

that case his money would be refunded. The Lieutenant-Governor writes him a letter the day afterwards acknowledging the receipt of his communication. I will not read the whole letter. He first gives an epitome of Mr. Hall's letter to him, and then goes on to say:

"The Lieutenant-Governor is of the opinion that your apprehensions are unfounded and an arrangement, sanctioned by Her Majesty's Government, has been entered into between the Governments of the United States and Prince Edward Island; and the Lieutenant-Governor does not apprehend that the action of Canada in withholding her assent to a similar arrangement, will be attended with the prejudicial result which you have recently been led to anticipate."

Mr. Hall's letter and the Lieutenant-Governor's reply were forwarded in the dispatch to Earl Kimberley, on the 30th September, 1871, and the Lieutenant-Governor asks that the Home Government shall take steps to ascertain whether there was any truth in the suspicion Mr. Hall had in this matter. A dispatch was sent in reply, on the 30th December, after the fishing season was over, to say that it was only too true; that they had made enquiries on the subject in Washington, and they found the United States refused to carry out the proposal. Application was then made to the British Government, asking them to refund the duties, and the British Government, on the 1st of July, refused to do so. Messrs. Hall & Myrick applied to the Lieutenant-Governor to know if it would be safe for them to invest their money, and he assured them it would be a safe investment, and they invested it so; and so did other gentlemen mentioned in the schedule, British as well as Americans; and having all done so, they are all in the same boat. There is no legitimate reason therefore, why we should pay some and refuse to pay others; and I cannot see sufficient grounds, if the right hon. gentleman determines to vote this money, for drawing the distinction he has drawn between Messrs. Hall & Myrick and the others. He simply has deducted their claims from the \$51,000, and is prepared to pay the balance. If the hon. gentleman determines to ask us to vote this money, and inasmuch as we are voting it, not on legal grounds, but simply as a matter of generosity and equity, he should embrace in the sum to be voted the claim of Messrs. Hall & Myrick, for although technically an American, Mr. Myrick is practically a British subject. He is the largest fish dealer we have on the Island; he has been there twenty years; has employed more men and done more to develop the fisheries than anyone else. I think the hon. gentleman must see that my contention as regards this vote is correct.

Sir JOHN A. MACDONALD. The hon. gentleman says that Messrs. Hall & Myrick are entitled to their claim. I think the Resolution shows the money is to be divided among British subjects, and if the others are not British subjects they will stand in the same position as Messrs. Hall & Myrick. The hon. gentleman will understand why American subjects are not intended to be included in this vote. They are citizens of the United States; the United States has committed a great wrong on them, and as citizens of the United States they can go to their own Government and get redress. If they do not get redress, they suffer from the wrongful act of their own Government, and certainly there is no reason, either in equity or generosity, why we should save them from an injury inflicted on them by their own Government. The hon. gentleman says that the Arbitrators would have nothing to do with this. I am not so sure of that; I do not want to dispute the hon. gentleman's position, but I say it is not free from doubt. The question submitted to the Arbitrators was the value of the fisheries of British North America for twelve years from the time of ratification of the Treaty; and it could be argued, with a good deal of plausibility, that *quoad* the United States and the Island, the ratification dated from the time of this argument. That might well be held; it would be held in morals, though, perhaps, not strictly

Mr. DAVIES,

according to the law as stated by the hon. gentleman. At all events, it was likely, from the reason the hon. gentleman stated, for fear it might raise a question as to the validity of the award, not thought advisable it should be pressed. I think these gentlemen have in fairness a claim for consideration. The hon. gentleman, as a guardian of the rights of Prince Edward Island, has pressed very strongly the view there should be a specified sum handed over to the Island out of the \$5,000,000 that were awarded; we agree with the hon. gentleman as far as this vote is concerned, by giving those people a certain portion of it.

Mr. BLAKE. Besides some namesakes of the hon. gentleman, I find namesakes of other members of branches of the Legislature in the list. I do not know whether there is any connection between them.

Sir JOHN A. MACDONALD. Very likely they are members; Mr. Howlan is a Prince Edward Island man and so is Mr. Carvell.

Mr. BLAKE. It struck me their names were in the vote. It is important we should understand on what principle we are asking to pass this vote, even if we do not come from the Island, and are, therefore, not called on specially to vindicate its claim to the generosity of the Dominion. The clause, "It not having been deemed advisable in the general interest of the British case to put forward and press the claim of these merchants before the Halifax Commission," is put in as the reason why Canada is called on to vote this money. It is, of course, but right, if there was a valid claim on the part of these individuals which were not prosecuted before the Commission in the general interest—if we sacrificed the interests of certain individuals, whether of the Island or of any other Province, in the general interest—that they should be reimbursed for that sacrifice. That is a correct principle, but I deny the application of the principle in the case in hand, and I want to know whether the hon. gentleman has a report from the Commissioner of Canada, or from the counsel in the case, stating that, as a matter of fact, they believed that there was a claim which could, with propriety, be brought forward by those individuals, but which for some mysterious reason, in the interests of the British case, was not brought forward. Now, why was it thought inadvisable to put it forward in the interests of the British case? Is it because it was an invalid claim? Is it because, if granted, it would have vitiated the award? Then there is no reason. If it was thought inadvisable to put it forward because it was not a claim that could properly be brought forward, because it was not a claim which it would be right to press, because it was not a claim which was within the terms of reference, then of course there is no claim against us, because the reason for not bringing it forward is that it is an invalid claim, and that it is a claim which does not exist; and I quite agree that, if it is not a claim within the terms of the reference, in the opinion of the British Commissioner and the British Consul, it would have been extremely improper to bring it forward, because their first duty was to bring forward only such claims as were valid within the spirit and the letter of the reference. But if it is a valid claim within the spirit and the letter of the reference, if it is such a claim as, while having regard to the interests of these individuals, it would be proper to press, they determined it would be inadvisable to press in the interests of the British case, I want to know the reason why. Let us have no secrets about it now. What are the reasons why a claim which was valid within the letter and the spirit of the reference was not put forward in the interests of the British case. This memorandum is a formal opinion, it is a legal argument, it is drawn up by the Minister of Justice as the recorded justification of this vote. What does it mean? If you say it is because it was inadvisable in the interests of