

FISHERY AWARD.

THE ISLAND'S CLAIM.

Address to the Queen by Both Houses of the Legislature.

To the Queen's Most Excellent Majesty.

Most GRACIOUS SOVEREIGN.—We, your Majesty's most dutiful and loyal subjects, the Legislative Council and House of Assembly of Prince Edward Island in General Assembly convened, desire to approach your Majesty, and respectfully to represent,—

That by the Treaty of Washington, 1871, it was, among other things, agreed upon by the High Contracting Parties thereto, that, in addition to the liberties secured to the United States fishermen by the Convention of 1818, the citizens of the United States should have, in common with the subjects of Your Majesty, the liberty, for a term of years specified, to take fish of certain kinds on the seas and shores, and in the bays, harbors, and creeks of the Provinces of Quebec, Nova Scotia and New Brunswick, and the colony of Prince Edward Island, without being restricted to any distance from the shore, and with permission to land thereon for the purpose of drying their nets and curing their fish; and it was provided that such foregoing agreement should take effect as soon as the laws required to carry it into operation should have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward Island on the one hand, and by the Congress of the United States on the other.

That in a despatch dated at Downing Street, 17th June, 1871, enclosing to Lieutenant Governor Robinson copies of the Treaty of Washington, and other documents, Your Majesty's Government strongly urged upon the Government of Prince Edward Island that, for certain reasons stated in the Despatch of Earl Kimberley to the Governor-General of Canada, the application made by the United States Government should be acceded to by this Island, so that American fishermen might be at once allowed, during that season, the provisional use of the privileges granted to them by the Treaty of Washington.

That in deference to the wishes of the Imperial Government, the Government of Prince Edward Island promptly sanctioned the admission, on July 24, 1871, of American fishermen to the liberty which was intended to be secured them by the Treaty of Washington.

That the Treaty of Washington was ratified by the Legislature of Prince Edward Island, on the 29th day of June, 1872; by the Parliament of Great Britain, on the 8th day of August, 1872; by the Parliament of the Dominion of Canada on the 14th day of June, 1872; by the Congress of the United States on the 25th day of February, 1873, and came into operation on 1st July, 1873.

That immediately upon the ratification by Prince Edward Island of the Treaty of Washington, it was as a separate Government and a contracting party to the Treaty, entitled to a share of any award which, under the provisions of the Treaty of Washington, the Commissioners appointed thereunder might make in favor of the Imperial Government.

That Prince Edward Island entered the Confederation of the Dominion of Canada on the 1st day of July, 1873, upon certain terms and conditions set forth in the order of Your Majesty in Council, dated June 26, 1873.

That in the said terms of Union no mention is made of any surrender to the General Government of the fisheries, or any compensation accruing to Prince Edward Island by reason of its ratification of the Treaty of Washington.

That the Commissioners appointed under the provisions of the Treaty of Washington, upon the 23d November, 1877, awarded the sum of \$5,500,000 to be paid by Your Majesty's Government as compensation in return for the privileges accorded to the citizens of the United States under Article 18 of the Treaty.

That Your Majesty's Imperial Government has paid over to the Government of Newfoundland the sum of \$1,000,000, as the share of that Colony in the said Award.

That had the amount of the Award been paid over to Great Britain before the admission of this Province into the Confederation, Prince Edward Island would have obtained its share thereof, in the same way as Newfoundland, which amount, under the provisions of the 10th section of the British North America Act, would, on the entry of the Island into the Union, have been taken in reduction of the debt of the Province at that time.

That the evidence taken before the Commission at Halifax tended to prove and it was there admitted by the United States Agent that the mackerel fisheries around the coasts of Prince Edward Island are the most valuable of any conceded to the Americans by the Treaty of Washington; that mackerel constitute 65 per cent. of the whole catch taken by United States fishermen in British waters, and that their great value contributed very largely to the making of the Award in favor of Great Britain.

