

Atlantic Fisheries.

line from Latine Point, on the Eastern mainland shore, to the most Southerly Point of Red Island, thence by the most Southerly Point of Merasheen Island to the mainland. Long Island and Bryer Island, at St. Mary's Bay, in Nova Scotia, shall, for the purpose of delimitation, be taken as the coasts of such bay.

ARTICLE V.

Nothing in this Treaty shall be construed to include within the common waters any such interior portions of any bays, creeks, or harbors as cannot be reached from the sea without passing within the three marine miles mentioned in Article I of the Convention of October 20, 1818.

ARTICLE VI.

The Commissioners shall from time to time report to each of the High Contracting Parties, such lines as they may have agreed upon, numbered, described, and marked as herein provided, with quadruplicate charts thereof; which lines so reported shall forthwith from time to time be simultaneously proclaimed by the High Contracting Parties, and be binding after two months from such proclamation.

ARTICLE VII.

Any disagreement of the Commissioners shall forthwith be referred to an Umpire selected by the Secretary of State of the United States and Her Britannic Majesty's Minister at Washington; and his decision shall be final.

ARTICLE VIII.

Each of the High Contracting Parties shall pay its own Commissioners and officers. All other expenses jointly incurred, in connection with the performance of the work, including compensation to the Umpire, shall be paid by the High Contracting Parties in equal moieties.

ARTICLE IX.

Nothing in this Treaty shall interrupt or affect the free navigation of the Strait of Canso by fishing vessels of the United States.

ARTICLE X.

United States fishing vessels entering the bays or harbors referred to in Article I of this Treaty shall conform to harbor regulations common to them and to fishing vessels of Canada or of Newfoundland.

They need not report, enter or clear, when putting into such bays or harbors for shelter or repairing damages, nor when putting into the same, outside the limits of established ports of entry, for the purpose of purchasing wood or of obtaining water; except that any such vessel remaining more than twenty-four hours, exclusive of Sundays and legal holidays, within any such port, or communicating with the shore therein, may be required to report, enter, or clear; and no vessel shall be excused hereby from giving due information to boarding officers.

They shall not be liable in any such bays or harbors for compulsory pilotage; nor, when therein for the purpose of shelter, or repairing damages, or purchasing wood, or of obtaining water, shall they be liable for harbor dues, tonnage dues, buoy dues, light dues, or other similar dues; but this enumeration shall not permit other charges inconsistent with the enjoyment of the liberties reserved or secured by the Convention of October 20, 1818.

ARTICLE XI.

United States fishing vessels entering the ports, bays, and harbors of the Eastern and Northwestern coasts of Canada, or of the coasts of Newfoundland under stress of weather or other casualty may unload, reload, 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 outfit, provisions and supplies consumed on board.

from the usual and necessary casks, barrels, kegs, cans, and other usual and necessary coverings containing the products above mentioned, the like products, being the produce of fisheries carried on by the fishermen of the United States, as well as the usual and necessary coverings of the same, as above described, shall be admitted free of duty into the Dominion of Canada and Newfoundland.

And upon such removal of duties, and while the aforesaid articles are allowed to be brought into the United States by British subjects, without duty being reimposed thereon, the privilege of entering the ports, bays, and harbors of the aforesaid coasts of Canada and Newfoundland, shall be accorded to United States fishing vessels by annual licenses, free of charge, for the following purposes, namely:

1. The purchase of provisions, bait, ice, seines, lines, and all other supplies and outfit;

2. Transshipment of catch, for transport by any means of conveyance;

3. Shipping of crews.

Supplies shall not be obtained by barter, but bait may be so obtained. The like privileges shall be continued or given to fishing vessels of Canada, and of Newfoundland on the Atlantic coasts of the United States.

PROTOCOL.

The Treaty having been signed by the British Plenipotentiaries desire to state that they have been considering the position which will be created by the immediate commencement of the fishing season before the Treaty can possibly be ratified by the Senate of the United States, by the Parliament of Canada, and the Legislature of Newfoundland.

In the absence of such ratification the old conditions which have given rise to so much friction and irritation might be revived, and might interfere with the unprejudiced consideration of the Treaty by the legislative bodies concerned.

Under these circumstances, and with the further object of affording evidence of their anxious desire to promote good feeling and to remove all subjects of controversy, the British Plenipotentiaries are ready to make the following temporary arrangement for a period not exceeding two years, in order to afford a "*modus vivendi*" pending the ratification of the Treaty.

1. For a period not exceeding over two years of the present date, the privilege of entering the bays and harbors of the Atlantic coasts of Canada and Newfoundland, shall be granted to United States fishing vessels by annual Licenses at a fee of \$1.50 per ton—for the following purposes:

The purchase of bait, ice, seines, lines, and all other supplies and outfit.

Transshipment of catch and shipping of crews.

2. If during the continuance of this arrangement, the United States should remove the duties on fish, fish-oil, whale and seal oil, (and their coverings, packages, &c.) the said Licenses shall be issued free of charge.

3. United States fishing vessels entering the bays and harbors of the Atlantic coasts of Canada or of Newfoundland, for any 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.

Extracts from Communication of W. L. Putnam, Published in the Portland Argus, March 1, 1888.

Temporary Arrangement Proposed by Great Britain no part of the Treaty.

In considering the Treaty just negotiated, it will be plain to every honest reader of it that the "protocol," or "*modus vivendi*," providing temporarily relief for our vessels from certain custom house regulations, and also annual licenses, was merely recommended by our Plenipotentiaries and passed along to the Senate for its information, with no other except expressions of gratification at the friendly disposition which it exhibited. It was not "accepted" either expressly or impliedly, nor submitted to the Senate to be "accepted." It forms no part of the Treaty and the Treaty is not to be construed with reference to it.

There is no allusion in the Treaty to tonnage tax except an exemption of our vessels therefrom; and the licenses which our vessels may receive under some circumstances for the purchase of supplies and provisions, must be issued "promptly on application without charge therefor."

Fifteenth Article contrasted with what Republicans gave away in 1870.

In this connection may be considered the fifteenth article of the Treaty tendering certain privileges whenever Congress puts fish on the free list. Nothing in the Treaty binds the United States to the acceptance of this proposition; but it is left entirely free for the favorable or unfavorable action of Congress, if any should ever be taken.

One thing further may be said as to it: In A. D. 1870, while our fishing vessels were being seized and condemned for purchasing bait, while we were refused admission into Dominion ports for any supplies, while we were compelled to submit to the most rigorous provisions of the Canadian customs laws, while our fishermen had been practically driven from resorting to Canadian bays and harbors, a Republican House of Representatives with Mr. Blaine as Speaker, and a Senate presided over by Schuyler Colfax, with the approval of a Republican President, enacted the laws by which to-day more than half of the Canadian fish entering the United States comes in duty free. Nothing whatever was received in exchange for that great boon to foreign fishermen. The privileges contemplated by the fifteenth 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 that in any event under the Treaty we shall not see repeated the old way of the purchasing tariff, which took place in 1870.

Effect of the Treaty of 1818.

J. CHAMBERLAIN