

the legal profession, that possession is nine points of the law; and even though by the letter of the treaty, Dyea is in Canadian territory, the fact remains that from time immemorial Dyea was in the possession of the Russians, and in 1867 it passed into the hands of the Americans, and it has been held in their hands ever since. Now, I will not recriminate here; this is not the time nor the occasion for doing so; but so far as I am aware no protest has ever been entered against the occupation of Dyea by the American authorities; and when the American authorities are in possession of that strip of territory on the sea which has Dyea as its harbour, succeeding the possession by Russians from time immemorial, it becomes manifest to everybody that this moment we cannot dispute their possession, and that before their possession can be disputed the question must be determined by a settlement of the questions involved in the treaty. Under such circumstances, Dyea was practically in American territory—at all events, in possession of the Americans; and, therefore, if we had undertaken to build a railway from Dyea to the Yukon country, we would have been placed at the mercy of the American authorities with regard to the bonding privilege. We would have been in this position, that though we had built a railway, the ocean terminus of that railway was not in our own country, and we could not send a ton or a pound of goods over that railway unless we had the permission of the American authorities. If we had built the railway by Dyea, when we came to Dyea we would have come to an American port, and, according to the law of nations, we could not have entered a ton of merchandise or a pound of food without subjecting ourselves to the necessity of paying duty, if the Americans refused to bond the goods.

Commenting on this Mr. Taylor said:

I shall make no allusion to the American occupation or to the Russian occupation, which my able colleague will handle, but I simply want to refer to the fact that down as late as the making of the speech of Sir Wilfrid Laurier, from which I have just read—

Sir Edwin Carson—That is 1898.

Mr. Taylor—I will not trouble to read the speech again, but down to 1898, the Prime Minister of Canada standing in the parliament of his nation, with all the responsibility of his great office, declared to his own people that from time immemorial the Russians and then the Americans had been in possession, that no protest had been made, and that, however, much it might be regretted, there was the fact of this unbroken and continuous—he seemed to be enamoured of the use of this word 'immemorial,' for he used it three or four times, as you may have noticed in the extract—that this possession of the United States, and of Russia and the United States had continued * * * * But what is singularly valuable in Sir Wilfrid Laurier's statement as to the notice of to the United States' government, is that in 1898, ten years after this time, when it is so innocently claimed that we have the notice, the Prime Minister of Canada declares that we had not. It is very regrettable, he said, but he made the public declaration in parliament of his nation that we had not.

Hon. gentlemen will understand that the British counsel had shown by documents that Canada had made a protest in 1888 that a solemn protest had been made by

the Dominion through the Imperial government to Washington. In order to detract from the weight of that evidence which had been submitted, the United States counsel quoted the ill-advised, hasty and incorrect words of Sir Wilfrid Laurier that no protest had been made and that Russia had held this piece of land where Dyea is built from time immemorial, whereas it is known that there was not a settler in Dyea up to the time gold was discovered on the Yukon.

Hon. Mr. SCOTT.—The hon. gentleman is quite wrong. There was an Indian school there—it may not be on the spot where Dyea is built, but up the Lynn canal and opposite Dyea.

Hon. Mr. FERGUSON.—I think I shall be able to point out, in the words of Lord Lansdowne, that there were no settlers on the Lynn canal.

Hon. Mr. SCOTT.—Not at Dyea, but immediately opposite on the Lynn canal.

Hon. Mr. FERGUSON.—I can turn up the quotation.

Hon. Mr. SCOTT.—It is not an issue now.

Hon. Mr. FERGUSON. The hon. minister admits there were no settlers except, possibly, a school, but my authority is the Earl of Lansdowne, that there was no continued settlement of any kind at the head of the Lynn canal, up to the discovery of gold in the Yukon, sometime towards the close of 1896. However, the point I am desirous of making is that the Prime Minister of Canada is blamable by making an incorrect statement in the parliament of Canada on this subject in the hysterical effort that was made at that time to carry through parliament a very wild proposal for the building of a tramway from Telegraph creek to Teslin lake. That measure was pressed on parliament in the same way as the Transcontinental Railway was pressed last year, as if time could not wait and matters were so urgent that something had to be done even though it was not a well considered measure. When the leader of the government was in that mood he made the statement which I have quoted, and I find that the Hon. Clifford Sifton, Minister of the Interior, made a precisely similar statement in the House of Commons with regard to it, at