

May 3, 1872

I think, Sir, I have now gone through all the articles of interest connected with Canada. I shall allude to one omission from it and then I shall have done; and that is the omission of all allusion to the settlement of the Fenian claims. That Canada was deeply wronged by those outrages known as the Fenian raids is indisputable. England has admitted it and we all feel it. We felt deeply grieved when those raids were committed, and the belief was general in which I must say I share, that due exertions and due diligence were not exercised by the American Government to prevent the organization within their territory of bands of armed men openly hostile to a peaceful country, and to put an end to incursions by men who carried war over our borders, slew our people and destroyed our property. It was, therefore, a fit thing to press upon England to seek compensation for these great wrongs. As a consequence of our position as a colony, we could only do it through England. We had no means and no authority to do it directly ourselves; and consequently we urged our case upon the attention of England, and England consented to open negotiations with the United States upon the subject. In the instructions it is stated that Canada had been invited to send in a statement of her claims to England and that it had not done so; and I dare say it will be charged—indeed, I have seen it so stated in some of the newspapers—that that was an instance of Canadian neglect.

Now, it is not an instance of Canadian neglect, but an instance of Canadian caution. (*Hear, hear.*) Canadians had a right to press for the payment of those claims whatever the amount, for all the money necessary to be spent to repel those incursions had been taken out of the public treasury of Canada and had to be raised by the taxation of the country. Not only had they the right to press for that, but every individual Canadian who suffered in person or property because of those raids had an equal right to compensation. It was not for Canada, however, to put a limit to those claims, and to state what amount of money would be considered as a satisfactory liquidation of them. It has never been the case, when commissions have been appointed for the settlement of international claims, to hand in those claims in detail before the sitting of the commission. What Canada pressed for was that the principle should be established, that the demand should be made by England upon the United States, that that demand should be acquiesced in, that the question of damages should be referred to a tribunal like that now sitting at Washington for the investigation of claims connected with the civil war in the South, that time should be given within which the Canadian Government as a Government and every individual Canadian who suffered by those outrages should have an opportunity of filing their claims, of putting in an account and of offering proof to establish their right to an indemnity.

The Canadian Government carefully avoided by any statement of their views the placing of a limit upon those claims in advance of examination by such a commission; and I think the House and country will agree that we acted with due discretion in that respect. (*Hear, hear.*) Now, one of the protocols will show the result of the demand for indemnity. The demand was made by the British commissioners that this question should be discussed and considered by the commission, but the United States

Commissioners objected, taking the ground that the consideration of these claims was not included in the correspondence and reference. In doing that, they took the same ground that my hon. friend the member for Sherbrooke (Hon. Sir A.T. Galt), with his usual acuteness and his usual knowledge of the value of language, took when the matter was discussed in this House before my departure for Washington. He said then that he greatly doubted whether under these letters which led to the appointment of the High Commission it was intended that the Fenian claims should be considered; and although my hon. friend the Minister of Militia (Hon. Sir George-É. Cartier), arguing from an opposite point of view, thought it might be fairly beheld that those claims were included, I myself could not help feeling the strength of the argument advanced by the hon. member for Sherbrooke, and I stated at the time that I thought there was great weight in the objection which he pointed out. The American Commissioners, as the event proved, raised that objection, maintaining that the point was not included in the correspondence in which the subjects of deliberation were stated, and when it was proposed to them by the British, the American Commissioners declined to ask their Government for fresh instructions to enlarge the scope of their duty in that respect.

Now, we could not help that. There was the correspondence to speak for itself, and it was a matter of more than doubt whether those claims were included in it. The British ambassador represented that he had always thought that the correspondence did include them; and he was struck with surprise—perhaps I ought not to say surprise, for that was not the expression he used—but he was certainly under the impression that it had been regarded by all parties that they were covered by the correspondence.

Still, let any one read those letters and he will find it is more than doubtful; he will find, indeed, that it is altogether doubtful whether the agreement to enter into the negotiations could be construed in any way so as to bring these claims into the discussion. If it was doubtful, and if objection was raised on that ground, the British Commissioners had no power to compel the American Commissioners to determine the doubt in their favour, and force these claims upon their consideration. The consequence was that they were omitted from the deliberations of the Commission.

Whose fault was that? It was the fault of Her Majesty's Government in not demanding in clear language, in terms which could not be misunderstood, that the investigation of these claims should be one of the matters dealt with by the Commission. (*Hear, hear.*) It was a great disappointment to my colleagues that the objection was taken, and that all hope of getting redress for the injury done by those Fenian raids was destroyed so far as the Commission at Washington was concerned, in consequence of the defective language of the correspondence and the defective nature of the submission to the Commissioners. Now, England was responsible for that error. England had promised to make the demand, and England had failed to make it. Not only that, but Her Majesty's Government took the responsibility of withdrawing the claims altogether, and Mr. Gladstone fully assumed all the