

the British case to press an invalid claim, I agree with you; but I say that cuts away your ground for making a present of this money now, because, then under the circumstances, it is a present. But, if it was a valid claim in your opinion, and yet, notwithstanding its validity, there was some reason why it was inadvisable in the interests of the British case to press it, I agree with you, if there was such a reason, but I want to know what that reason was.

Sir JOHN A. MACDONALD. The hon. gentleman must allow another proposition to enter into the consideration. The counsel for Canada may have said: "We believe that this is a valid claim, that it fairly comes within the terms of the reference; but there is a doubt about it; it is a small amount, and we are not going to sacrifice the whole of the interests of the award for the sake of this sum." At all events, they did not press it. Then, how does it stand? The hon. gentleman must admit that a great wrong has been done to these people by the United States; Her Majesty's Government would not press it—that the hon. gentleman states; we have no means of pressing it—that the hon. gentleman knows. There being a wrong done to our fellow-subjects by the United States, they having no means of getting redress from the United States, and Canada having got a large award, there is, I think, a fair claim that we should not allow our fellow-subjects in Prince Edward Island to suffer from the wrong inflicted upon them. Under the circumstances, I think it is a fair and equitable claim. Though it is not exactly in point, in circumstance, to this case, yet the doctrine is well understood that, if any subject of any nation suffers a wrong from a foreign Government he has a right to claim redress from that Government through his own Government; but, if his own Government refuse to press that claim from any cause whatever, he then has a fair claim against his own Government. I think that is law. I think it will be found so decided by Lord Cottingham in the famous *De Bode* case. The law is simply this. He says:

"It is admitted law that, if the subject of a country is spoliated by a foreign Government, he is entitled to obtain redress from the foreign Government through the means of his own Government, but, if from weakness, timidity or any other cause on the part of his own Government, no redress is obtained from the foreigner, then he has a claim against his own country."

Here there is a wrong. There is no chance of their getting any redress from the United States. Then, I think they have a fair claim from their own Government for redress for this wrong. And I put it upon the further ground that we ought not to be niggardly in this matter, and we ought to remedy this wrong, when it is considered that Canada, as a whole, has been the gainer by that arbitration, and perhaps saved the award by not pressing the claim.

Mr. DAVIES. Then, let the hon. gentleman act in a generous spirit, and embrace them all. Mr. Hall was induced to act in this way upon the letter of the Lieutenant-Governor of the Province. It is true that technically he is an American citizen, but everybody knows he has no remedy there.

Sir JOHN A. MACDONALD. He can look to his own Government.

Mr. DAVIES. He cannot look to the Government. He has no remedy at all.

Mr. BLAKE. I think the American Government acted in a spirit entirely unworthy of that great nation in this matter. But, as I understand their excuse, they do not say, "We will not." They say, as I understand, "We made a proposition through the British Government to all the colonies, to all the various dependencies which were concerned in the negotiation of this Treaty. We proposed to them all to open their ports in anticipation of the Treaty. One did it; others did not; and, as the letter of our proposi-

tion was not acceded to, we decline to recognize the claim of that one." That is as I understand it.

Sir JOHN A. MACDONALD. Yes; that is it.

Mr. BLAKE. Now, having taken advantage of it as far as Prince Edward Island was concerned, their own fishermen having taken advantage of it, and having obtained the benefit, I say it was a course of conduct entirely unworthy of a great country not to make the compensation, not to refund the duties; but, on the other hand, I suppose in point of law the contention of the United States Government may be correct. I think that is probably the case. They made an offer to all, and that not being accepted by all, it was one and indivisible, and, in the strictly pettifogging spirit of an attorney, it does not lie against them. Then the case does not apply where a Government through timidity and feebleness—and no one who knows how this Government have dealt with important domestic questions this Session can accuse them of timidity or feebleness—or through some other cause not having pressed a claim against a foreign nation, the citizen has a claim against his own Government. That is very reasonable, but I am inclined to think that the Government which has, from weakness or timidity or any other cause, declined to press the claim against the foreign Government, will decline to recognize the claim of the citizen against itself. It will not plead guilty to the causes which gave rise to the claim of the citizen not being pressed. In this case, it is also not to be forgotten that the claim is not the claim of Prince Edward Island as a part of the Dominion. This was before Prince Edward Island became a part of the Dominion. This was a claim to be prosecuted by Prince Edward Island, through Great Britain, through the Empire; not by Canada, on behalf of Prince Edward Island, through the Empire, but by Prince Edward Island direct, through the Empire; and if before she brought forward the claim, she became part of the Dominion, it would be a claim in reference to the rights of the Prince Edward Islanders anterior to Confederation, in which we would be the mere vehicle or official conduct pipe of the Government, and the Government which has behaved ill under these circumstances is not the hon. gentleman's Government, but the Government of Great Britain, which, through feebleness, timidity or some other cause, has declined to bring this forward, if the claim was ever presented to them. But I do not suppose it was ever presented, because I fancy, in the strict letter of the law, it has been recognized that the United States, in this matter, have no quasi-legal liability. Then, if the case is so weak as has been brought forward, in point of fact, it is an act of generosity, if it is to be bolstered up by the statement that Canada has received a large award and that it is not unreasonable, under the circumstances, that she should make good the loss, I think the hon. gentleman has some difficulty in meeting the argument of my non-friend behind me, because he finds that the very gentleman who made the application to the Lieutenant-Governor, who received the Lieutenant-Governor's assurance that such and such would be the result, and upon the faith of that assurance invested his money, is to be cut out on account of his technical citizenship of the United States, while he is making a present to all these other worthy gentlemen. It proves, under the circumstances, that it is better to be a Senator of Canada than a citizen of the United States.

Mr. DAVIES. I do not think the United States have even the poor excuse that they can get out of it by the letter of their agreement. The proposition they made was, that if Great Britain would recommend to Canada and Prince Edward Island to pass the necessary legislation to admit United States fishermen into the waters of these two Provinces, on their part the President would recommend to Congress to admit fish free of duty; in consideration of Great Britain doing a certain thing the President would do