

repairs, wood, and water, 'and for no other purpose whatever.' To what American vessels is this privilege given? Plainly to those that fish in the open sea. To say that the clause 'for no other purpose whatever' applies only to acts connected with taking, drying, or curing fish within the 3-miles limit, which acts are in terms expressly prohibited, is simply absurd. It would be much more reasonable to say that, applying the maxim *noscitur a sociis*, the words, 'for no other purpose whatever,' are to be construed as having reference solely to matters connected with regular fishing voyages, necessary, convenient, or customary in the business of fishing, and are not to be extended to other acts of an entirely different and purely commercial nature."

In the course of a debate in the United States' Senate on the 12th August, 1852, the following observations were made by Senator Tuck:—

"Perhaps I shall be thought to charge the Commissioners of 1818 with overlooking our interests. They did so, in the important renunciation which I have quoted; but they are obnoxious to no complaints for so doing. In 1818 we took no mackerel on the coasts of British possessions, and there was no reason to anticipate that we should ever have occasion to do so. Mackerel were then found as abundantly on the coast of New England as anywhere in the world, and it was not till years after that this beautiful fish, in a great degree, left our waters. The mackerel fishery on the provincial coasts has principally grown up since 1838, and no vessel was ever licensed for that business in the United States till 1828. The Commissioners in 1818 had no other business but to protect the cod fishery, and this they did in a manner generally satisfactory to those most interested."

Mr. Dwight Foster, the Agent for the United States before the Halifax Commission, gave the following historical review:—

"Early in the diplomatic history of this case we find that the Treaty of Paris in 1763 excluded French fishermen 3 leagues from the coast belonging to Great Britain in the Gulf of St. Lawrence and 15 leagues from the Island of Cape Breton. We find that the Treaty with Spain in the same year contained a relinquishment of all Spanish fishing rights in the neighbourhood of Newfoundland. The Crown of Spain expressly desisted from all pretensions to the right of fishing in the neighbourhood of Newfoundland. Those are the two Treaties of 1763—the Treaty of Paris with France and the Treaty with Spain. Obviously, at that time, Great Britain claimed for herself exclusive sovereignty over the whole Gulf of St. Lawrence and over a large part of the adjacent seas. By the Treaty of Versailles, in 1783, substantially the same provisions of exclusion were made with reference to the French fishermen. Now, in that broad claim of jurisdiction over the adjacent seas, in the right asserted and maintained to have British subjects fish there exclusively, the fishermen of New England, as British subjects, shared. Undoubtedly, the pretensions that were yielded to by those Treaties have long since disappeared. Nobody believes now that Great Britain has any exclusive jurisdiction over the Gulf of St. Lawrence or the Banks of Newfoundland, but at the time when the United States asserted their independence, and when the Treaty was formed between the United States and Great Britain, such were the claims of England, and those claims had been acquiesced in by France and by Spain. That explains the reason why it was that the elder Adams said he would rather cut off his right hand than give up the fisheries at the time the Treaty was formed, in 1783, and that explains the reason why, when his son, John Quincy Adams, was one of the Commissioners who negotiated the Treaty of Ghent, at the end of the war of 1812, he insisted so strenuously that nothing should be done to give away the rights of the citizens of the United States in these ocean fisheries. Those are the fisheries which existed in that day, and *those alone*. The mackerel fishery was unknown. It was the cod fishery and the whale fishery that called forth the eulogy of Burke over a hundred years ago. It was the cod fishery and the whale fishery for which the first and second Adams so strenuously contended; and inasmuch as it was found impossible in the Treaty at the end of the war of 1812 to come to any adjustment of the Fishery question, all mention of it was omitted in the Treaty. The Treaty was made leaving each party to assert his claims at some future time. And so it stood; Great Britain having given notice that she did not intend to renew the rights and privileges conceded to the United States in the Treaty of 1783, and the United States' giving notice that they regarded the privileges of the Treaty of 1783 as of a permanent character, and not terminated by the war of 1812; but no conclusion was arrived at between the parties. What followed? The best account of the controversy to be found is in a book called, 'The Fisheries and the Mississippi,' which contains John Quincy Adams' letters on the subject of the Treaty of Ghent and the Convention of 1818.

"Mr. Adams in that book says that the year after peace was declared British cruisers warned all American fishing-vessels not to approach within 60 miles of the coast of Newfoundland, and that it was in consequence of this that the negotiations were begun which led to the Convention of 1818; and the Convention of 1818, in the opinion of Mr. Adams, conceded to the United States all that they desired. He believed and asserted that Great Britain had claimed, and intended to claim, exclusive jurisdiction over the Gulf of St. Lawrence and over the Banks of Newfoundland, and he considered and stated that the Treaty of 1818, in setting at rest for ever those pretensions, obtained for the United States substantially what they desired. A passage is quoted in the reply of Her Majesty's Government to the United States' Answer, from this book, in which Mr. Adams says: 'The Newfoundland, Nova Scotia, Gulf of St. Lawrence, and Labrador fisheries are in nature, and in consideration both of their value and of the right to share in them, *one* fishery. To be cut off from the enjoyment of that right would be to the people of Massachusetts similar in kind, and comparable in degree, with an interdict to the people of Georgia and Louisiana to cultivate cotton or sugar. To be cut off even from that portion of it which was within the exclusive British jurisdiction in the *strictest sense* within the Gulf of St. Lawrence and on the coast of Labrador would have been like an interdict upon the people of Georgia or Louisiana to cultivate cotton or sugar in three-fourths of those respective States.' But he goes on to speak of the warning off of American vessels 60 miles from Newfoundland, and then says: 'It was this incident which led to the negotiations which terminated in the Convention of the 20th October, 1818. In that instrument the United States *renounced for ever* that part of the fishing liberties which they had enjoyed or claimed in certain parts of the exclusive jurisdiction of the British provinces, and