

sible, after the line which they had taken before the Halifax Commission, for them to have successfully contended against us if we chose to stand out against their contention. Then I call attention to the decision which was given by the Queen's Bench in England. There was a case of murder which took place in the Bristol Channel, which is more like one of our bays than any other arm of the sea in the United Kingdom. I think it is 20 miles wide at the mouth, but it was decided by the Court of Queen's Bench that it was not part of the high seas, but was a part of the counties between which it ran. Then there is a decision of the Judicial Committee of the Privy Council as to the dispute which took place between two cable companies as to Conception Bay on the east coast of Newfoundland, which is 20 miles wide. It was held that that was part of the island and not part of the high seas. In view of the decision of the Privy Council, in view of the decision of the Queen's Bench in England, in view of the decision of the Supreme Court of the United States, the district courts and law officers of the United States, in favor of the contention which we have always put forward, I say that it was only necessary to say to the people of the United States or to the negotiators on their behalf: If you dispute our contention, the whole question of the bays on your coast as well as the bays on ours must be referred to some impartial tribunal, and we are ready to abide by that; and I have no doubt whatever as to what would have been the result. It is utterly impossible that the American commissioners could have contended for a different rule being applied to Canada if our case had been fairly put on the impregnable grounds which were open to those Canadian commissioners, if they had seen proper to insist upon those grounds. We have heard a reference made to the North Sea Treaty, for the purpose of defending the concessions which have been made in this treaty in regard to bays and headlands. There is no analogy between the North Sea Treaty and the treaty which is now spread before us. In the North Sea Treaty there were half a dozen parties concerned. There were Norway, Denmark, Germany, Holland, Belgium, France and the United Kingdom. They were all interested. There were bays extending into the territories of each of these powers, and there was a provision agreed to that any bay which was more than ten miles wide at its mouth should be common property for fishing purposes. That provision was made because it was a matter of common convenience, because each party to the agreement had something to concede, and each had something to gain. The rule which was adopted was one which is not applicable to our case. It was not a treaty made under any rule of international law, but for the convenience of each, and for the benefit of the fishermen of each of the different countries which were interested. Is that our position? What bays on the other side have been thrown open to us? What bays more than ten miles wide on the American coast have we obtained any right to enter? From the first to the last this has been a concession on our part. There was no analogy between this case, this treaty which we have now before us for consideration, and the treaty which has been referred to in regard to the North Sea. I would like to ask the House for a moment to look at Articles 3, 4 and 5. Article 3 declares that all bays less than ten miles wide are to remain the exclusive property of Canada, that bays more than ten miles wide are common fishing property until you reach a point where the bay is less than ten miles wide, and then the line is drawn. Article 4 specifies certain bays which are more than ten miles wide, which are to remain the exclusive property of Canada, but there are many bays which are omitted, such as Placentia Bay, Hare Bay, Bonaventure Bay, Conception Bay, St. George Bay, and other bays on the shores of Newfoundland which were formerly regarded as the exclusive property of

Mr. MILLS (Bothwell).

the Crown and are now made the common property of all nations. I asked the hon. gentleman to give an explanation of Article 5. He did not give an explanation of the article but he gave an example of a bay which would come within the provisions of that article. That is only one case. I think Article 5 will come within a construction which will limit the provisions contained in Article 3. It is negative in its provisions. It simply says:

"Nothing in this treaty shall be construed to include within the common waters such any interior portions of any bays, creeks or harbors as cannot be reached from the sea without passing within three marine miles mentioned in Article 1 of the Convention of October 20, 1818."

Now, the hon. the Minister gave us an instance where there were two or three islands scattered in the mouth of a bay, and he said that, where that was more than six miles wide, that would be common fishing ground. But that does not appear in this clause, which says that "nothing in this treaty shall be construed to include within the common waters any such interior portions of any bay, &c., as cannot be reached from the sea without passing within the three marine miles mentioned in Article 1." Take the Bay of Mines, that is twenty miles across, that has an entrance eight miles wide—does the hon. gentleman say that you could exclude American fishermen from that bay? I say that it is as clear as noon day that they are admitted under the provisions of that article. If a bay is more than six miles between headlands, and it widens out into a basin more than ten miles wide, then it becomes common fishing ground as long as the parties keep more than three miles from the coast. It is clear that under that article, the American contention of the Treaty of 1818, is allowed to operate in the case of a large number of bays upon the coast of Nova Scotia, and upon the coasts of Newfoundland. Now, that being the case, the hon. gentleman will see that, in the first place, he has restricted our contention by the surrender of a large number of bays, by far the greater number, that are over ten miles wide, and then he has further restricted it by surrendering all those that are more than six miles between the headlands, if they widen out into basins more than ten miles wide. I say it is as clear as anything can be that that is the construction which will be put upon that article, and it seems to me that must have been the construction that was intended. With no negative provisions such as are contained in that article, it is quite impossible that the hon. gentleman and those who advised him, could have failed to understand the scope of its provisions. I have sometimes seen it stated in the press which supports the hon. gentlemen, that it would be no use to raise the question as to the rights of the Americans to bays upon their coasts, because there are no fish in them. Well, Sir, this is not a peddler's question, it is a question of sovereignty; and there are other considerations besides merely the right of fishing, or the use of those bays for fishing purposes, to be borne in mind. We cannot expect always to be at peace, we cannot expect always to be just in the circumstances in which we are placed now, and it is of the utmost consequence to us that those large bodies of water upon our coasts which we have hitherto claimed to be a portion of our territory, should have remained such that our sovereignty over them should be maintained. Why, Sir, if the United States, in bays and harbors in which there are no fish, which have no value for fishing purposes, so tenaciously uphold their pretensions, of how much greater consequence is it to us to uphold and maintain our rights in the bays upon our coasts, when they are valuable for other than maritime purposes, and those of defence. Yet, the hon. gentleman has not in a single instance, so far as we know, raised the question of the pretensions of the United States. Sir, we know what the Americans are at this moment maintaining with regard to