

Great Britain and the United States, and would therefore willingly accept any reasonable money compensation, in addition to the privileges granted, as an equivalent. But under the treaty, nothing of the kind is guaranteed them."

Here we see that in the year 1871, two years before the Province of Prince Edward Island became part of the Confederation, its Government expressed their reluctance to concede the use of its fisheries to the Americans, for a mere money consideration. They felt that it should be made a matter of commercial treaty; but they went on to say, that while they yielded to the strong and urgent remonstrances of the Secretary of State for the Colonies, they submitted they had no positive guarantee, if a sum of money was awarded under the treaty, that it would be paid to them. Earl Kimberly wrote, in answer to that Minute of Council, a despatch intended to remove any doubt on that point, and stating if the Government of Prince Edward Island ratified the Treaty of Washington, he, so far as he could do it, would give them a guarantee that the value of the concessions made by them would be estimated by the arbitrators, and after being estimated, would be paid to them. In the despatch, which is dated the 3rd September, 1871, His Lordship states :

"Her Majesty's Government have learnt, with much satisfaction, that the Prince Edward Island Government have so willingly acceded their wishes in this respect. With regard to the observations contained in the Minutes of Council, which you have forwarded, to the effect that the Prince Edward Island Government would readily accept any reasonable money compensation, in addition to the privileges granted, as an equivalent, but that under the treaty nothing of the kind is guaranteed, I do not understand why the Prince Edward Island Government should object to the reference of the question of the money compensation to arbitration, which seems to be the fairest way of determining such a point, more especially as the fact stated in the Minute, that the rights of fishing conceded by the United States are comparatively worthless, is, it must be presumed, capable of distinct proof."

There His Lordship gave an assurance to the Government of Prince Edward Island, and through them to the people of that Province, that if they passed the legislation necessary to ratify the Treaty of Washington, the amount representing the value of the privileges they conceded by that treaty would be awarded to them; and, although His Lordship does not expressly say that it will be paid, the only logical and legitimate inference to be drawn from his despatch is that if they ratified the treaty, the amount awarded would be paid. Well, Sir, the people of Prince Edward Island did ratify the treaty, and I submit that without their ratification, the treaty would have been of no use, and would have had no force whatever, so far as the Island was concerned. The 33rd article of the Treaty of Washington expressly says that articles 18 to 25 inclusive, which are the fishery clauses of the Treaty :

"Shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward Island, on the one hand, and by the Congress of the United States on the other."

So that, by the very terms of the treaty, the Legislature of Prince Edward Island was made a consenting and assenting party to it, without whose assent and consent those articles would never go into operation. Articles 18 to 25 provide—First, that certain concessions shall be given to the Americans; and secondly, that the Americans shall pay for those concessions whatever the arbitrators may award. The people of Prince Edward Island were asked to accede to those terms, and we did so, after having submitted to the Colonial Ministry that there was a possible doubt about the payment of the money, and having received his answer that we should not entertain any such doubt, because the terms of the treaty were clear enough. Now, the question arises, what right had we in those fisheries at all? I submit that we had every right at the time. I submit that the very fact that we were made by Great Britain a party to the treaty proves conclusively the existence of our right. It is not

necessary to the purpose of my argument that I should meet the objection that we had no rights as against Great Britain in those waters which she could not give to a foreign nation without our consent. I merely say that Great Britain did not attempt to do anything of the kind; and the right hon. gentleman at the head of the Government when he made his speech in this House in 1871, asking the House to assent to the treaty, expressly declared that the rights of the Province in those fisheries had been secured to it beyond all doubt, and secured in such a way that it could claim them as territorial rights, and Great Britain could not dispose of them without the assent of the Province. The words of the hon. gentleman were those :

"The recognition of the proprietary right of Canada in her fisheries forms a portion of the State papers of both countries. Now, the rights of Canada to those fisheries are beyond dispute; and it is finally established that England cannot and will not, under any circumstances whatever, cede those fisheries without the consent of Canada. So that, in any further arrangement between Canada and England, or England and the United States, the rights of Canada will be respected, as it is conceded beyond dispute that England has not the power to deprive Canada of them."

Now, the point I want to make is this—that if Canada had territorial rights in her fisheries secured to her by that treaty—territorial rights which she possessed and which could not be taken away from her, rights which, according to the right hon. First Minister, it was finally established England could not and would not, under any circumstances whatever, cede away without her consent, the same argument applies, in all its fullness, to the Province of Prince Edward Island which then was a separate Province and had as great a right in her fisheries, in the fisheries surrounding her coast, as Canada had in those surrounding her coasts. The right of the smaller Province in her fisheries was as great as the right of Canada in hers. Then we found ourselves, in the year 1871, in this position, that Prince Edward Island possessed certain clearly defined territorial rights, rights which the hon. First Minister says the State papers show conclusively Great Britain could not and would not attempt to force her to surrender without compensation, and that she, with the despatch of Lord Kimberly in her hands, agreed to cede those rights, the right to use those fisheries to the United States fishermen provided the value of the rights she was ceding should be assessed by arbitrators in the manner provided by the Washington Treaty. That treaty recognized the right of all of the Colonial Provinces to act independently one of the other. The Provinces of Canada, Newfoundland and Prince Edward Island were equal in power, *quoad* the fisheries surrounding their respective coasts. Prince Edward Island ratified the treaty the 29th June, 1872, Canada the 14th June, 1872, and the United States Congress, the 1st March, 1873. I therefore submit this proposition to the House, from the treaty and the State documents I have read, that in the year 1872 before Prince Edward Island entered Confederation, she had, as a separate Province and as an independent consenting party to the Treaty of Washington, the right to a share of any award which might be made under that treaty, and I take it as an undisputable fact—a fact which will be conceded by everybody—that had Prince Edward Island remained in her independent position and out of the Union, no question would have been raised by Great Britain or Canada or by anybody as to her right to receive a share of the award. What the share would be would of course, be a matter of decision by arbitration to be indifferently chosen as between her and Canada. If that proposition is conceded, that before entering Confederation, Prince Edward Island had a vested right to a share of the monies subsequently to be awarded, the only question left for our consideration is, did Prince Edward Island, by the terms agreed upon between her and the Dominion of Canada, surrender that right? That is a simple question,