

tion of the treaty was one thing, and the policy of carrying out the construction we put upon it, was another; and the American Government contended, not so much against the construction of the Treaty of 1818, which we put upon it, as against the policy that we had adopted in our attempts to carry it out. Sir, we have Mr. Phelps, Minister of the United States at the Court of St. James, telling the Imperial Government in a despatch what the complaint was. In that despatch he says:

"And quite aside from any question arising upon construction of the treaty, the provisions of the Custom House Acts and Regulations have been systematically enforced against American ships for alleged petty and technical violations of legal requirements in a manner so unreasonable, unfriendly, and so unjust as to render the privileges accorded by the treaty practically nugatory.

"It is not for a moment contended by the United States Government that American vessels should be exempt from those reasonable port and Custom House regulations which are in force in countries where such vessels have occasion to visit. If they choose to violate such requirements, the Government will not attempt to screen them from the just and legal consequence.

"But what the United States Government complain of in these cases is that the existing regulations have been construed with a technical strictness, and enforced with a severity, in cases of inadvertent and accidental violation where no harm was done, which is both unusual and unnecessary, whereby the voyages of vessels had been broken up and heavy penalties incurred. That the liberal and reasonable construction of these laws that had prevailed for many years, and to which the fishermen have been accustomed, was changed without any notice given. On every opportunity of unnecessary interference with the American fishing vessels to the prejudice and destruction of their business has been availed of."

That was the complaint formulated by the American Government. It was not, as I have said, so much against the construction which we put upon the Treaty of 1818 as against the policy we adopted in enforcing our Customs laws. I call attention for a moment to the policy of the Government which was laid down at that time by the Minister of Marine and the Minister of Customs and endorsed by the entire Government in minutes of Council. I do this to show that that policy resulted in the most injurious consequences to this country, and I do it to show that if hon. gentlemen opposite intend to repeat that policy they will find the results to be as bad and injurious as they were in 1886. It was contended by those Ministers that the Americans had the right by the Treaty of 1818 to enter our ports for four specific purposes, and they said: We will not allow you to enter for any other purposes, no matter whether humane purposes or charitable purposes, or such purposes as common humanity would dictate. What did they say? The Minister of Marine [and Fisheries in his report said:

"It is not however the case that the Convention of 1818 affected only the inshore fisheries of the British Provinces; it was framed with the object of affording a complete and exclusive definition of the rights and liberties which the fishermen of the United States were thenceforth to enjoy in following their vocation as far as these rights would be affected by facilities for access to the shores or waters of the British Provinces or for intercourse with their people. It is therefore no undue expansion of the scope of that convention to interpret strictly those of its provisions by which such access is denied, except to the vessels requiring it for the purposes specifically described.

"Such an undue expansion would, upon the other hand, certainly take place, if under cover of its provisions, or of any agreements relating to general commercial intercourse which may have since been made, permission were accorded to the United States' fishermen to resort habitually to the harbors of the Dominion, not for sake of seeking safety for their vessels or for avoiding risk of human life, but in order to use those harbors as a general base of operations from which to prosecute and organise with greater advantage to themselves the industry in which they are engaged."

In following that up, the Minister of Justice goes on to say further:

"For this purpose it was necessary to keep out foreign fishing vessels, excepting in cases of dire necessity, no matter under what pretext they might desire to come in. The fisheries could not be preserved to our people if every one of the United States fishing vessels that were accustomed to swarm along our coast could claim the right to enter our harbors, to post a letter or send a telegram or buy a newspaper, to obtain a physician in case of illness or a surgeon in case of accident, to land or bring off a passenger, or even to lend assistance to the inhabitants in fire, flood or pestilence, or to buy medicines or to purchase a new rope."

That was the policy laid down by the hon. gentlemen and approved in minutes of Council. The hon. gentleman at that time represented to the British Government that it was absolutely essential for the protection of our fisheries that we should carry out the strict letter of the treaty, and under no pretext, not even to obtain a surgeon in case of accident or a physician in case of illness, should we allow American fishermen to enter our ports. They sent home a Minute of Council prepared by the Minister of Marine and Fisheries in December of that year, in which they laid down the lines of their policy still more clearly, in which they said they could not be expected to deviate in the slightest degree from the policy they had carried out that year. That despatch said:

"It is not to be expected that after having earnestly insisted upon the necessity of a strict maintenance of these treaty rights, and upon the respect due by foreign vessels, while in Canadian waters, the municipal legislation by which all vessels resorting to those waters are governed, in the absence moreover of any decision of a legal tribunal to show that there has been any straining of the law in those cases in which it has been put in operation, that the Canadian Government will suddenly and without the justification supplied by any new facts or arguments, withdraw from a position taken up deliberately and by doing so in effect plead guilty to the whole of the charges of oppression, inhumanity and bad faith which, in language wholly unwarranted by the circumstances of the case, have been made against it by the public men of the United States.

"Such a surrender on the part of Canada would involve the abandonment of a valuable portion of the national inheritance of the Canadian people, who would certainly visit with just reprobation those who were guilty of so serious a neglect of the trusts committed to their charge."

That was the policy the Government laid down in 1886, that was the policy they submitted to the Imperial Government at the close of that year, that was the policy in regard to which they said they would be committing a breach of trust if they surrendered one iota, and it was the policy which they told the British Government they were prepared to stand by. What took place? When they saw the storm which that policy had brought about their ears and saw that the American Government had taken up the question seriously, when they were brought face to face with a Non-Intercourse Bill which would prove one of the most serious evils which could possibly be inflicted on the Canadian people, some of the longer headed members of the Government saw that this game of brag, blow and bluster would not succeed and would not be tolerated. So they did then what should have been done the previous year, they did at the last moment what should have been done earlier, and they endeavored to act so as to appease the American people. The entire policy was changed, and notwithstanding the statement made by the Minister of Finance the other day, I say that in 1887 an entirely new policy was brought in force as compared with that of 1886. In 1886 the Government had seized, chiefly for infractions of the Customs laws, over sixty-eight American ships; and in 1887, when they were face to face with a Non-Intercourse Bill, they did not seize one vessel. They had cruisers in our waters, the flags were flying, they made a great parade and expended large sums of public money, but it was only a sham battle. They never seized an American vessel or hauled down an American flag; and when President Cleveland was called upon to report to the United States Senate as to whether there had been a repetition of the insults, as they termed them, which occurred in 1886, he replied that nothing of the kind had taken place. I call attention to the report which the President made to Congress at that time. He says in that report:

"Soon after the passage of the Act of 3rd March, 1887, the negotiation which had been proceeding for several months previously progressed actively, and the proposed conference and the presence at this capital of the plenipotentiaries of the two Governments, out of which the since rejected treaty of 7th February, 1888, eventuated, had their natural influence in repressing causes of complaint in relation to the fisheries. Therefore, since 3rd March, 1887, no case has been reported to the Department of State wherein complaint was made of unfriendly