they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

That Article does not allude to, or attempt to interfere with, our rights in the open sea, on the banks, or in the gulf, which were confirmed by the Concession of the independence of the thirteen States. It refers only to the liberty claimed and recognized by the Treaty of 1783, "on certain coasts, bays, harbours, and creeks." It begins by a recital that differences have arisen respecting the "liberty" claimed by American fishermen in those places. It neither mentions nor alludes to any differences about fishing on the high seas. It stipulates that American fishermen may fish on certain specified coasts, bays, harbours, creeks, and shores, and may dry and cure fish in certain unsettled bays, harbours, and creeks, and especially dry and cure on the coasts of Newfoundland, which last the Treaty of 1783 did not embrace. The United States "renounces" any "liberty" to take, dry, or cure fish within 3 miles of any other coasts, bays, creeks, or harbours than those specified in the Article, but the sentence of renunciation contains a stipulation that the American fishermen may enter "such bays or harbours" for four specified purposes, "and for no other purpose whatever," under such restrictions as may be necessary to prevent fishing, drying, or curing "therein."

Unless English words were in 1818 used in that Article in an unusual sense, there is not a sentence or word therein that has reference to anything else than taking, drying, or curing fish by American fishermen, on or within certain coasts, bays, creeks, or harbours therein described. No word or phrase mentioned alludes or refers to deep-sea fishing, or ordinary commercial privileges. The restrictions refer only to fishing, or drying, or curing "in such bays or harbours."

It is to be assumed that when this Treaty of 1818 was signed, the British Statutes of Charles II in restraint of navigation, the rudiments of which are to be seen in 1650, and were aimed at Dutch trade with British sugar Colonies, were, on the English side, rigorously enforced, so that no merchandize could be lawfully imported into Canadian ports excepting in English bottoms. The Treaty of 1818 was concluded on the 20th October of that year, but ratifications were not exchanged till the 30th January, 1819. Certainly on our side there was then in force legislative restriction on navigation almost as severe as was the English enactment after the restoration of Charles II. America had not then emerged from the era of the embargo, Berlin and Milan Decrees, and the influences of the war of 1812. On the 18th April, 1818, the President approved a law closing our ports after the 30th September, 1818, against British vessels coming from a Colony which, by the ordinary laws, is closed against American vessels. Touching at a port open to American vessels could not modify the restriction. Vessels and cargoes entering, or attempting to enter, in violation of the law, were forfeitable. And any English vessel that could lawfully enter our ports was compelled to give a bond, if laden outward with American products, not to land them in a British Colony or territory from which American vessels were excluded. The presumption is that, quite independently of fishing rights and liberties, no American vessel was for long before and after 1818 permitted by English law to touch and trade in Canadian ports. How that system of exclusion was gradually broken down, not by Treaty, but by concerted legislation, the Secretary of State and the Secretary of the Treasury have clearly exhibited in the communications referred to your Committee.

Not till 1822 were American wheat and lumber permitted to go directly from American ports to the British West Indies and be entered there. In 1843 Canada was allowed to import American wheat, and then send it through the St. Lawrence to the English market as native produce—an indirect open blow at the English Corn Laws. Canadian trade entered upon another stage of prosperity in 1846, when the restrictive navigation laws of England were again relaxed for her benefit, and in 1850, when Canada was quite relieved from the injurious influences of those laws; but yet Canada, at this late day, endeavours to return to those obsolete and condemned restraints on trade by excluding deep-sea American fishermen from her ports.

That a sovereign State has exclusive jurisdiction in its own territory, and over its own vessels on the high seas, is nowhere denied. Mr. Fish announced, as Secretary of State, in 1875, "We have always understood and asserted that, pursuant to public law, no nation can rightfully claim jurisdiction at sea beyond a marine league from the coast." No nation has asserted, independently of a Treaty, an exclusive dominion over the sea surrounding its coast applicable to the passing ships of other nations. Why should a vessel which, under stress of weather or necessities of navigation, casts anchor for a few hours in a bay, be subjected to a larger or fuller foreign jurisdiction than a passing vessel,