That, owing to the very large extent to which the Americans, in the exercise of their privileges under the Treaty of Washington, use the fisheries of Prince Edward Island, and the destructive modes of fishing employed by them, it is almost certain that those fisheries, when restored to the Island, will be much less valuable than formerly, and that thus the value of property connected therewith will be depreciated, and consequently the revenue of the Province reduced;—that even now the loss of the monopoly hitherto enjoyed by our fishermen in the valuable fisheries surrounding our shores is productive of the same prejudicial result.

That the Government of Prince Edward Island intimated to your Majesty's Imperial Government their dissatisfaction with the provisions of the Treaty of Washington, in a Minute of Council dated July 17, 1871, wherein it was set forth that the natural market for the principal productions of Prince Edward Island was to be found in the United States, as had been proved during the continuance of the Reciprocity Treaty of 1854;—that the fisheries of Prince Edward Island were the best and most valuable in America, and much appreciated by the fishermen of the United States;—that the different Governments and Legislatures of the Colony had always hoped that these fisheries would have done much to secure the advantages of another Reciprocity Treaty, or of some tariff concessions authorizing the free admission of the products of the agriculturists, who form the majority of the population, and which would have resulted in promoting the prosperity of the Colony;—that, by the Treaty of Washington, the inhabitants of the Colony are asked to surrender

to the Citizens of the United States their invaluable fisheries, without receiving in return any just or fair equivalent, such as was hoped to be obtained. The minute of Council, in recital, further stated that a commercial arrangement with the United States, in consideration of the use of the fisheries, would have been most acceptable, but, as the Royal High Commissioners were unable to induce the American Government to change its commercial policy, the people of Prince Edward Island would be most unwilling to throw any obstacle in the way of an amicable settlement of all causes of difference between Great Britain and the United States, and would therefore willingly accept any reasonable money compensation, in addition to the privileges granted, as an equivalent, but that under the Treaty they considered that nothing of the kind was guaranteed; to which Earl Kimberley replied that he did not understand why Prince Edward Island should object to a reference of the question of the money compensation to arbitration, which seemed to him to be the fairest way of determining such a point.

Therefore, failing the adoption of the commercial arrangement, or reciprocal plan, so ardently desired by Prince Edward Island, and which, with the sanction of your Majesty's Imperial Government, was pressed upon the United States Commissioners at Washington; and, moreover, as it was strongly impressed by Earl Kimberley in his despatch of 17th June, 1871, that it could not reasonably be expected that Great Britain should, for an indefinite period, incur the constant risk of serious misunderstanding with the United States, imperiling perhaps the peace of the whole Empire, in order to endeavor to force the American Government to change its commercial policy, Prince Edward Island, in deference to the wish of the Imperial Government thus strongly impressed, and being most unwilling to throw any obstacle in the way of an amicable settlement of other causes of difference between Great Britain and the United States, reluctantly agreed to accept such money compensation as might be awarded, and subsequently passed the Act giving effect to the Treaty.

That the award of \$5,500,000 was evidently intended as a compensation to those Provinces territorially possessing the privileges conceded to the Americans, and in no wise in the nature of compensation to the General Government for loss of revenue consequent upon the free admission into Canada of certain United States products, nor for any benefits accruing to the United States citizens by the opening of ports, inasmuch as the Commission decided that it was not competent for them to award any compensation for commercial intercourse between the two countries, and excluded from their consideration any advantages resulting from the purchase by the Americans of supplies, and from their being allowed to tranship cargoes in British waters.

That the right of Prince Edward Island in the fisheries around her coasts, previous to Confederation, was a Colonial right, and that this principle has been acknowledged by the equitable way in which the claims of Newfoundland have been adjusted by Your Majesty's Government.

That the British North America Act, in conferring authority upon the general Government to legislate upon our fisheries, did not contemplate thereby the right to sell or otherwise dispose of them, but merely for the purposes of protection and improvement; and that, in fact, the disposal of these fisheries was made by Prince Edward Island, as a separate Government, in 1871, two years before its connection with the Dominion, and, in the settlement of the terms of Confederation, no surrender of the consideration to be paid by the Americans was made to the General Government.

