

which can easily be determined by referring to the terms of the Union. I submit these terms do not, either expressly or by implication, establish any surrender made to Canada by Prince Edward Island of the vested right she then possessed. These terms of the Union were very particular and special in defining what should be surrendered by the smaller Province to the larger Provinces, and what should be ceded by the larger to the smaller. Everything the Island was to get from Canada was expressly stated; everything she was to give up to Canada was expressly stated. If Canada took from us a steam dredge, they stated: "We take it and give you so much in return;" if they took a Court House, they made a similar statement; and any other Provincial property or right we possessed which they desired to have was expressly put in those terms, and the sum they were to pay, awarded. Nothing however was said, either expressly or by implication, about the vested right we possessed to a portion of this fishery award, and therefore I submit, as a proposition which ought to meet the acceptance of the House, that if the Island had this vested right, under the fishery articles of the treaty, to a portion of the award, and has not surrendered that right by any of the terms of Confederation entered into between her and Canada, she possesses that right still and has the right to have the sum settled and paid over to her by a fair arbitration, or any other mode which may seem to the House right and proper. It has been argued by gentlemen who take a different view of the case, that when Prince Edward Island came into the Union, she came under the British North America Act, and that the right to legislate upon the fisheries was vested in the Dominion under that Act, and this Act applied to the Island from the day she entered the Union. That is so; but I contend that the Island could only hand over to the Dominion the rights which she possessed at the time, and did not profess to, nor could she hand over the rights she had already parted with, before she came into the Union—the right which she had sold to the Americans for a term of years—to fish in her waters. That right the Canadian Parliament could not interfere with. It was something which we had sold, and which had parted from us. I acknowledge that the right of legislating with regard to those fisheries will be vested in this Parliament after the expiration of the treaty with the Americans, but the right of legislation has not and cannot be held to embrace or interfere with the right we sold to the Americans for a sum of money. If the award had been made shortly after the Washington Treaty was entered into, every one knows that the money would have been paid to the Island; nobody would have asked the Island to pay it back, and it can never be contended, as a matter of justice, that because a delay took place in the rendering of the award, the Island should be deprived of the right she undoubtedly possessed at the time of Confederation. We only surrendered to the Dominion those rights which had not been parted with by us before. We entered Confederation, and with respect to those rights which we had not parted with, we stand in neither a better nor a worse position than the other Maritime Provinces. But with respect to the rights we had sold before entering the Union, we do stand in a different position. Those rights had been changed into a debt due to us, vested in us which we did not and were not asked to surrender to the Dominion at the time we entered the Union. That money was in the nature of a rental. If the sum had been fixed at the time, it would have been paid us. We have in the case of Newfoundland, an authority which stands *quoad* the Washington Treaty on a similar footing or nearly so to that of the Island before the Island entered Confederation. We have in that case a clear authority and precedent for showing what Great Britain would have done with the money. We all know that, technically, this money was awarded to Great Britain; but the moment Great Britain received it, she handed it over partly to Newfoundland, and

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partly to the Dominion; if we had not joined the Dominion, we would have stood in the same position as Newfoundland and the Dominion itself, and England would have handed over to us what was considered our fair share of the award. The question is, did we surrender it? And that is the only question. I submit that we did not surrender anything to the Dominion, that we did not surrender any assets of the Provincial Government which are not expressly stated in the terms of Union to have been surrendered. We had lots of other assets besides this debt due to us by the United States for the use of our fisheries. We had treasury bonds lying in our treasury, we had moneys due to us by banks, we had other debts due to the Province. There were none of them expressly assigned, but no one has ever argued that they passed to the Dominion. They stand in no other position than this debt. There is no difference that I can see, and no one has ever had the hardihood to assert that these other assets of Prince Edward Island should be handed over to the Dominion. The mere fact that the money happens to have been paid to the Dominion, after we had become a part of it, should not entitle the Dominion to hold on to it. Great Britain paid the money to Canada merely as trustee to those entitled to it. The money is ours as a constitutional right; the money is ours because it was paid for a concession which we made to the Americans before we became part of the Dominion at all; the money is ours because it was paid for a right in the concession of which the Dominion had no concern; the money is ours because the right was vested in us as a Province at the time of Confederation, and was not ceded to the Dominion; and, comparing small things with great, I say there is just as much ground to assert that the portion of the award that was paid for the territorial rights of Canada should be ceded to Prince Edward Island as to assert that the amount which was awarded for the territorial rights of Prince Edward Island should be ceded to Canada. Of course, the portion coming to Canada would be larger, but that makes no difference in the principle. This question has been passed upon by a Committee of a Privy Council, consisting of the Finance Minister and two other Ministers whose names I forget. The report made by that Committee of Council is very short and very meagre; it does not enter into the circumstances connected with this claim at all; it merely says that, inasmuch as Prince Edward Island happened to enter into the Union on the day the treaty came in force by proclamation, therefore we have no rights; but they evade the whole argument. The mere accident that the President of the United States proclaimed a day for the treaty to come into force which happened to be the same day on which we came into the Union does not affect our right to a share of the award for a concession we made and legislated away two or three years before we came in at all. I will not trouble the House at any greater length on this subject. I dare say some other hon. gentleman from the same Province that I come from may desire to address the House upon it, and I will leave the matter in the hands of the House. My main contention, summed up, is this:—That we were induced to become a party to the Washington Treaty by the representations of the Earl of Kimberly that we had a guarantee in that treaty that any concessions we made would be paid to us after the award was made; that, in the face of that despatch of the Earl's, we ratified the fishery clauses of the Washington Treaty much against the wishes of the Government of the day; that having ratified them and being an independent, separate colony, our ratification entitled us to receive, and we had in us at the time a vested right to, a portion of the money that was subsequently to be awarded; that, when we made our Treaty of Union with Canada, none of the Provincial assets passed from the Province to Canada except such as were expressly mentioned; that this debt or unascertained sum of money