

liberty we possess, we enjoy in a large degree by sufferance, and that it is necessary we should act with great care and prudence in order that we may tide over the difficulties by which we are surrounded in consequence of the action of hon. gentlemen on the Treasury benches. They point out the necessity of making a new departure, of establishing new relations, of altering the course upon which we have entered, and adopting one more in consonance with the circumstances and facts with which we are surrounded. The hon. the Minister of Finance has told us that he made a proposition in favor of unrestricted reciprocity, that he proposed to leave the fishery question in abeyance by making other provisions by a collateral arrangement such as that which existed before. I have no reason to question the accuracy of the hon. gentleman's statement. But what puzzles me is this. The hon. gentleman's chief at Washington, Mr. Chamberlain, declared himself against such a policy before he left the United Kingdom. The hon. gentleman's chief who sits beside him (Sir John A. Macdonald) declared himself against such a policy some time ago. Now, how was it that the hon. gentleman, in spite of the avowed declaration of Mr. Chamberlain in England, and in spite of the avowed declarations of the hon. First Minister here, offered unrestricted reciprocity to the United States? Supposing the American Government had taken up that proposition and accepted it. Supposing they had said: You have offered us unrestricted reciprocity, we are ready to accept it and to enter into negotiations on that basis. Was the hon. gentleman prepared to stand by his policy? Was Mr. Chamberlain, notwithstanding his declaration on the other side of the Atlantic, prepared to stand by his policy? I would like to know. There are a great many people in this House and on both sides of the Atlantic who would like to have a solution of this question. The right hon. the First Minister did not seem fully to realise the extraordinary change that had taken place. The hon. gentleman has been saying for a long time "heads up." But the hon. the Minister of Finance came back from Washington and said: "tails up"; and it was a most disagreeable position for the First Minister as well as for those who sit around him. I would like to know how it was the hon. gentleman obtained the consent of the First Minister to the policy that he did not seem altogether to realise, even after the hon. gentleman's return and after he had entered into these negotiations. I am rather inclined to think that the hon. gentleman had the assent of the First Minister to a proposition of the sort, but I am inclined to think the First Minister was disposed to give that assent, knowing the Americans desired that interpretation of the treaty, with a view of checkmating hon. gentlemen on this side. Let him take this side of the House for one moment into his confidence, and tell us whether he does think that the hon. Minister, who sits beside him, in making that proposition with his assent, did not, after all, bungle it a little, and produce an impression different from that which the First Minister intended to produce. I am sure if the hon. gentleman would make a clean breast of it, I am sure if he would freely avow the sentiments he entertained, I am sure if he would tell us what he instructed his Minister to do, and how far afield he was in following strictly those instructions, we would have a considerable amount of light thrown upon this proposition of unrestricted reciprocity by the hon. the Minister of Finance—the more especially that the hon. the Minister of Finance said it would be just as foolish to propose unrestricted reciprocity to the United States as it would be to undertake to construct a railway to the moon. Yet, notwithstanding the folly of the proposition, the hon. gentleman made it. Now, I shall ask the attention of the House for a few minutes to some of the provisions of this treaty.

Sir JOHN A. MACDONALD. It is time.

Mr. MILLS (Bothwell). Well, I think that the time I have occupied, I have applied to the discussion of some of the features of this question, which were brought under the attention of the House by the hon. gentleman's colleague.

Sir JOHN A. MACDONALD. Certainly.

Mr. MILLS (Bothwell). The most important provision of this treaty is that relating to the surrender of our sovereignty over a large area of water, an area which must embrace in the neighborhood of 20,000 square miles. The hon. gentleman has but to look at the map to see what an extraordinary area of what we supposed to be a part of our Dominion, and in that I include Newfoundland as well, we have given up. I wish to call the attention of the House to the position taken by the United States on this headland question. The United States have never maintained that the contention we have put forward with regard to the bays and headlands is peculiar to the Convention of 1818. On the contrary, they admit that the Convention of 1818, in laying down the shore line, simply followed the rules of international law,—that, in fact, if there had been no treaty at all, and we had exclusive dominion over our waters, the same question would have been raised as has been raised in this treaty. The hon. gentleman shakes his head, but I say that would be so. That contention, again and again, has been put forward by the United States. The United States insisted upon the maintenance of these rules, that is the rules relating to the headland question, believing them to conform to the well established principles of international law. They believed them to conform to the law of nations which treats of the maritime boundary of States as being three miles from any shore, bay, creek, river, &c., precisely as does the Treaty of 1818. The Convention of 1818 did nothing more than lay down the rule of international law in this particular. If that is so, and they themselves state that in the case and argue it before the Halifax Commission, what is our position? It is exactly the position of the United States. Whatever right they have over the bays on their coasts, we have over the bays on our coasts. The maximum size of a bay in any other country cannot be greater than that in our own country. What have the Supreme Court of the United States and their Attorney General and the district courts decided in regard to the bays on their coasts? They have decided that the bays belong to the States in which they are situated, or are in common to the States which they may divide. Justice Story, in a very important case, held that the Bay of Delaware was not a part of the high seas because, as he said, it was between the jaws of the land and was therefore a part of the land. That same rule has been recognised in the opinion of their Attorney General, and does anyone suppose that, if the Minister of Finance had said to the American representatives, if you dispute our pretensions in regard to our bays upon our coasts we must refer this to an international commission, and the rule on our coasts is precisely the same as the rule in regard to bays on your coasts, in regard for instance, to the Bay of Delaware, which is 15 miles wide, to Chesapeake Bay, which is 12 miles wide, to Massachusetts Bay, which is 40 miles wide, and we claim the same right to go into those bays as you claim to come into our bays, and if there is a dispute, it must be submitted to arbitration, and it will apply to your bays as well as to ours—does any one suppose that the American Government would, in face of the decision of their own courts, and the opinion of their own law officers, have insisted against us that our contention was erroneous? I believe it was in the power of the British commissioners to dictate their own terms on that matter, and that the Americans, anxious as they are to enter into our waters for fishing purposes, would never surrender their rights over their own bays in order to secure that; and it was impos-