

Convention. Do the United States agree that Great Britain may exclude them for any other purpose?

*Mr. Putnam* gave no direct reply to this question, but said that a distinction ought not to be drawn between fishing-vessels and merchant-vessels.

*Mr. Chamberlain* said that he wished to keep the question strictly to fishing-vessels, and the terms of the Convention.

*Mr. Bayard* said that the United States held that questions of commerce had no place in that Convention; and that Great Britain had no right to so interpret it as to deny commercial facilities. It related solely to the fisheries.

*Mr. Chamberlain* said that it was useless now to enter on that argument, on which, however, he took direct issue with *Mr. Bayard*.

If we could be so far agreed as to admit that Great Britain had the right to make regulations for the exclusion of United States' fishermen from Canadian ports for any but the four specified purposes, we might be able to consider together the terms of such regulations.

*Mr. Bayard* did not deny for a moment the right of Canada or Newfoundland to prohibit the sale of bait.

*Mr. Chamberlain* then said that the British Plenipotentiaries were not able at present to make any alternative suggestion, and it might be necessary for them to go to Canada to consult the Canadian Government. He therefore asked for an adjournment to Wednesday, the 4th January.

*Mr. Putnam* would first like to make a few general remarks.

He thought that the issues had got confused by the different meanings attached to the words "rights" and "commerce."

In the first place, he held that to levy pilotage dues, and to insist on reporting to the Customs in an arbitrary way, &c., were violations of the Convention if applied to fishing-vessels.

In the second place, bait and supplies were not matters within the purview of the Convention. But they were matters of comity, and if they were denied, would it not justify the United States in regarding the denial as an unfriendly act, giving them reason for retaliation?

*Mr. Chamberlain* said if that contention were correct it would be impossible to account for the words, "for no other purpose whatever," in Article I of the Convention.

*Mr. Putnam* did not agree to this, and said that the common rule of law was that when an instrument was worded in general terms, the subject-matter must be interpreted by the intention, not by the letter. He took, as an illustration, the case where a man should have a well on his property, and gave to a neighbour the right to come in to draw water, and for no other purpose; ought that to be held to prohibit the neighbour from coming in in the ordinary course of social intercourse?

Now, the intention of the Convention of 1818 was not to deal at all with the question of the right of entry to ports for commercial purposes.

*Sir C. Tupper* said that the difficulty on the British side was to find in the words, "for no other purpose whatever," an interpretation which covered half-a-dozen other purposes, such as obtaining bait, ice, supplies, transshipping, &c. How could the United States, in common fairness, having for a valuable consideration expressly and in terms by the Convention agreed not to ask for certain things, now turn round and say that it is unneighbourly of Canada not to grant them?

The Conference then adjourned to Wednesday, the 4th January, 1888.

(Initialled)

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