That the General Government having assumed the protection of the fisheries, would not be justified in applying the amount of the award to assist in carrying out an agreement which they are bound to fulfil, under any circumstances, and the cost of which is chargeable to the general revenue fund of Canada. That under the Terms of Confederation with the Dominion of Canada, Prince Edward Island having surrendered to the General Government the control of her commercial interests and the regulation of her tariff, there exists a still more cogent reason why it should receive the benefit of any money compensation awarded for the use of its fisheries by the citizens of the United States.

That if, in the case of Newfoundland, where there are scarcely any fisheries within the territorial waters of that Island, of which the Americans make any use,—where, as in every other place the cod fishery is followed in the open sea; and no herring, mackerel, or other (except bait) fishery is pursued by Americans within the jurisdictional limits, the sum of \$1,600,000 was considered that Island's fair proportion, we submit that, in the case of Prince Edward Island, where, as has been proved, the most valuable fisheries opened to the Americans exist, and which possess no internal sources of wealth as do the other Provinces, and whose people are entirely dependent upon their fishing and agricultural pursuits for their livelihood, the sum of \$1,250,000 cannot be considered an unreasonable amount to be set aside for the benefit of this Province.

That the Legislature of this Province has laid before His Excellency the Governor-General, in Council, a memorial setting forth certain facts, and circumstances under which it is claimed that Prince Edward Island should receive as its share of the Fishery Award, the sum of \$1,250,000, that a reply thereto has been received to the effect that this Province is not entitled to make any claim upon the money awarded to be paid for the use of the Fisheries, by the United States, which the other Provinces of the Dominion are not equally entitled to put forward, for the reason that the Province of Prince Edward Island entered the Confederation on 1 July 1873, the day on which the Fishery clauses of the Treaty of Washington came into operation;—that, subsequently to said foregoing reply being received, viz., on the 7th day of April, 1880, by motion passed in the House of Commons at Ottawa, it was resolved that "the portion of the Fishery Award paid over to Canada constitutionally and of right belongs to the Dominion of Canada."

Wherefore the Legislature of Prince Edward Island humbly submits the foregoing statements for the consideration of Your Majesty, and shews that—Whereas, Prince Edward Island was extremely anxious for a renewal of the Reciprocity Treaty with the United States, as a compensation for the privileges accorded to its citizens under the Treaty of Washington, but being informed by Your Majesty's Government that such commercial arrangement was, at the time, impossible, reluctantly yet, at the request of Your Majesty's Imperial Government, consented to

accept such pecuniary compensation as might be awarded; that now, not only does no Reciprocity Treaty exist, a strong hope of which was clearly held out by Your Majesty's Imperial Government in 1871, when pressing for the ratification of the Treaty, but instead thereof, the Dominion of Canada has adopted a high Protective Tariff, virtually closing to us the trade of the United States, which, as has already been shown, is the natural market for its principal productions; and in addition thereto, Prince Edward Island is now denied, by the Dominion of Canada, payment of any share of the said Fishery Award which she claims she is justly entitled to receive.

Furthermore, the Legislature of Prince Edward Island shows that on account of the action of the United States Government in not ratifying the Treaty of Washington, and in consequence of said Treaty not being brought into operation until 1st July 1873, although, in every respect, so far as the Province of Prince Edward Island could grant them, the citizens of the United States were in full enjoyment of all the privileges accorded by the said Treaty, on and after the 24th July, 1871, or nearly two years anterior to the Treaty being brought into operation; yet Prince Edward Island is deprived of any compensation for the said period of two years or thereabouts, during which time the fisheries of Prince Edward Island were, at the earnest request of Your Majesty's Imperial Government, thrown open to American citizens.

