

own laws had not inflicted punishment. In the libel of information against the "Ella M. Doughty" is this article, among other allegations of fishing, preparing to fish, being found having fished, and fishing, drying, and curing in the bay and harbour of St. Anne's:

"Between the 10th and 17th days of May, 1886, the said Warren A. Doughty, the master of the said ship or vessel 'Ella M. Doughty,' and the officers and crew of the said ship or vessel 'Ella M. Doughty,' did, in and with the said ship or vessel 'Ella M. Doughty,' enter into the bay and harbour of St. Anne's aforesaid within 3 marine miles of the shore of said bay and harbour of St. Anne's, and within 3 miles of the coasts, bays, creeks, and harbours of those portions of the dominions in America of His said late Majesty King George III, being now the dominions in America of Her Majesty Queen Victoria, not included in the limits specified and defined in the said 1st Article of the said Convention, and set out and recited in the first paragraph hereof, for the purpose of procuring bait, that is to say, herrings, wherewith to fish, and ice for the preservation on board said vessel of bait to be used in fishing, and of fresh fish to be fished for, taken, and caught by and upon the said vessel and by the master, officers, and crew thereof, and did procure such bait wherewith to fish, and such ice for the purposes aforesaid, and did so enter for other purposes than for the purpose of shelter or repairing damages, or of purchasing wood, or of obtaining water, contrary to the provisions of the said Convention and of the said several Acts, and the said vessel 'Ella M. Doughty' and her cargo were thereupon seized within 3 marine miles of the coast or shores of the said bay and harbour of St. Anne's by Donald McAuley and Lauchlin G. Campbell, officers of the Customs of Canada, as being liable to forfeiture for the breach or violation of the said Convention and of the said several Acts."

Your Committee has been unable to find a Canadian Statute which, at the date of the alleged offence, punished those acts by forfeiture of the offending vessel. None is averred. The article quoted from the "Ella M. Doughty" libel does not set forth where the fishing was to be done for which bait and ice were bought, whether on the ocean or elsewhere, outside of Canadian jurisdiction. The laws of 1868 and 1870 denounce only fishing or preparing to fish "in British waters," which must be, of course, under the Treaty, the prohibited and not permitted British waters.

Thus stood Canadian legislation at the beginning of the summer fishing season which has recently come to an end. There was no Canadian or other law, at the end of forty-eight years from the date of the Treaty, inflicting forfeiture of the vessel and the cargo on board excepting on proof of the offence of fishing, or having been found to have fished, or preparing to fish, on the prohibited coasts. But Canadian officials wished to forfeit the vessels and cargoes of American deep-sea fishermen exercising the liberty "to touch and trade," and send fish by railway, or vessel, to our own markets. What could be done? Nothing less than a new law could avail them, and it was enacted in these words:

(49 Victoria, chap. 114.)

*"An Act further to amend the Act respecting Fishing by Foreign Vessels.*

(Reserved by the Governor-General on Wednesday, the 2nd June, 1886, for the signification of the Queen's pleasure thereon. Royal assent given by Her Majesty in Council, on the 26th day of November, 1886. Proclamation thereof made on the 24th day of December, 1886.)

"Whereas it is expedient for the more effectual protection of the inshore fisheries of Canada against intrusion by foreigners to further amend the Act, intituled 'An Act respecting fishing by foreign vessels,' passed in the thirty-first year of Her Majesty's reign, and chaptered 61:

"Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

"1. The section substituted by the 1st section of the Act 33 Victoria, chapter 151, intituled 'An Act to amend the Act respecting fishing by foreign vessels,' for the 3rd section of the hereinbefore recited Act, is hereby repealed, and the following section substituted in lieu thereof:

"3. Any one of the officers or persons hereinbefore mentioned may bring any ship, vessel, or boat, being within any harbour of Canada, or hovering in British waters within 3 marine miles of any of the coasts, bays, creeks, or harbours in Canada, into port and