

- "Q. That was within three miles? A. Yes.
- "Q. How near? A. About a mile and a half.
- "Q. I do not know whether the atmosphere there is of that peculiar character that a vessel within half a mile will think she is three miles out? A. They could not well think that.
- "Q. You can generally tell when you are within three miles? A. Yes; at all events within a mile and a half.
- "Q. Well, you say that in 1868 and 1869 the American schooners came there and fished out the halibut? A. Yes, they cleaned them out.
- "Q. What kind of fishing was it? A. With long lines or trawls.
- "Q. There were a great many hooks upon them? A. A great number; there were several miles of them.
- "Q. What was the effect of that, either to your own knowledge or from what you have heard? A. The whole of our inshore fishermen fished codfish and halibut. We get none now, or next to none.
- "Q. No halibut, you mean? A. No halibut.
- "Q. Are they a fish that keep pretty close to the bottom as a rule? A. Yes.
- "Q. Therefore they are the more liable to be taken up by the trawl? A. That is the method adopted in this country of catching them altogether.
- "Q. Before the Americans came with a trawl, how did your people take them? A. With hand lines.
- "Q. Were they reasonably plenty in those days? A. Yes; a boat has got from eight to ten. Now they very seldom get any.
- "Q. Well, had the hand-line fishing been continued and those trawls not introduced, is it or is it not your opinion that the halibut would be now there just as it used to be? A. I think it would be as good as previously.
- "Q. In your opinion then this trawl fishing is simply destructive? A. To halibut."

SATURDAY, 17th November, 1877.

The Conference met.

Mr. DOCTRE continued his argument in support of the case of Her Majesty's Government, as follows:—

*May it please your Excellency and your Honors.—*

When we separated yesterday, I demanded and obtained an adjournment until Monday, as I considered I required that time to lay before the Commission the matter in issue, in its different aspects; and I am still of opinion that I would have fulfilled my duty in a more complete manner, if the arrangement of yesterday had been adhered to. However, a very pressing demand was made upon me to meet this afternoon, in order to close my part of the argument, and leave the way free and clear for my successor on Monday. With a strong desire to comply with the demand from gentlemen with whom I have been acting so cordially so far, and with whom I hope to act cordially up to the time of our separation, I made an effort to be able to present myself before the Commission at this hour. However, I shall have to deal, I fear, in a very ineffectual manner, with the matters that remain to be considered. I have taken particular care in arranging the evidence and argument, not entirely for the reason that your Honors required any information from me to form your opinion; I think after this long investigation the minds of your Honors must be pretty well made up, and could not be much altered and influenced by any remarks I could offer. But we must not forget that this Treaty is a temporary arrangement, which will be the object of fresh negotiations within a pretty short period, and I considered that those who will have to deal with the question five, six or eight years hence, will be unable readily to discover, in this mass of evidence, what part has a bearing upon one branch of the case, and what part upon another branch; and I thought it would be useful if not for the present moment, for the future, to make a complete investigation of the evidence, and to place it in such a shape that those who shall succeed your Honors in dealing with this question, may be guided in some way through these fields of testimony. When we adjourned yesterday, I was showing at what distance, from the shore, the codfishery in the estuary of the St. Lawrence is prosecuted. Before proceeding to another part of the evidence, I desire to draw the attention of your Honors to what has fallen from the learned counsel on behalf of the United States, Mr. Foster and Mr. Trescott.

Mr. Trescott admits that the British case can be supported by proof of "*the habit of United States fishermen.*"

"If fifty fishermen of a fishing fleet swore that it was the habit of the fleet to fish inshore and fifty swore that it was the habit never to fish inshore, you might not know which to believe: but supposing, what in this case will not be disputed, that the witnesses were of equal veracity, you would certainly know that you had not proved the habit.

"You will see, therefore, that the burden of proof is on our friends. They must prove their catch equal in value to the reward