

have the same objection to the composition of the proposed Tribunal, and before assenting to it they would hope that another effort should be made to have the questions to be adjudicated upon submitted either to a Board of Arbitrators composed in part of independent jurists, not subjects of either state, as proposed in my despatch to Mr. Chamberlain of November, 1901, or to the Hague Tribunal.

On the 23rd of January, 1903, this government sent a despatch to the colonial office as follows :

My ministers, whilst still regretting that proposed Tribunal will not be constituted so as to insure certainty of a final decision being reached on the reference, being satisfied with the terms of that reference, will agree to accept Treaty as contained in the draft submitted to them.

With regard to composition of Tribunal, my ministers are of the opinion that it is premature to adopt any final arrangement, it is sufficient now to have it clearly understood that members of the court to be appointed by His Majesty shall be jurists of repute, and British subjects.

Now at page 44 of the correspondence brought down you have the treaty, and the last article of that treaty is as follows :

The present convention shall be ratified by His Britannic Majesty and by the President of the United States, by and with the advice and consent of the Senate, and the ratifications shall be exchanged in London or in Washington so soon as the same may be effected.

Now, I again suggest to my right hon. friend that after he had told the people of this country that he would in no wise recede from the position which he had taken in the negotiations of the Joint High Commission when he had come to the House over and over again with that assurance—and I have his words under my hand—it is remarkable that he did not take the same precaution which was adopted by Sir John A. Macdonald in 1871, and that he did not have this treaty made subject to ratification by the parliament of Canada as it was subject to the ratification by the Senate of the United States. My right hon. friend had made strong pledges to parliament in that regard. He said :

I have only to say this, however, that the attitude that we have taken has the approbation of the people of Canada generally, and it is an attitude which must and will be maintained to the end.

What was that attitude? The attitude of the government was that they would not submit this question to a tribunal composed of an equal number of arbitrators on each side, but that they would insist that there should be an umpire for the purpose of final decision. With regard to the composition of the tribunal I did propose that three Canadians should be appointed, and I proposed that for the reason that we had before this parliament the despatch of February 26, 1903, from the Colonial office to this government in which the Colonial office

as distinctly and plainly as words could express, it left to this government the whole question of the appointment of commissioners on that tribunal. I shall read that portion of that despatch which is pertinent.

His Majesty's government are, therefore, virtually in the position of having to choose between breaking off the negotiations altogether or of accepting the American nominations and appointing as their colleagues representatives appropriate to the altered circumstances of the case. The first alternative they would regard as a grave misfortune to the interests of Canada, and they would prefer that the inquiry should proceed in the confident hope that it would not prejudice Canadian or British interests, since, in the event of failure, much important information on the controverted points would be collected and placed before the public, thus facilitating a reasonable settlement of the question at some future date.

I am not now discussing the results of the commission which have been regarded throughout the country as somewhat unfortunate. Let me say, so far as my right hon. friend's demands for greater treaty-making powers are concerned, that I cannot conceive how greater treaty-making power could be given to this Dominion of ours than was conferred upon it when my right hon. friend and three of his colleagues were appointed on that commission and given full power to deal with this question. My right hon. friend is concerned at the action of the foreign office, but when he considers the powers granted to him in this case surely he is precluded from raising this bugbear that Canada in respect to the Alaskan affair has been in any way coerced by the action of the British government. Now Canada must have the right to be consulted, fully and absolutely consulted, in all treaties that concern her interests. I stand as strongly for that as my right hon. friend or any hon. gentleman in this House. But when we speak of making independent treaties let us remember that it is the king who makes treaties and that he makes them upon the advice of responsible ministers. Let us remember that when a treaty is violated and a war has to be declared on account of that violation it is the king who declares war and on the advice of responsible ministers. And let us remember that when peace happily comes it is the king who makes it and again upon the advice of his responsible ministers. The interests of Canada, it seems to me, can be served without in any way breaking through this constitutional usage. The interests of Canada it seems to me have been served by the very rights given to the government in the appointment of four commissioners at Washington. While I am prepared to stand with my right hon. friend for any further treaty powers necessary for the purpose of the full development of our national life, I am not prepared to coincide in something I do not understand and which