

ment, because Parliament can say at any time that there should be or should not be a renewal of the relations. Let me call the attention of the House to the fact that the papers laid on the Table of the House show that we are in the very midst of negotiations on very important subjects with the United States Administration, some of which relate to the fisheries, and if there were a reason before, there is just as strong a reason now for bringing into force the policy that has been adopted, and without any injury to the interests which are concerned in this matter.

Mr. LAURIER. I submit that the hon. gentleman has given no satisfactory reason for asking the House to depart from the policy which we have hitherto pursued with regard to this matter. I would remind the hon. gentleman that this Act which we have passed annually, is in consequence of an abnormal state of things existing between Canada and the United States. After the failure of the Washington Treaty in 1888, it was deemed advisable to adopt the *modus vivendi* which was suggested by the British Commissioners, and accepted by the American Commissioners; and from year to year afterwards we have renewed that privilege. Now, we do that simply because we are satisfied, until our present relations with the United States with regard to the fisheries are revised, to relinquish some of the privileges which we enjoy under the Convention of 1818. For my part, while I am desirous of maintaining the most friendly relations possible with the United States, and of seeing this Act continued every year, I object very strongly to giving the Government power to issue the licenses as a permanent part of our policy. I think it is right and proper that the American fishermen should understand that it is after all a privilege which we grant, and not a right.

Mr. TUPPER. Hear, hear.

Mr. LAURIER. Then, if you authorise the Government every year to give that privilege—

Mr. TUPPER. The preamble says that we simply grant the privilege when it may be expedient.

Mr. LAURIER. Then, if it ceases to be expedient, the Government will have to come back with a Bill to repeal the law which will be on the Statute-book, whereas by continuing the system which has hitherto prevailed, of having annually an Act on this subject, the American fishermen will understand that the privilege is one for which application must be made every year to the Government and people of Canada. To depart as far as is proposed by the Bill is, I think, almost equal to renouncing the privileges of the Convention of 1818. I do not say that it would not be wise to revise that convention; I think it would be; but since we have not done that, and the two countries are not agreed to reconsider the Convention of 1818, I think, in the interest of policy and the protection of our own rights, we had better continue the system of having an annual Act, instead of adopting this measure.

Sir JOHN THOMPSON. I am sorry that my hon. friend from Muskoka (Mr. O'Brien) should suppose that the Government is entirely proof against the force of any suggestions that may be made for the improvement of the Bill. I presume

Mr. TUPPER.

that any political feeling that existed in regard to this question at any time is now gone from it, and I am sure that we should be very glad to accept any sound suggestion for the improvement of the measure, and for making our relations with foreign fishermen on the fishing grounds more agreeable and peaceful than they are, at the same time preserving our rights as fully as we can. I do not see, however, I confess, that my hon. friend's objection to the Bill, on the ground that it is legislating by Order in Council, is a very strong one. I can understand the force of that objection, and I am disposed to defer to it very often when the substance of an enactment is proposed to be framed by the Governor in Council. Various considerations may govern such a proposal. Occasionally we find that an enactment requires more precision than is possible for the House at the time; technical information may be required; and upon these grounds it may be that Parliament prefers to leave the adoption of the precise form of the enactment to the Governor in Council, who may be advised on it from time to time by officers technically qualified. It may be that from time to time elasticity is required—that an Act requires to be applied to certain subjects or not applied to certain subjects, and that the best means of securing flexibility is by leaving the Act to be brought into force or curtailed by Order in Council. But with regard to this Bill, the committee will see that all the provisions to be brought into force are contained in the Bill itself. It is simply left to the Governor in Council to say whether from year to year the status shall be continued. We are not fixing the terms of the enactment by Order in Council; the terms are fixed by this House; and there is simply power given to the Governor in Council to say whether those terms shall be continued from one year to another without coming to Parliament for a special enactment. Now, there is, I submit, good reason for that—the reason that was presented by the Minister of Marine and Fisheries the other day. As a matter of fact, ever since this enactment was adopted by this Parliament, the Governor in Council has been obliged by the nature of things to exercise his authority in advance of the assent of Parliament, for the reason principally that the outfit for the American fishing vessels has to be begun very early in the year, before this Parliament can meet. Unless the fishermen know early in January whether they are to have the privilege of calling at our ports for bait and supplies, and for transshipment, the privilege is entirely useless to them by the time a statute can be passed by this Parliament; and from year to year we have to say in advance, taking the risk of Parliament sanctioning our action, and taking into consideration the circumstances existing at the time, whether the privilege of these licenses shall be granted to American fishermen. That being the state of things, we are simply requesting Parliament to authorize the Governor in Council so to say in advance of the sitting of Parliament. It is not as if the proclamation were permanent. On the contrary, the licenses to be issued under our proclamation will expire every year, and when this Parliament meets in January, or early in February, and ascertains that in the meantime these licenses have been authorized by proclamation, we are entirely in the hands of this Parliament to say