

hree. So that hon. gentlemen will see that in pressing this charge as they have, they are at least pressing it on the testimony of a witness whose evidence they would not ask the humblest judge in the country to give judgment upon. The hon. member for Quebec (Mr. Laurier) read the third affidavit, and I would specially ask him to read that again. He will find that it is most craftily drawn and that the position of Medeo Rose in this matter is this: First he made an affidavit charging ill-treatment on the part of the Government, or customs officials; next he made an affidavit stating that he had been well treated, that the officer had referred to Ottawa for instructions, but that he found it convenient to depart without waiting for a reply, and had no complaint to make. The third affidavit which he made in view of the other two and for the purpose of removing the second, strange to say, from beginning to end, although made with that view, does not state that the second affidavit is untrue.

Mr. CASEY. Yes, it does.

Mr. THOMPSON. Let me remind the hon. gentleman what it does say and he will find that I am stating a fact, although I make the statement from memory. Medeo Rose says he went to tell the customs officer that the first affidavit was untrue and that it was extorted from him by fears, but when he came to give his affidavit as to whether it was true or false he does not dare to swear it was untrue. We have his assertion to the customs officer that the second affidavit was untrue, and we have the statement that he made that assertion corroborated by the custom house officer, but Medeo Rose does not dare to swear it was untrue from beginning to end of this affidavit. He says he made it from fear, without one word being alleged to show that there was a threat of seizure or the slightest reason for apprehension on his mind that there would be any seizure or that he had been treated unfairly in any way whatever. Let me call the attention of the hon. gentleman to what the law was that the custom house officer was administering. It was the fishery law of Canada, enforcing the Treaty of 1818. It was no new law, no customs regulation, but that which had been the law of the Province of Nova Scotia in which this transaction occurred for thirty years, and no custom house officer or no other officer of the Government could possibly dispense with the requirements of that law. It is not a question of whether Medeo Rose needed or not the mere permission to buy a few pounds of tea or coffee, but having gone there and having remained there for purposes which were not warranted by the treaty, his vessel was liable to seizure and he was liable to a heavy penalty under an Imperial statute and a statute of the old Province of Nova Scotia passed thirty years ago. What he wanted the custom house officer to do was substantially to say that the seizure would not be made and that the penalty should not be enforced. Would the hon. gentlemen entrust custom house officers, scattered as they are all over the country, to have dispensing power as to penalties like these? All the officer could do in such a case was to refer it to the department, and when he did refer it to the department, Medeo Rose, according to his own statement, considering, perhaps, that he had little need of the provisions, took advantage of a favorable breeze and went to sea.

Mr. LAURIER. Just let me refer the hon. gentleman to this third affidavit. The hon. gentleman says that Medeo Rose did not say the second affidavit was false and the first true. This is what Rose says in his affidavit:

"On the afternoon of the same day, realising the wrong I had done, I hired a team and with one of my crew (Augustus Rogers) went to the custom house and asked Collector Atwood to read to me the statement I had signed. He did so, and I again told him it was wrong, and that my first statement was true."

It will be observed if the first statement is true, the second was not. He does swear he says he told Collector Atwood, and if what he swears he told the collector was true, I would take it, when he repeats the same thing under oath, he intended it to be true. After all it matters little what are the statements of Medeo Rose in this matter. What is the charge that is brought against the Government? The charge is that those customs regulations were harassing and oppressive, and is that charge true or not true?

Mr. THOMPSON. They were not customs regulations.

Mr. LAURIER. Call them customs regulations or any regulations at all. At all events they were the regulations of the whole Government, and the charge is that they were oppressive and harassing to the American fishermen. Is that statement true or is it not true? That is the charge, and the fact is that the Government have pleaded to-day that they were most gentle in their treatment of the American fishermen. The Americans do not want any more of that gentleness. They want to get rid of it, and the Bill we are passing now is to enable the Canadian Government to deal gently with the American fishermen. Henceforward they will be able to extend gentleness in their treatment, and henceforward they will be lenient with them and the American fishermen will practically have their own way.

Mr. EDGAR. There is no use in the Minister of Justice trying to make out that any of these affidavits, or all of them, refute the fact that this Government official refused the supplies and had to telegraph to Ottawa to get permission to give them.

Mr. THOMPSON. I do not deny that. I said he was obliged to do so by the law.

Mr. EDGAR. There is nothing contradictory to that in the affidavits of Medeo Rose or the Collector of Customs. That fact remains. But, Sir, if the Minister of Marine was unable to discover this affidavit of Rose upon the opposite page from the one that he read from, I wonder if he was unable to discover the letter from Secretary Bayard to Sir Sackville West which is upon the same page as the affidavit which he read; and in that letter of Mr. Secretary Bayard there is a reference made to this Rose dispute in terms which I think were directed in a statesmanlike manner to the extraordinary conduct of this Government in 1886. Mr. Secretary Bayard, in transmitting to Sir Sackville West this third affidavit of Rose, says:

"I should transmit the documents without further comment, but that, enclosing your note to me of July 18 last, you stated that you were further 'instructed to ask whether the United States Government have any observations to make thereupon.'

"In my reply to you on the 19th of July, I promised to comply with your request, and for that reason I now remark that the incident which had been the subject of this correspondence affords but another illustration and additional evidence, if any were needed, of the unwisdom of imperilling the friendly relations of two kindred and neighboring countries by entrusting the interpretation and execution of a treaty between them to the discretion of local and petty officials, and vesting in them powers of administration wholly unwarranted and naturally prolific of the irritations which wise and responsible rulers will always seek to avoid."

That is the line we have been taking in criticising the course of the Government and their officials in 1886, and I am sure it is a broad and statesmanlike and correct line.

Sir RICHARD CARTWRIGHT. I must say it appears to me a most extraordinary thing, requiring the attention of this House to be called to it, that the hon. Minister of Marine and Fisheries should not have made himself aware of the letter from Mr. Secretary Bayard to Sir Sackville West, under the date of October 21, 1887, and, if he had ever read that letter, how he could possibly have told us