

Fifteenth Day.
14 May 1907.

NEWFOUNDLAND.
FISHERY.
(Sir R. Bond.)

Parliament was discussed between the British Government and the Canadian Government and that of the United States in the year 1886.

As far back as the year 1844, the Provinces of British North America had adopted legislation for the enforcement of the provisions of this very Treaty. They were passed by Nova Scotia, New Brunswick, and Prince Edward's Island, and afterwards by the Dominion of Canada. Even while the dispute was pending between the United States and Canada, an Act was passed to further amend the Act respecting Foreign Fishing Vessels, which, having passed the Canadian Parliament, was reserved by the Governor-General for His Majesty's pleasure, and eventually received the Royal Assent on the 26th November, 1886. In March, 1886, the Canadian Government promulgated the following instructions to its officers enforcing the Canadian fishery laws :—

“ You are to compel, if necessary, the maintenance of peace and good order by foreign fishermen pursuing their calling, and enjoying concurrent privileges of fishing and curing fish with British fishermen, in those parts to which they are admitted by the Treaty of 1888. You are to see that they obey the laws of the country, and that they do not molest British fishermen in the pursuit of their calling, and that they observe the regulations of the fishery laws in every respect.”

In a report to His Majesty's Government dated 1886, the late Sir John Thompson, then Minister of Justice, and afterwards Premier of the Dominion of Canada, wrote :—

“ The right of the Parliament of Canada, with the Royal Assent, to pass an Act on this subject to give that Treaty effect, or to protect the people of Canada from an infringement of the Treaty itself, is clear beyond question. An Act of that Parliament, duly passed according to constitutional form, has as much the force of law in Canada, and binds as fully offenders who come within its jurisdiction, as any Act of the Imperial Parliament; and the efforts made on the part of the Government of the United States to deny and refute the validity of Colonial Statutes on this subject have been continued for years, and in every instance have been set at naught by the Imperial authorities, or by the judicial tribunals.”

If the Parliament of Canada had, and still has, the right to pass and enforce such laws, the Newfoundland Legislature has an equal right, for its constitution is the same.

That was placed beyond question by the Imperial Act of 1865, “ an Act to remove all doubts as to the validity of Colonial laws,” the 7th section of which reads as follows :—

“ All laws or reputed laws, enacted or purporting to be enacted by the Legislatures which have received the assent of Her Majesty in Council, or which have received the assent of the Governor of the said Colony, in the name and on behalf of Her Majesty, shall be and be deemed to have been, valid and effectual from the date of such assent for all purposes whatever.”

Now, with regard to the shipping of Newfoundlanders to form part of the crews of American vessels fishing within territorial waters. This was permitted by His Majesty's Government under the *modus vivendi* of 1906 in contravention of the Colonial law. The Colony has prohibited the engaging of Newfoundland labour. This course was rendered necessary because the United States Treasury Department has ruled that herrings taken by