

much excited that I looked up the question in the Public Accounts, and I found, as a matter of fact, that we received \$9,000 in 1891.

Mr. TUPPER. \$14,080 for 1890. It amounted to \$9,000 or \$10,000 last year.

Mr. DAVIES (P.E.I.) The amount shown in the Public Accounts as received for licenses under the *modus vivendi* is \$9,877. It is quite evident to the House and the country that this sum falls immeasurably short of the expenditure in that regard, and, therefore, the statement of the leader of the House I take this occasion of rectifying, so that there may not be any misapprehension on our part. If the assumption on which he based the celebrated despatch some years ago is correct, and on which it was contended that this concession would amount practically to a surrender of the whole of our fishery rights, we stand in this pitiable position: that to-day we are passing a Bill permanently to provide for those concessions for a sum of \$8,000, \$9,000 or \$10,000 annually, and that, if the statements of hon. gentlemen opposite are to be accepted as true, we are giving the Americans practically the whole fisheries of the North American continent. I myself took occasion to object to these statements at the time because I thought they were exaggerated and far-fetched, and not consistent with exact facts; but I take this opportunity of recalling that to the House and to the country, so that it may be known what we are doing in this respect.

Mr. O'BRIEN. Mr. Chairman, when this Bill was introduced for second reading objection was taken on the other side of the House to the proposal to enact this law so as to make its operation dependent upon an Order in Council. I fully sympathized with the objection that was then taken, and I think it is an unfortunate thing that this House should delegate such an important power to any Governor in Council, or to any Government that may be in power in this country. It seems to me that a matter of such great importance as this should not pass out of the control of Parliament. I think that this House should have an opportunity of expressing its opinion at least once a year, as to whether this important concession should or should not be renewed. I think there is a tendency in all our legislation to have a great deal too much Government by Order in Council, and this Bill is carrying the principle to a much greater extent than it has been carried on any previous occasion. Not only that, Sir, but it does seem to me that an Act of this kind is to a great extent establishing a precedent which we may find it much more difficult hereafter to set aside. So long as we pass this Bill every year, so long as the consent of Parliament representing the country is required for this concession, the country and the House knows what is being done, and no precedent is laid down and no vested right established. If we pass a Bill of the kind now before the House, making it so far as this House is concerned a permanent concession, I believe we are making a great mistake, not only as regards our own constitutional rights, but also as regards this very important concession to the United States. I am sorry that the Government are proceeding with this Bill in the form in which it was originally introduced, because I believe that the objection is well founded on both the grounds I have stated, and it is one which

ought to prevail. Of course, if the Government are determined to proceed with the Bill in its present shape, I suppose that anything which I, or any member of the House may say, will have very little effect. I for one do protest most strongly against giving a concession of this kind to the gentlemen who may sit on the Treasury benches in such an important matter as this, and I also protest against doing what I think may fairly be considered as giving a colour to the establishment of a vested right, in a matter which we have always proclaimed and held to be a special privilege of our own.

Mr. TUPPER. There is, I submit, an entire mis-conception of this measure and its object, and I say that in view of the remarks which have just been addressed to the committee. The hon. member for Queen's (Mr. Davies) has alluded to this as involving a permanent concession. That I consider an extraordinarily strained view to take of the Bill before the House. So far from being a permanent measure or constituting a permanent concession, the preamble of the Bill and its language shows that it is simply vesting in the Governor in Council in any year, that which Parliament has authorized them to do without objection or division for two or three years, on the mere statement that for state reasons it was deemed expedient to grant this. It might appear from the remarks of hon. gentlemen that this was an extraordinary request to make to Parliament, but I may mention as it comes to my mind at the moment, a case in point in the English Parliament; a Parliament which is just as jealous of its right as distinguished from the rights of the Crown as any Parliament can be. Last year, without any hesitation, the Imperial Government obtained from Parliament the authority, in the Behring Sea matter in which this country was interested, to take a certain position under an Order in Council, not merely for one year, but to continue it if they thought fit by Order in Council. That was the institution of what is known as the *modus vivendi* in Behring Sea. The Order in Council passed, as we know, limiting that until 1st May, but now, without consulting the Imperial Parliament at all, the English Government by Order in Council may further continue that arrangement. Incidentally, the Government of this country is placed in the position of assuming in the interests of Canada, in connection with the administration of a most delicate trust, the protection of the fisheries, the adoption of a certain policy from time to time. The Government has stated, when asking for this power, that for obvious reasons it is far better that there shall be power to take the position which Parliament has assented to in the past, without coming to Parliament and explaining exactly the reasons. I again submit that the control of Parliament is in no way interfered with. This power of the Governor in Council is not for all time to come to adopt any policy or to commit Parliament to that policy. It has only power to introduce a certain policy in reference to our relations with the United States, in the protection of the Atlantic fisheries for a year and for no more. If Parliament comes to the conclusion, or if the public opinion of the country is so shaped that there is objection to the continuation of that policy, there is nothing in the adoption of this Bill that fetters the action of Parlia-