

sident of the United States was willing in 1883 to recommend the appointment of a commission, which must necessarily be of a joint character, it is obvious that our Government have done nothing whatever, and have therefore failed to do justice to those Provinces which are dependent on the fishing industry. It was only at the last minute that negotiations were entered upon. Although the Americans may attempt to belittle our fisheries and say that the advantages they give us in return are large, yet the suggestions thrown out by the late President and the succeeding President show the value of our fisheries—and it is obvious that they place a much higher value on our fisheries and upon the fishing industry than is placed on them by our own Government.

"6. Your Lordship will have observed that although Mr. Bayard in his memorandum invites the Government of Canada to consent to an agreement under which there is to be no enforcement of restrictive laws or regulations by the authorities of the Dominion against fishermen of the United States resorting to the territorial waters of Canada between 1st July and the close of the present fishing season, he does not offer any assurance that a similar forbearance will be exercised by the authorities of the United States in regard to Canadian fishermen who may have occasion to resort to the territorial waters of the United States. It may be the case that this omission is owing to the fact that in the United States as in Canada the action of the local authorities is to some extent independent of that of the Federal Government, and that Mr. Bayard therefore does not feel justified in offering to give on the part of his Government the same engagement as that which he invites from the Government of the Dominion in this respect. The telegram which I have the honor of addressing to Your Lordship on 17th inst. stated clearly the extent to which the Government of the Dominion felt itself justified in guaranteeing to American fishermen the immunity from interference for which Mr. Bayard has asked."

I call attention to this clause. It will be seen by the Treaty of Washington and by these articles which are abrogated by the notification served in July, 1883, that the advantages were reciprocal, that American vessels had a right to enter Canadian waters and Canadian vessels had a right to use American waters to fish if they thought proper. At the threshold of these negotiations an offer was made to throw over our fisheries to the American Government without securing a right to send Canadian fish into American markets. The despatches show that if the Americans refused to grant this boon, the Government would still be willing to grant them the right to fish in Canadian waters:

"7. A report upon the Provincial Acts of Parliament by which the procedure of the Maritime Provinces in regard to such matters is regulated, is in course of preparation by the Minister of Justice.

"8. It would, I think, be desirable in view of what I have stated above that no time should be lost in carrying out the exchange of notes proposed by Mr. Bayard for the purpose of informing the public of the nature of the provisional agreement which may be arrived at, and I believe that much satisfaction would be given to persons interested in the commerce of the Dominion if it could be made to appear upon the face of these notes that the agreement expressed in them had been arrived at under circumstances which afforded a prospect of the renewal of negotiations, the reciprocal development and extension of trade between the two countries."

Then this Government for the first time became alive to the importance of the question, and although it had not answered despatches sent by the Imperial Government, and although it had allowed the matter to remain in abeyance year after year, it urged in March that immediate action be taken, and it attempted to secure a promise of improved commercial relations. We will see how the suggestion in regard to commercial relations was treated by Mr. Bayard. This was the subject of a communication made to the American Government. Mr. West endeavored to get the Government of the United States to consent to the arrangements including something with regard to reciprocal trade relations. On 20th June Mr. West wrote to Mr. Bayard as follows:—

"MY DEAR MR. BAYARD,—I beg to acknowledge the receipt of your confidential note of yesterday's date concerning the proposed temporary arrangement respecting the fisheries, which I am authorised by Her Majesty's Government to negotiate with you on behalf of the Government of the Dominion of Canada and the Government of Newfoundland, to be effected by an exchange of notes founded on your memorandum of 21st April."

You will recollect that this is the memorandum of Mr. Bayard to which I referred:

"The two confidential memoranda I handed to you on the 13th instant, contain as you assume, the acceptance by the Dominion and the British American coast Provinces, of the general features of your above mentioned memo. with the understanding expressed on this side, that the agreement has been arrived at under circumstances, affording prospect of negotiation for the development and extension of trade between the United States and British North America; a contingent understanding, to which, as you state, you can have no objection, as you regard it as covered by the terms of your memorandum of 21st April."

I should have called attention earlier to the despatch of Mr. Bayard to Mr. West of the 19th of June in which he says:

"I assume that the two confidential memoranda you handed to me on the 13th instant embraces the acceptance by the Dominion and the British American coast Provinces of the general feature of my memorandum of 21st April, concerning a temporary arrangement respecting the fisheries, with the understanding expressed on their side that an agreement has been arrived at under circumstances affording prospect of negotiation for the development and extension of trade between the United States and British North America."

"To such a contingent understanding I can have no objection. Indeed I regard it as covered by the statement in my memorandum of 21st May that the arrangement therein contemplated would be reached with the understanding that the President of the United States will bring the whole question of fisheries before Congress at its next Session in December, and recommend the appointment of a commission in which the Governments of the United States and of Great Britain should be respectively represented, which commission should be charged with the consideration and settlement, upon a just, equitable, and honorable basis of the entire question of the fishing rights of the two Governments and their respective citizens on the coasts of the United States and British North America."

Mr. West's communication continues:

"In authorising me to negotiate this agreement, Earl Granville states, as I have already had occasion to intimate to you, that it is a temporary one, and that its conclusion must not be held to prejudice any claim which may be advanced to more satisfactory equivalents by Colonial Governments, in the course of the negotiations for a more permanent settlement. Earl Granville further wishes me to tell you that Her Majesty's Government and the Colonial Government have consented to the arrangement solely as a matter of good will to the Government and people of the United States, and to avoid difficulties which might be raised by the termination of the fishery articles in the midst of the fishing season, and also that the acceptance of such a *modus vivendi* does not by any implication affect the value or the inshore fisheries by the Governments of Canada and Newfoundland.

"I had occasion to remark to you that while the Colonial Governments were asked to guarantee immunity from interference to American vessels resorting to Canadian waters no such immunity is offered in your memo. to Canadian vessels resorting to American waters, but that the Dominion Government presume that the agreement in this respect would be mutual, as you accepted this view, it would I think be as well that mention should be made to this effect in the notes under the reservation as above indicated, in which I believe you acquiesce.

"I am prepared to accept the understanding on behalf of British North America and to exchange notes in the above sense."

Mr. Bayard writes:

"Undoubtedly it is our clear and mutual understanding that the arrangement now made is only temporary, and that it proceeds from the good will of our respective Governments, and solely to avoid all difficulties which might otherwise arise from the termination of the fishing of 1885 in the midst of the season."

He then goes on to state that the same immunity should be extended to British subjects and British vessels engaged in fishing in the waters of the United States as were granted to American subjects fishing in Canadian waters. On the 22nd of June he writes:

"In compliance with your verbal request of this morning, that I should restate part of my note to you of the 19th, I repeat that the arrangement whereby a *modus vivendi* on the fishing question has been reached, rests on the memoranda and correspondence exchanged; that your memorandum of the 13th instant expressed the understanding on your side that the agreement has been arrived at under the circumstances affording prospect of negotiation for development and extension of trade between the United States and British North America; that I not only had no objection to such an understanding, but, in fact, regarded it as amply embraced in our proposal to recommend a commission to deal with the whole subject in the interest of good neighborhood and intercourse, and that the recommendation of any measures which the commission might deem necessary to attain those ends, would seem to fall within its province, and such recommendations could not fail to have attentive consideration. Having thus not only admitted the proviso of your memorandum in your own language, but gone further and pointed out that no limits would be set, so far as I was concerned, to the proposals to be brought