

was the ground taken, and not because the fisheries in the neighbourhood were appurtenant to the lands. That the latter view was the one which took possession of the colonists is shown by the Treaty of 1778 between France and the new republic. There it was expressly provided that the rights to fishing, not merely in the bays on the coast and in the vicinity of the land, but on the Grand Banks, and in the open sea, should be divided between France and the United States, if they could acquire possession of Nova Scotia and Newfoundland. It was also agreed that the territory of Newfoundland, in case of conquest, was to be divided between the two countries, in order that the French might be possessed of part of the island and acquire a right of sovereignty over the fishing in the open sea, on the Grand Banks, and in the vicinity of the territory which they had acquired. But I say this was not the English view, and it will be observed that when the treaty came to be negotiated, the English Government denied the new republic any right to those fisheries in consequence of having been participators in the conquest of Nova Scotia, of Cape Breton and of Prince Edward Island. They admitted a liberty to fish, they denied altogether a right: and the words of the treaty are: They shall have a right to fish in the Gulf of St. Lawrence, a right to fish on the Grand Banks, and they shall have liberty to fish in the vicinity of the bays and harbours on the coast of the British possessions. These liberties came to an end with the war of 1812-15. The liberties acquired under the treaty terminated, and the privileges of the Americans on the coasts of the Maritime Provinces rest to-day on the Treaty of 1818. What I think it is always important to bear in mind is that there is no definition given of "bay" or "harbour" in that treaty. It is assumed, and the American representatives and American counsel before the Halifax Commission admitted the point, that "bay" and "harbour" and "coast" meant there what they mean according to the general rules and principles of international law. There is no declaration that a bay, to become an exclusively British water under the provisions of that convention, should be a bay not more than six miles wide. There is no statement of that sort. We are obliged to look at the rules of international law to see what waters adjoining the coast are part of the possession of the sovereign who holds the land, and the extent of the bay or harbour on the Atlantic coast of Canada cannot be any less than it would be if similar waters were upon the coast of any other sovereign state. When we look at the United States we find they claim jurisdiction and sovereignty over Chesapeake Bay, which is over 12 miles in width. They claim jurisdiction and sovereignty over Delaware Bay, which, at its entrance, is 18 miles in width. They claim jurisdiction and sovereignty over Cape Cod Bay, which is more than 30 miles in width. They claim jurisdiction and sovereignty over Pamlico Sound and Albermarle Sound, which are large bodies of water very much more than six miles wide at their entrances. Now that being so, it does seem to me to be of the first consequence that we should do nothing that would in any way leave the impression upon the minds of the American public that we abandon any portion of our rights which under the rules of international law might fairly be claimed by us. A land-

locked bay very much wider than six miles may fairly be claimed. It may be necessary in the public interest to claim it. It may be claimed because it could be commanded from the shore by modern artillery to a much greater extent than formerly. It may be claimed also because it may be a matter of necessity to the maintenance of the sovereignty of the state that the ships of any other state should be excluded from these waters. The rule which applies to an ordinary coast-line does not in this respect apply to waters that are land-locked. You have to-day the Government of the United States undertaking to uphold the doctrine that we cannot claim the sovereignty of bays more than six miles wide; and you have that same Government undertaking to obtain control of a portion of the open sea that is more than 2,000 miles in extent. I do not say that that claim is a defensible claim; it seems to me that it is a preposterous one; but the fact remains that there are large bodies of waters upon our coasts over which we have claimed a sovereign jurisdiction, and which claim you are prevented from raising, in some measure at all events, by the constant renewal of this *modus vivendi*. I have said before, Sir, and I say it now, that I am ready to consider the provisions of the Treaty of 1818 as they would be practically modified by the modern policy of navigation. The old navigation laws have disappeared, and since 1849 a different policy has prevailed throughout the Empire, and to some extent it may be that these provisions of the Treaty of 1818 are not any longer capable of being adjusted to the modern requirements of commerce. The telegraph and the railway have come into existence since that time and the relations of these fishing operations to commerce have undergone changes. You impose certain obligations under the provisions of the Treaty of 1818, as a matter of effective police. You can only justify their continuance to-day upon the ground that they are necessary to an effective police now. I do not think that is so. Certainly the restrictions that were recently imposed with regard to commercial matters seem to be extremely vexatious; but whether that be so or not, it is a question altogether separate and distinct from the question of the sovereign rights of this country, and while I am prepared to agree to a broad and liberal policy with regard to matters of commerce, I am not willing in the smallest degree to concede any sovereign right or to compromise any sovereign right of this country in dealing with the neighbouring republic. Now, Sir, that is what I complain was done under the Treaty of 1888 when there were concessions made that ought not to have been made. I would like to know whether the Bay of Fundy is not as much within the exclusive jurisdiction of Canada as the Chesapeake Bay is within the jurisdiction of the United States? Do not we own the territories on both sides of the Bay of Fundy? It is true there was a question raised years ago and decided by the arbitration of Mr. Bates, but the decision of that question did not take away from us any rights which we possessed. The hon. gentleman is establishing by this Bill a *modus vivendi* which will be permanent in its character. It takes away from this House that yearly supervision which it has exercised heretofore over the subject, and it permits rights to grow up by acquiescence. The hon. gentleman says: Why, we are protecting