendi*, and it is declared on its face, is this: The treaty was negotiated in February, it could not, in all probability, be ratified by the Senate for some months then to come; in the meantime our coast would be frequented by American fishermen wanting to trade, and it was thought that, either through rashness or precipitation on the part of the American fishermen, who might suppose that the treaty had already come into force, or the desire of some of them who might want to make political trouble, as some of them had avowed was their intention, with a view afterwards of resorting to a Republican Government to redress their wrongs, it was feared this might so precipitate matters on the coast, as to cause a danger that a rupture might take place, which would induce the Senate to say: "Now hostilities have commenced again, let there be an end to the Fishery Treaty." And it was in order to preserve peace, until the decision of the Senate should be pronounced on the treaty itself, that the *modus vivendi* was adopted, and it had no possible relation to the Retaliation Act. But the hon. gentleman says that the Premier's point was wrong; for this reason, that so long as the *modus vivendi* is kept in force there could be no complaint of wrong done to American fishermen, and therefore no pretence for the Retaliation Act being enforced. He is entirely mistaken. Let us adopt this resolution to-night, let us put the *modus vivendi* in force to-morrow, and although it is in force an American fisherman could come down on our coast and say: "I will not take any license under the *modus vivendi*, but I stand on my rights as an American citizen, as contended for by Mr. Bayard and all our people, and I claim the right to go in and buy bait and tranship my cargo without taking out any license whatever." In that case the old contentions would be revived. We must maintain the rights of Canada, and then the President of the United States has it within his power for any cause of that kind to declare that the Retaliation Act shall come into force. Hon. members will find on reading its provisions, that it is most sweeping in its statement of the reasons for which it may be put into operation. It declares that if the rights of American fishermen are infringed in Canadian waters, that if their ships are not allowed the same privileges in our waters as Canadian ships are allowed in American waters—forgetting that they were paid and bountifully paid for the discrimination—it declares that if the privilege of coming into Canadian ports under a touch and trade license is refused—not a *modus vivendi* license—if, under these circumstances, or any of these circumstances a collision should occur between the authorities and the American fishermen, there would be the pretext for putting the Retaliation Act in force, after this House has declared in its bounty and its generosity that the *modus vivendi* at all hazards must be extended to American fishermen, and we would have the humiliation of knowing that the Retaliation Act was enforced at the very time when we had bound ourselves for the whole year to open our coasts and give full privileges to every American fisherman who might choose to pay for a license. So the House will, I think, be of the opinion that on this question a discussion is premature at this juncture of public affairs. I desire to call attention, before concluding, to one point which I forgot in my haste a few moments ago, and that was the position taken by the United States authorities themselves as to our right to enforce our own laws upon our coasts. I will cite from a letter of Mr. Bayard himself, addressed to American fishermen who complained to him of the treatment which they received on our Atlantic coasts. Mr. Bayard said:

"You are well aware that questions are now pending between this Government and that of Great Britain in relation to the jurisdiction and to the rights of American fishing vessels in the territorial waters of