

and England, to the importance of this Treaty in this respect, that it sets at rest now and for ever the disputed question as to whether the Convention of 1818 was not repealed, and obliterated by the Treaty of 1854. This question, Mr. Speaker, is one that has occupied the attention of the United States Jurists and has been the subject of serious and elaborate discussions. From my point of view the pretension of the United States is erroneous, but it has been pressed, and we know the pertinacity with which such views are pressed by the United States. We have an example in the case of the navigation of the River St. Lawrence, which while it was discussed from 1822 to 1828, and was apparently settled then for ever between the two nations, was revived by the President of the United States in his address of 1879, and the difference between the point of view as pressed in 1828 by the United States and that pressed in 1879 was shown by the result of the Treaty [Hon. Mr. Blake, "hear, hear."] And, sir, it was of great importance in my point of view that this question, which has been so pressed by American jurists, and considering also the pertinacity with which such views are urged, should be set at rest for ever. The question has been strongly put in the American Law Review of April 1871, in an article understood to have been written by Judge Pomeroy, a jurist of standing in the United States, and that paper, I believe, expresses the real opinion of the writer, erroneous though I hold it to be, and his candour is shown by this fact, as well as from the known standing of the man, that in one portion of the article he demolishes the claim of the American fishermen to the right to trade in our water. He proves, in an able argument, that the claim of American fishermen to enter our harbors for any purpose other than wood, water, and shelter, is without foundation. The view taken by that writer and others,—and among others by a writer whose name I do not know, but whose papers are very valuable from their ability, they appeared in the *N. Y. Nation*, is this: the Treaty of 1783 was a treaty of peace, a settlement of boundary, and a division of country between two nations. The United States contended that that Treaty was in force and is now in force, as it was a treaty respecting boundary, and was not abrogated or affected by the War of 1812. Under the Treaty of 1783, and by the terms of that Treaty, the fishermen of the United States had the unrestrained right to enter into all our waters up to our shores, and to every part of British North America. After 1815 England contended that that permission was abrogated by the war, and was not renewed by the Treaty of Peace of 1814. The two nations were thus at issue on that very grave point, and those who look back to the history of that day will find that the difference on that point threatened the renewal of war, and it was only settled by the compromise, known as the Convention of 1818, by which the claim of the Americans to fish within three miles of our shores, was renounced. The argument, is however, of a nature too technical

to be of interest to the House, and requires to be very carefully studied before it can be understood, I will not therefore trouble the House with that argument but I will read one or two passages to shew the general statement of the case.

"We shall now enquire whether the convention of 1818, is an existing compact, and if not, what are the rights of American fishermen under the treaty of peace of 1783."

"Since the expiration of the reciprocity treaty in 1866, the British Government, both at home and in the provinces, has, in its statutes, its official instructions, and its diplomatic correspondence, quietly assumed that the convention of 1818 is again operative in all its provisions. That the State Department at Washington should by its silence have admitted the correctness of this assumption, which is equally opposed to principle and to authority, is remarkable. We shall maintain the proposition that the treaty of peace of 1783 is now in full force, that all limitations upon its efficiency have been removed and that it is the only source and foundation of American fishing rights within the North Eastern Territorial waters. In pursuing the discussion we shall show, first, that the renunciations clauses of the convention of 1818 have been removed; and secondly, that article III of the Treaty of 1783 thus left free from the restrictions of the subsequent compact, was not abrogated by the war of 1812."

The writer thus concludes:

"Article III of the Treaty of 1783 is therefore in the nature of an executed grant. It created and conferred at one blow rights of property, perfect in their nature, and as permanent as the dominion over the national soil. These rights are held by the inhabitants of the United States, and are to be exercised in British territorial waters. Unaffected by the war of 1812, they still exist in full force and vigor. Under the provisions of this Treaty, American citizens are now entitled to take fish on such parts of the coasts of Newfoundland as British fishermen use, and also on all the coasts, bays, and creeks, of all other His Britannic Majesty's dominions in America, and to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova Scotia, the Magdalen Islands and Labrador."

"The final conclusion thus reached is sustained by principle and by authority. We submit that it should be adopted by the Government of the United States, and made the basis of any further negotiations with Great Britain."

I quote this for the purpose of shewing that the pretension was formally set up and elaborated by jurists of no mean standing or reputation and therefore it is one of the merits of this Treaty that it forever sets the dispute at rest. The writers on this subject, the very writers of whom I have spoken, admit that under this treaty the claim is gone, because it is a formal admission by the United States