

are calmly told by Mr. Foster you must not look at these advantages at all, but like business men, you must, pencil in hand, put down the figures, and make a calculation of the values as though it were a petty matter of bargain and sale between man and man. In the name of our common humanity, in the name of the common honor of England and America, and of the Dominion for which I am counsel this day, I repudiate such a construction being placed upon this treaty.

There are some other passages in this book to which I may call your attention. At page 210 this language is used :—

“ These fisheries, as most advantageously secured to the United States by the Treaty of 1783, and made at the time, I have always understood, a *sine qua non* of that Treaty, offer an invaluable fund of wealth and power to our country ; one which has never been duly attended to, nor justly appreciated, but which, if continued and improved, was destined to grow with our growth and strengthen with our strength.

“ The prosecution of these coast and bay fisheries, although it had already become extremely advantageous, had undoubtedly reached, in a very small degree, the extension and importance it was capable of attaining. The unsettled state of the commercial world for the past twenty years, and the more alluring objects of mercantile enterprise which such a state of things evolved, seemed, in point of immediate consideration and attention, to throw these fisheries into the back ground ; but still, until first checked by the system of embargoes and restrictions, and finally stopped by a declaration of war, they were silently, but rapidly, progressing, and reaching an importance which, though generally unknown to our country and its statesmen, had become highly alarming to the governments and more wealthy merchants of the Provinces, and was beginning to attract the attention and jealousy of the cabinet of Great Britain towards them.

“ The shores, the creeks, the inlets of the Bay of Fundy, the Bay of Chaleurs, and the Gulf of St. Lawrence, the Straits of Bellisle, and the Coast of Labrador, appear to have been designed by the God of Nature as the great ovarium of fish ;—the inexhaustible repository of this species of food, not only for the supply of the American, but also of the European continent. At the proper season, to catch them in endless abundance, little more effort is needed than to bait the hook and pull the line, and occasionally even this is not necessary. In clear weather, near the shores, myriads are visible, and the strand is at times almost literally paved with them.

“ All this was gradually making itself known to the enterprise and vigilance of the New England fishermen, and for a few seasons prior to the year 1808, the resort to this employment had become an object of attention, from the Thames at New London, to the Schoodic ; and boats and vessels of a small as well as a larger size, were flocking to it from all the intermediate parts of the United States. In the fishing season, at the best places for catching the cod, the New England fishermen, I am told, on a Sunday, swarmed like flies upon the shores, and that in some of these years, it probably would not make an over estimate to rate the number of vessels employed in this fishery, belonging to the United States at from 1500 to 2000 sail, reckoning a vessel for each trip or voyage, and including the larger boat fishery ; and the number, if the fisheries were continued, would shortly be still further and very greatly extended.

“ The nursery for seamen, the consequent increase of power, the mine of wealth, the accumulation of capital, (for it has been justly observed, that he who draws a cod fish from the sea, gives a piece of silver to his country) the effect upon the trade and custom of Great Britain, and the corresponding advantages to the United States, of which the enlargement of such an intercourse was susceptible, (for the stock of fish appears inexhaustible,) you are much better able to conceive than I am to describe ; but I with pleasure point them anew for your consideration, as on many accounts presenting one of the most interesting public objects to which it can be directed.”

At page 199 the following language is used :—

“ Be the opinion of Mr. Russell what it may—the portion of the fisheries to which we are entitled even within the British Territorial jurisdiction, is of great importance to this union. To New England it is among the most valuable of earthly possessions.”

Now, in the course of his argument Mr. Foster put the question as if it turned distinctly upon who paid the duty, the producer or the consumer. Whether that be absolutely necessary for the purpose of determining this case in favor of Great Britain or not, is not for me to say. That is a question of political economy with which I am neither desirous, nor probably capable of dealing. But I am not afraid to let our case turn upon that question. I think I shall show you by evidence of witnesses and by figures, that in every instance in this case the duty is paid by the consumer. I am speaking more particularly of the mackerel ; I shall conclusively show that in the year when the Reciprocity Treaty was in force, the price of mackerel fell off, that immediately after the Reciprocity Treaty terminated, the price of mackerel rose in the market. I shall show that immediately after that state of affairs was terminated by the Treaty of Washington the price of mackerel again fell off, and we say that these facts establish at once that the consumer must have paid the duty. Our witnesses have one and all, or nearly all testified that in their judgment the consumer paid the duty. In answer to the question put by the learned counsel associated with me and myself, “ would you rather have the Americans excluded from your fisheries and pay the duty ? ” they have said “ yes.” While I am upon this subject I will remark, although I will not have time to turn attention to the document itself, that Mr. Foster, or at all events, one of the learned counsel for the United States, read in his speech a communication from the Hon. Peter Mitchell, then Minister of Marine and Fisheries, for the purpose of showing that the repeal of the Reciprocity Treaty would be ruinous to our fishermen. Now upon reference to that communication you will find that what he did put forward was this : that if the Americans would come in without either paying a license fee or giving any other compensation at all for our fisheries, and if they fished in our territorial waters where the fish were to be taken, side by side with our own fishermen, and then carried their catch into the American market free of duty, while our fishermen fishing on the same terms and with no better appliances were met there with a duty of \$2.00 a barrel on mackerel and \$1.00 on herring, it would necessarily be ruinous. And that proposition no doubt has a vast deal of truth in it. It is impossible, I assume, for two persons to fish upon equal terms in the same waters, and then when they go into the American market for one to be met by a duty while the other has no such duty to pay, without it operating to the disadvantage of the former. But that is a totally different case from the one we have to deal with.

Now I shall show you, as I have said, that during the period of the Reciprocity Treaty the prices were low, and that the moment that treaty was repealed or abrogated by notice from the American government the prices rose. That the moment that state of affairs was terminated by the Washington Treaty the prices fell again, and we say that is conclusive proof that the Americans have to pay the duty. There has been a consensus of testimony, American and British, upon that point.

Let us see what the American witnesses say, for I affirm, that on both sides, the witnesses agree in the statement that the consumers pay the duty. It is true that American witnesses who are themselves fishermen, or those who speak the opinion of fishermen, say that they would prefer the old state of things. Why ? Because under that state of things, they could steal into our harbors, and carry off our fish for nothing, and then their British competitor was met in the market with a duty of \$2 a barrel, while they were free. But I apprehend the consumer did not want that state of affairs. These witnesses admitted that it made the fish dearer, whenever the question was put to them. I have cut out the evidence referring to this point, and I will just read it :—