Furthermore, the Legislature of Prince Edward Island shews unto your Majesty that the Province possesses no mines, nor extensive forests: that the only public work of importance, viz., the Railway, was built at the proper cost of the Province, and not as a Dominion Public Work. That the great Public Works of Canada—her Railways and Canals, are of little or no advantage to Prince Edward Island, owing to its insular position, and that during nearly one-half of the year it is debarred from any satisfactory means of communication with the Mainland Provinces of the Dominion. That the immense sum which Canada is now annually expending for the purpose of opening out and colonizing the North-West Territories, is working to the detriment of this Province, by adding largely and for all time to the burden of taxation imposed upon it, and for which it receives no equivalent: that upon its Fishery and Agricultural resources, Prince Edward Island is solely dependant.

Wherefore, The Legislature of Prince Edward Island prays that Your Majesty will take the foregoing premises into your most gracious consideration, and order that justice be done to Your Majesty's loyal subjects of the Province of Prince Edward Island, by the payment to them of compensation for the use of their fisheries by citizens of United States, from the 24th July, 1871, to the 1st July, 1873; and further order the payment to them out of the sum awarded by the Commissioners under the Treaty of Washington, and remaining in the hands of the Dominion Government of the sum of \$1,250,000, which the Province of Prince Edward Island considers it justly entitled to for the use of its fisheries by citizens of the United States for the period of twelve years, from the date of the Treaty coming into operation.

SOLE LEATHER!

500 SIDES LOGAN'S No. 1,
60 sides " " 2,
At lowest prices.
CARVELL BROS.
April 27, 1880—31 eod

FRUIT, &c.

WE shall have per "Worcester," on Wednesday, May 5th,—
Boxes ORANGES,
Bbls. APPLES,
Boxes FIGS,
Bags PEANUTS,
Bbls. WHITE BEANS.
CARVELL BROS.
April 27, '80—21 eod

FLOUR,
TEA, (very superior),
MOLASSES,
SUGAR,
TOBACCO,
KEROSENE OIL,
BAKING SODA,
WASHING SODA,
BISCUIT,
RAISINS, &c., &c., &c.,
And all staple Groceries at our usual low prices and favorable terms.
CARVELL BROS.
April 27, '80—2aw

NOTICE.

NOTICE is hereby given that the Annual General Meeting of the Shareholders in the Charlottetown Gas Light Company will take place at the Gas Works, on TUESDAY, the 11th day of May next, at the hour of 11 o'clock in the forenoon, for the purpose of electing Directors and the general transacting of business.
By Order,
WM. MURPHY,
Manager and Sec'y.
April 27, 1880—city papers 21

Charlottetown to Pictou, ICE PERMITTING.

THE Steamer "S. Lawrence" will make first trip to PICTOU on THURSDAY NEXT, the 29th inst., at seven o'clock in the morning.
Freight received on Wednesday.
By order,
F. W. HALES,
Secretary.
Ch'town, April 27, '80.

AUCTION.

TO be sold by Auction, on SATURDAY, the first day of MAY next, at 12 o'clock, noon, the Dwelling house of William B. Hartz, situated on Eston Street, opposite Admiral Bayfield's Dwelling. Also, at the same time and place, a Building Lot owned by Henry Rackham, joining Mr. William Stewart's residence. Further particulars made known on the day of Sale.
V. D. STEWART,
Auctioneer.
April 27, '80—21 tu ti

NEW GOODS.

We have Just Received our first instalment of

NEW Spring Goods

Ex S. S. "Californian," from London,
" " "Nestorian," from Glasgow,
" " "Polynesian," from Liverpool.

and in a few days, on arrival of other Steamers via Halifax, and

'Prince Edward' Direct to this Port, will have the Balance of our New Stock of

Staple and Fancy

DRY GOODS.

As our Buyer purchased our Stock at OLD PRICES and in anticipation of large advances in the price of all kinds of DRY GOODS, bought a much larger Stock than usual. Therefore, we are in a position to give our customers the benefit of

CHEAP GOODS

DURING THIS SEASON.

With our extended premises giving us greater facilities for doing business, and our very large Stock well bought in the best

English, American and Canadian markets,

we expect to add to our present large number of customers.

It is only necessary to give us a call, examine our Goods, and you will be satisfied they are right in

Price, Quality and Style.

