

ARTICLE XI.

United States fishing vessels entering the ports, bays, and harbors of the Eastern and northern coasts of Canada, and of the State of Newfoundland under stress of weather or other casualty may unload, load, tranship, or sell, subject to customs laws and regulations, all fish on board, when such unloading, transshipment, or sale is made necessary as incidental to repairs, and may replenish outfits, provisions and supplies damaged or lost by disaster; and, in case of death or sickness shall be allowed the usual facilities, including the shipping of crews.

Licenses to purchase in established ports of entry of the aforesaid coasts of Canada of Newfoundland, for the homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels, shall be granted to United States fishing vessels in such ports, promptly upon application and without charge; and such vessels, having obtained licenses in the manner aforesaid, shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to the trading vessels; but such provisions or supplies shall not be obtained by barter, nor purchased for resale or traffic.

ARTICLE XII.

Fishing vessels of Canada and Newfoundland shall have on the Atlantic coast of the United States, all the privileges reserved and secured by this Treaty to United States fishing vessels in the aforesaid waters of Canada and Newfoundland.

ARTICLE XIII.

The Secretary of the Treasury of the United States shall make regulations providing for the conspicuous exhibition by every United States fishing vessel, of its official number on each bow; and any such vessel, required by law to have an official number, and failing to comply with such regulations, shall not be entitled to the licenses provided for in this Treaty.

Such regulations shall be communicated to Her Majesty's Government previously to their taking effect.

ARTICLE XIV.

The penalties for unlawfully fishing in the waters, bays, creeks and harbors, referred to in Article I of this Treaty, may extend to forfeiture of the boat or vessel, and appurtenances, and also of the supplies and cargo aboard when the offense was committed; and for preparing in such waters to unlawfully fish therein, penalties shall be imposed by the court, not to exceed those for unlawfully fishing; and for any other violation of the laws of Great Britain, Canada, or Newfoundland relating to the right of fishery in such waters, bays, creeks and harbors, penalties shall be fixed by the court, not exceeding in all three dollars for every ton of the boat or vessel concerned. The boat or vessel may be helden for such penalties and forfeitures.

The proceedings shall be summary and as inexpensive as practicable. The trial (except on appeal) shall be at the place of detention, unless the judge shall, on request of the defense, order it to be held at some other place adjudged by him more convenient. Security for costs shall not be required of the defense, except when bail is offered. Reasonable bail shall be accepted. There shall be proper appeal available to the defense only; and the evidence at the trial may be used on appeal.

Judgments of forfeiture shall be reviewed by the Governor General of Canada in Council, or the Governor in Council of Newfoundland, before the same are executed.

ARTICLE XV.

Whenever the United States shall remove the duty from fish-oil, whale-oil, seal-oil, and fish of all kinds (except fish preserved in oil), being the produce of fisheries carried on by the fishermen of Canada and Newfoundland, including Labrador, as well as

of the four purposes mentioned in Article I of the Convention of October 20, 1818, and not remaining therein more than twenty-four hours, shall not be required to enter or clear at the custom house, providing that they do not communicate with the shore.

4. Forfeiture to be exacted only for the offences of fishing or preparing to fish in territorial waters.

5. This arrangement to take effect as soon as the necessary measures can be completed by the Colonial Authorities.

J. CHAMBERLAIN.

L. S. SACKVILLE WEST.

CHARLES TUPPER.

Washington, February 15, 1888.

SUMMARY OF WHAT OUR FISHERMEN GAIN BY THE TREATY.

In the debate in the Canadian house of commons on this Treaty, Mr. Ellic, of New Brunswick, enumerated this list of concessions made by the Canadian Government:

1. We have by the very act of making this Treaty receded from the position maintained so long in practice, that Canada and Great Britain could impose their own interpretations upon the meaning of the Treaty of 1818, thus enlarging the restrictions of that Treaty. By doing this, we have given the United States, a precedent upon which to base new demands for the amelioration of the regulations applied to their fishing vessels should the need arise.

2. We have almost wholly abandoned the contention that fishing vessels are a class by themselves and therefore not entitled to any commercial privileges.

