

House. Does not every member of the House who has considered the subject know that, without one word of assertion of any right to protect the seals, or any right of property in them, and without an hour's notice or warning, our vessels were seized, our fishermen sent to prisons and their vessels left stranded upon the coasts of Alaska, under a statute of the United States which forbade them to enter Behring Sea. That was the condition of affairs, Sir, and when Great Britain remonstrated upon our part, it was not set up that there should be a regulation about this subject, but the bald assertion was made that the United States had acquired these waters by treaty of cession from the Emperor of Russia, that Great Britain had recognized the right of Russia to exclude from these pursuits in the Behring Sea, and that the United States had an equal right to that which Russia had assumed and which Russia had exercised. And, Sir, developed from that was the contention that the United States had an absolute property in every one of these seals because they were born on the shores of her territory, and further that she had the right to protect them by force from capture, because they were connected with an industry which was carried on upon her territory. The hon. gentleman says that the doctrine of mare clausum was given up very early in the controversy. As called by that name it was; but down to the last hour of the arbitration, not only was the assertion made, but most vigorously was it contended for by the ablest counsel the United States could send to the bar of that tribunal, that while the doctrine of mare clausum might not apply to Behring Sea, the equivalent doctrine did prevail, namely, that the Czar of Russia had for many years, more than a century ago, asserted and exercised absolute dominion over that sea to prevent the killing of seals and other fur-bearing animals; that he had exercised that authority with the consent and acquiescence of Great Britain, and that when Russia transferred her rights to the United States, she transferred all the sovereignty which she had thus acquired. So that while, under the name of mare clausum, our fishermen were not excluded from that Sea, yet they dare not fire a gun or harpoon a seal or take any fur-bearing animal because these had been protected, as the property of the Emperor of the Russias, from time immemorial, and his authority had been transferred to the United States. These were the questions of right which were involved. Brushed aside, said the hon. member (Mr. Laurier), at once by the court. Why, Sir, they have not been brushed aside, but put down by the solemn and authoritative decision only of the majority of the tribunal; and that only after listening for upwards of three months to arguments presented by the ablest men that the bar of the two countries could produce, in support and in denial of the doctrine which the hon.

Sir JOHN THOMPSON.

gentleman says was at once brushed away. And when we came to the deliberations of the arbitrators on that subject, one of them stands on record to-day as having affirmed, down to the last moment, all these rights his country claims to have received from Russia and to have exercised since Russia ceded them to the United States. And with regard to the right of property and the right to protect the industry by preventing the killing of seals, even when swimming in the open waters of the Pacific Ocean—even as regards those contentions, the two arbitrators of the United States stand together in dissenting from the terms of the award, and have published most elaborate opinions to the contrary. And these are the contentions which the hon. gentleman supposes to have been at once brushed away by the tribunal and hardly left in the domain of argument. The hon. gentleman was—unintentionally, I believe—unfair in criticising the regulations themselves, although he was right in saying that I was dissatisfied with them. When the hon. gentleman states that the contentions of Canada—what he believes to have been and what he supposes I believed to have been the rights of Canada—were distinctly controverted and overruled by that tribunal, he is somewhat mistaken again. The hon. gentleman was right in stating, as was put in the British case, that no effective provisions could be made to preserve the seal race until there was a restriction as to the killing on land or on the islands owned by the United States. But had he looked carefully into the terms of the reference, he would have found that the power of the tribunal to make regulations was limited by the terms of the treaty, and that the regulations could only apply outside of the territorial jurisdiction of either country. I was under the impression that regulations might have been so made as to apply only in case proper regulations were made by the United States with regard to the islands themselves, but we were met with the view of the other arbitrators that that would have been a practical evasion of the principle which confined our jurisdiction only to waters outside of the territorial jurisdiction of either country, and likewise by the strong evidence that down to the present time no special abuse had been shown with regard to the regulations which had been made by the United States as applicable to those islands. If the hon. gentleman had been under the impression—as I am sure he was when he said it—that the present regulations were an absolute denial of all the pleadings made in the interests of Canada, how can he explain the fact that they were so profoundly unsatisfactory to the United States that neither of the American arbitrators would agree to them or sign the award, for their names are put to it merely as testifying that this is the award which the tribunal made. The hon. gentleman said, as to this, that they did not