We give patterns of every kind of Goods, and take pleasure in showing them whether you purchase or not.

Perkins & Sterns.

April 27, 1880.

MARKET HALL.

Lindley Opera and Comedy Co.

For a Short Season,

—COMMENCING—

TUESDAY, APRIL 27.

TUESDAY EVENING,
DORA AND QUIET FAMILY.

Admission 25 and 50 cents.
Charlottetown, April 24, 1880.

BRITISH WAREHOUSE, QUEEN SQUARE.

FIRST INSTALMENT OF
SPRING GOODS,
Received per Northern Light To-day,

Worsted Cloths, Tweeds,
Cashmeres, Carpets, Mattings, Rugs,
and Room Paper.

The Subscribers having enlarged and refitted their establishment, will, in a few days, be prepared to show their customers a very large and well selected stock of Goods, bought for Cash, which they will dispose of at their usual low prices.

W. & A. BROWN & CO.
April 24, 1880.

Cigars. Cigars. Cigars.

WE have on hand a large Stock of Cigars, suitable for Hotel and General Store Trade, which we will sell for Cash—to make room for Spring stock.
APOTHECARIES HALL COY.,
DesBrisay's Corner, Queen Square.
April 22, '80—1w

VESSELS WANTED!

TO load Coal at Sydney and other Ports in Cape Breton for Montreal and New York, and to load deals (phosphates for ballast) and Grain from Montreal and New York for Ports in the United Kingdom.

Vessels to load Deal at Halifax and near Ports for Ports in the United Kingdom.

Vessels to load Sawn Timber and Deals at Southern Ports in the United States for Ports in the United Kingdom. The highest rates of freight will be given.

WM. KOUCHAN,
Ch'town, April 24, '80. Ship Broker.
(2m 2aw, or her 2m cow, pat oaw 2m)

Marmalade and Jams.

FOR SALE IN BULK, AT
BEER & GOFF'S.
April 17, 1880.

Wants, Lost, Found, &c.

WANTED—A situation in a mercantile establishment; has experience in the Grocery line. Salary not so much an object as employment. Temperance man. Address A. B., Charlottetown Post Office. [ap 27, ff]

WANTED—A MAN with Team to buy Eggs. Must have good recommendations.—R. K. BRACK. [ap 24]

WANTED—A Situation as CUTTER, in a Tailoring Establishment, by one who has had several years experience in the business. Address Post Office Glass Box 45, Charlottetown, P. E. I.—[ap 22—St John Tel and Mon Times 6]

WANTED—A YOUNG MAN, suitably qualified, to learn DENTISTRY. Apply to DR. STRICKLAND. [ap 21, ff]

TO LET—A one-story French roof Cottage, well finished, containing 6 rooms and pantry, with a large garden; situated at the east end of Eston Street. Enquire of WILLIAM FENNEL. [ap 21, 6i]

MERCHANTS AND TRADESMEN wishing accounts adjusted can avail themselves of the services of an experienced Accountant, by addressing "ACCOUNTANT," this office. [ap 21]

HOUSE TO LET—A large and commodious Dwelling of 13 apartments, suitable for Hotel accommodation, centrally located on Hillsborough Street, within a few minutes walk of Railway Depot, Market House, and Post Office. Possession given 1st May proximo. Apply to ROBT. BRIDGES. [al 2ff]

FOR SALE OR TO LET.—The House at present occupied by the subscriber, on West Street, opposite the residence of James Peake, Esq., apply to SAMUEL N. EARLE.—ap. 12.

TO LET—Good Pasturage for seven Cows, within a convenient distance of the city. Apply at this office. [a 9]

TO LET FOR THE SEASON—Large Garden in high state of cultivation, well stocked with choice fruit trees; centrally situated. Apply at this office. [a 9]

TO LET—TWO HOUSES—One containing 8 rooms, the other 6 rooms. Apply to JOHN STENTIFORD. [m 27, oaw ff]

LOST.—In this city a GOLD BROOCH, The finder will please leave it at the EXAMINER'S Office. [ap 12]