3. We entirely and forever abandoned the three mile headland theory.

4. We forever admit the right of United States fishermen, to navigate the Strait of Canso.

5. We no longer compel American fishing vessels to depart from our shores in twenty-four hours after arrival.

6. We relieve them from the obnoxious operations of customs regulations enforced against them as fishing vessels, and which were specially severe, as the true intent of these laws was to regulate commercial trading only.

7. We free them from harbor, pilotage, and other duties, which are sometimes inhospitably and often capriciously imposed upon them, even in cases when they sought shelter, dealing with them in these matters as commercial vessels, though denying them the rights of commercial vessels.

8. We have practically abandoned the course of ordering them to depart if supposed to be hovering within our waters; and also the plan of putting an officer on board of them as a matter of course.

9. We permit them under certain circumstances to purchase bait, to replenish outfits, to ship men, and to transfer cargoes.

10. We issue to them, free of charge, permits which enable them to purchase supplies in ports of entry, on all occasions, just as trading vessels, except that they may not do it for barter, and this applies both to the homeward voyage and outward voyages. This section does not name bait, but there will be no difficulty whatever of purchasing bait under it.

11. By the fourteenth article we abandon our previous contention that preparing within Canadian waters to fish is evidence of intention to actually fish within Canadian waters, and we therefore recede from the position taken by the act of 1886.

12. We have limited and defined and reduced the severe penalties imposed by that act for violation of our exclusive rights of fishing. Forfeiture of the vessels is no longer a penalty except for fishing within Canadian waters, or preparing within these waters to fish therein. In all other cases \$3 a ton is the highest fine which can be imposed.

13. We have provided a summary process of law for dealing with arrested or captured vessels, instead of the old and slow process of the admiralty court.

the preceding article, are certainly not less than nothing; and if estimated as now asserted by those who declare hostility to the Treaty, they are of very great value. So long as any event under the Treaty shall not see repeated the cutting away of the purchasing tariff, which took place in 14, A. D. 1870.

Effect of the Treaty of 1818.

The existing conventional relations concerning fishing in Dominion waters, are in article one of the Treaty of 1818. This provides that our fishermen may enter the bays and harbors therein specified for shelter, repairing damages, purchasing wood and obtaining water, "and for no other purpose whatever," and also that they shall be under "such restrictions" as may be necessary to prevent their fishing unlawfully "or in any other manner whatever abusing the privileges reserved to them."

It has also been somewhat contended that under the 29th article of the Treaty of 1871, our vessels have a right to transship their catch in Dominion ports.

It never has been claimed that they had any Treaty right to bait, or to any supplies whatever beyond obtaining wood and water. Whatever there may be on this point, is governed by the rules appertaining to the general comity of nations.

Canada and Great Britain have always maintained that the words "for no other purpose whatever" have a very extensive effect, that fishing vessels are *sui generis*, and that, as they receive special rights under the Treaty of 1818, as to entering Canadian bays and harbors, they expressly exclude themselves by conventional agreement from the privileges to which other vessels are entitled, and therefore that the Dominion may shut them out, except when coming in for the express purposes named, without such exclusion being justly regarded as unfriendly.

For the first time the United States shares in Establishing regulations under the Treaty of 1818.

The "restrictions" which the convention of 1818, says may be imposed on our vessels have always heretofore been determined by the exclusive action of Great Britain, or of Canada, without consultation with the United States. Statute after statute has been passed for that purpose, beginning as early as A. D. 1819, and ending with the statute of A. D. 1886, all of which remain in force; and though the United States in A. D. 1844 or 1845, remonstrated against the earlier statutes, nothing was ever accomplished with reference to them. Now for the first time we have obtained a hearing as to such restrictions, and the precedent is established which will enable the United States to be further heard in the event in the future if other obnoxious regulations are attempted.

The Treaty Relinquishes Nothing Whatever.

The treaty of 1818 contained the negative words "and for no other purpose whatever." These words have formed the basis of many of the contentions between the United States and Great Britain. In the treaty just negotiated no such negative expressions can be found. Certain privileges are granted our vessels, but nowhere is it stated that, if future changes of circumstances should justly entitle the United States to other privileges, we would be barred from asking therefor.

Our Fishermen Shown Clearly Where They May Fish Without Risk.

The purpose of the first eight sections is to mark so clearly the line within which our vessels cannot fish, as to bar disputes and prevent so far as practicable our vessels from being caught through mistake.