

and restrictions as in the past have embarrassed and obstructed them so seriously.

The enforcement of penalties for unlawfully fishing or preparing to fish within the inshore and exclusive waters of Canada and Newfoundland, is to be accomplished under safe-guard against oppressive or arbitrary action, thus protecting the defendant fishermen from punishment in advance of trial, delays, and inconvenience and unnecessary expense.

The history of events in the last two years shows that no feature of Canadian administration was more harassing and injurious than the compulsion upon our fishing vessels to make formal entry, and clearance on every occasion of temporarily seeking shelter in Canadian ports and harbors.

Such inconvenience is provided against in the proposed treaty, and this most frequent and just cause of complaint is removed.

The articles permitting our fishermen to obtain provisions and the ordinary supplies of trading vessels on their homeward voyages, and under which they are accorded the further and even more important privilege on all occasions of purchasing such casual or needful provisions and supplies as are ordinarily granted to trading vessels, are of great importance and value.

The licenses which are to be granted without charge and on application, in order to enable our fishermen to enjoy these privileges, are reasonable and proper checks in the hands of the local authorities to identify the recipients and prevent abuse, and can form no impediment to those who intend to use them fairly.

The hospitality secured for our vessels in all cases of actual distress, with liberty to unload and sell and tranship their cargoes, is full and liberal.

These provisions will secure the substantial enjoyment of the treaty rights for our fishermen under the treaty of 1818, for which contention has been steadily made in the correspondence of the Department of State, and our minister at London, and by the American negotiators of the present treaty.

The right of our fishermen under the treaty of 1818, did not extend to the procurement of distinctive fishery supplies in Canadian ports and harbors; and one item supposed to be essential, to wit, bait, was plainly denied them by the explicit and definite words of the treaty of 1818, emphasized by the course of the negotiation and express decisions which preceded the conclusion of that treaty.

The treaty now submitted contains no provision affecting tariff duties, and, independently of the position assumed upon the part of the United States, that no alteration in our tariff or other domestic legislation could be made as the price or consideration of obtaining the rights of our citizens secured by treaty, it was considered more expedient to allow any change in the revenue laws of the United States to be made by the ordinary exercise of legislative will, and in promotion of the public interests. Therefore, the addition to the free list of fish, fish-oil, whale and seal oil, etc., recited in the last article of the treaty, is wholly left to the action of Congress; and in connection herewith the Canadian and Newfoundland

waters, bays, creeks, and harbors, of the coasts of Canada and of Newfoundland, as to which the United States, by Article I. of the convention of October 20, 1818, between the United States and Great Britain, renounced forever any liberty to take, dry, or cure fish.

ARTICLE II.

The Commission shall consist of two Commissioners to be named by her Britannic Majesty, and of two Commissioners to be named by the President of the United States, without delay, after the exchange of ratifications of this Treaty.

The Commission shall meet and complete the delimitation as soon as possible thereafter.

In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act as such, the President of the United States or Her Britannic Majesty, respectively, shall forthwith name another person to act as Commissioner instead of the Commissioner originally named.

ARTICLE III.

The delimitation referred to in Article I. of this Treaty shall be marked upon British Admiralty charts by a series of lines regularly numbered and duly described. The charts so marked shall, on the termination of the work of the Commission, be signed by the Commissioners in quadruplicate, one copy whereof shall be delivered to the Secretary of State of the United States, and three copies to Her Majesty's Government. The delimitation shall be made in the following manner, and shall be accepted by both the High Contracting Parties as applicable for all purposes under Article I. of the Convention of October 20, 1818, between the United States and Great Britain.

The three marine miles mentioned in Article I. of the Convention of October 20, 1818, shall be measured seaward from low water mark; but at every bay, creek, or harbor, not otherwise specially provided for in this Treaty, such three marine miles shall be measured seaward from a straight line drawn across the bay, creek, and harbor, in the part nearest the entrance at the first point where the width does not exceed ten marine miles.

ARTICLE IV.

At or near the following bays the limits of exclusion under Article I. of the Convention of October 20, 1818, at points more than three marine miles from low water mark, shall be established by the following lines, namely:

At the Baie des Chaleurs the line from the Light at Birch Point on Miscou Island to Macquereau Point Light; at the Bay of Miramichi, the line from the Light at Point Escuminac to the Light on the Eastern Point of Tabletaux Gully; at Egmont Bay, in Prince Edward Island, the line from the Light at Cape Egmont to the Light at West Point; and off St. Ann's Bay, in the Province of Nova Scotia, the line from Cape Smoke to the Light at Point Aconit.

At Fortune Bay, in Newfoundland, the line from Connaigre Head to the Light on the South easterly end of Brunet Island, thence to Fortune Head; at St. Charles Hamilton Sound, the line from the Southeast point of Cape Fogo to White Island, thence to the North end of Peckford Island, and from the South end of Peckford Island to the East Headland of Hagged Harbor.

At or near the following bays the limits of exclusion shall be three marine miles seaward from the following lines, namely:

At or near Barrington Bay, in Nova Scotia, the line from the Light on Stoddard Island to the Light on the south point of Cape Sable, thence to the Light at Baccaro Point; at Chedabucto and St. Peter's Bays, the line from Cranberry Island Light to Green Island Light, thence to Point Rouge; at Mira Bay, the line from the Light on the East Point of Sentari Island to the North-easterly Point of Cape Morien; and at Placentia Bay, in Newfoundland, the

ARTICLE XI.

United States fishing vessels enter ports, bays, and harbors of the Northeastern coast of Canada, or coasts of Newfoundland under any weather or other casualty may reload, tranship, or sell, subject to laws and regulations, all fish on board such unloading, transshipment, or made necessary as incidental to repairs may replenish outfit, provisions, appliances damaged or lost by disaster; case of death or sickness shall be all needful facilities, including the aid of crews.

Licenses to purchase in establishments of entry of the aforesaid coasts of or of Newfoundland, for the home consumption, such provisions and supplies as are sold to trading vessels, shall be granted to United States fishing vessels in ports, promptly upon application and charge; and such vessels, having licenses in the manner aforesaid, shall be accorded upon all occasions such facilities for the purchase of casual or provisions and supplies as are or granted to the trading vessels; but provisions or supplies shall not be obtained by barter, nor purchased for resale or

ARTICLE XII.

Fishing vessels of Canada and Newfoundland shall have on the Atlantic coast of the United States, all the privileges 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 for the conspicuous exhibition of every United States fishing vessel an official number on each bow; and a vessel, required by law to have an official number, and failing to comply with such regulations, shall not be entitled to the provided for in this Treaty.

Such regulations shall be communicated to Her Majesty's Government for 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 extend to forfeiture of the boat or boats and appurtenances, and also of the cargo aboard when the offense is committed; and for preparing in such boats to unlawfully fish therein, penalties fixed by the court, not to exceed ten years imprisonment, and for an violation of the laws of Great Canada, or Newfoundland relating to the right of fishery in such waters, bays, or harbors, penalties shall be fixed by the court, not exceeding in all three degrees every ten of the boat or vessel of the boat or vessel may be held liable to penalties and forfeitures.

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

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

ARTICLE XV.

Whenever the United States shall have the duty from fish-oil, whale-oil, and fish of all kinds (except fish in oil), being the produce of fishery on by the fishermen of Canada and Newfoundland, including Labrador, and