

made with due deliberations as a matter of mutual concession, and in which a good deal was given to the United States, as well as something given up by England. It was a bargain with consideration on both sides. We hold to that, and we hold further, that the contention that it has been in any way altered or given up, or that it could be altered, or could be in any way denounced, to use the diplomatic phrase, is out of the question. It could not be, and I have no doubt it will not be."

The treaty before the House which we are now discussing is pretty good evidence of the change that has come over the Ministry on that point. Take up the treaty itself: the first eight articles relating to the headland question, and compare them with what the First Minister said last year on that point. He said:

"There are only two questions in which there can be any contention. The first is the headland question, which we are all acquainted with. We all know what that means. We adhere to the position taken by the British Government from the time of Lord Bathurst until now, that the three miles are to be taken from the headlands and not from the sinuities of the bay."

With regard to the headlands question, I observe that the treaty itself follows the proposition of Mr. Adams in 1866, as modified by Mr. Bayard. That proposition has been accepted by the Government. I do not propose to find any particular fault with the arrangement made. Some compromise was absolutely necessary, and this is perhaps not worse than any other that might be made. Mr. Bayard, in supplementing Mr. Adams' proposal, proposed that bays and harbours from which American vessels are in future to be excluded are:

"Agreed to be taken to be such bays and harbours as are ten or less than ten miles in width, and the distance of three marine miles from such bays and harbours shall be measured from a straight line drawn across the bay or harbor in the part nearest the entrance at the first point where the width does not exceed ten miles."

The Privy Council thus replied to that proposition:

"This provision would involve a surrender of fishing rights which have always been regarded as the exclusive property of Canada, and would make common fishing grounds of territorial waters which by the law of nations have been invariably regarded both in Great Britain and the United States as belonging to the adjacent country."

By the 10th and 11th articles we have receded very far from the ground originally taken by the public authorities and have undoubtedly placed the American fishermen in a better position to enjoy the rights and privileges they were to enjoy under the Treaty of 1818. I have gone carefully over the treaty, and the contentions made by our own state department, and I have made a summary, which I trust the House will permit me to read, of the concessions made:

"We have, by the very act of making this treaty, receded from the position maintained so long in practice, that Canada and Great Britain could impose their own interpretations upon the meaning of the Treaty of 1818, thus enlarging the limitations of that treaty. By doing this we have given the United States a precedent upon which to base new demands for the amelioration of the regulations applied to their fishing vessels should the need arise.

"We have almost wholly abandoned the contention that fishing vessels are a class by themselves and, therefore, not entitled to any commercial privileges.

"We entirely and forever abandon the three mile headland theory.

"We forever admit the right of United States fishermen to navigate the Straits of Canso.

"We no longer compel American fishing vessels to depart from our shores in twenty-four hours after arrival.

"We relieve them from the obnoxious operations of the customs regulations enforced against them as fishing vessels, and which were specially severe, as the true intent of these laws was to regulate commercial trading only.

"We free them from harbor, pilotage and other dues which were sometimes inhospitably, and often capriciously imposed upon them, even in cases when they sought shelter, dealing with them in these matters as commercial vessels, though denying them the rights of commercial vessels.

"We have practically abandoned the course of ordering them to depart if supposed to be hovering within our waters; and also the plan of putting an officer on board of them as a matter of course.

"We permit them under certain circumstances to purchase bait, to replenish outfits, to ship men, and to transfer cargoes.

"We issue to them, free of charge, permits which enable them to purchase supplies in ports of entry, on all occasions, just as trading vessels, except that they may not do it for barter, and this applies both to the homeward voyage and outer voyages.

Mr. ELLIS.

The second section of Article 11 does not name bait, but there will be no difficulty whatever of purchasing bait under it.

"By the 14th article we abandon our previous contention that preparing within Canadian waters to fish is evidence of intention to actually fish within Canadian waters, and we therefore recede from the position taken by the Act of 1886.

"We have limited, and defined, and reduced the severe penalties imposed by that Act for violation of our exclusive rights of fishing. Forfeiture of the vessel is no longer a penalty except for fishing within Canadian waters, or preparing within these waters to fish therein. In all other cases \$3 a ton is the highest fine which can be imposed.

"We have provided a summary process of law for dealing with arrested or captured vessels, instead of the old and slow process of the Admiralty Court.

"And, lest the punishment of an infraction of the new treaty, or that of 1818, should seem to be unjust, and to prevent the danger of giving offence to the United States, the Government of Canada can reverse the judgment of the court."

The United States negotiators, on the other side, recognise that we are not required by the Treaty of 1818 to sell their fishermen bait, ice or general outfits, to tranship cargoes, or to ship men, in ordinary cases, but by the protocol we give them the privilege of doing these things, although the Minister of Justice said:

"If the Provinces are to be the judges it is most prejudicial to their interests that United States fishermen should be permitted to come into their harbors on any pretext, and it is fatal to their fishery interests that those fishermen, with whom they have to compete at such a disadvantage in the markets of the United States, should be allowed to enter for supplies and bait even for the pursuit of the deep sea fisheries."

Certainly the Minister has abandoned that position. And so going through the whole correspondence, through all the warnings, through all the rigorous custom house regulations, through the utterances of the press, through the declarations of the Ministers, and you will find a thorough and complete change of attitude on almost every point in this controversy. What we have lost by what we have surrendered I do not know. If we consider what we have lost by the efforts which have been made to prevent our coming to any arrangement, we must have lost a great deal. As to the jeopardy in which we are placed, it has been described by the Minister of Finance. I think we have made very many concessions indeed. But I regret that we have been compelled, in an ungracious way, to do a gracious act. I do not find any fault with anything which has been done in that particular. On the contrary, I rather approve of the treaty.

Some hon. MEMBERS. Hear, hear.

Mr. ELLIS. Hon. gentlemen say "hear, hear," but I think they might review their own conduct and see where they stand to-day and see where they stood one or two years ago. No doubt we have learned a good lesson. We have learned that, in dealing with an international matter, we cannot afford to set up these small restrictions, and treat the Government of the United States as some in this House appear to be inclined to do. The Minister of Finance made a reference to the power which was behind us when we made a treaty. There may be a great power behind us, but it did not stand by us in regard to this treaty, and, when the Premier said that we would have the British forces behind us, it is well to ask where these were in regard to the carrying out of the Treaty of 1818. The British Government have not backed us up, but have left us behind in that matter, and the same inference may be drawn in reference to the new treaty should it become necessary to defend it. While on this point, I might make a remark in regard to what was said by the hon. member for Northumberland (Mr. Mitchell) on Friday last. The facts which the hon. gentleman stated may be correct, but I do not think we should find fault with England because she chooses to pursue her own way. I do not see that we should make complaint in regard to the mother country. I think that men of fair mind and large judgment in that country, must have been astonished at the position we took; I do not think that men with humane and