

"The policy of Great Britain," says Judge Charles Levi Woodbury, "first expressed by the act of 12 Car. II., had been to prohibit foreign nations from intercourse by sea with her colonies, either to import into or export from them in their vessels. This policy was in force when the treaty of 1783 was made. The rights of the United States, therein acknowledged, to use the ports, creeks, and shores for the purpose of its fisheries, conferred no right to trade with British North America. In 1818 the laws of the United States also prohibited British vessels from importing from or exporting to the colonies, from the ports of the United States, and continued so to prohibit them, long after the treaty of 1818."

Thus it will be seen that, in the treaty of 1818, the right to fish within the three-mile limit of certain parts of the coasts of the British Provinces was renounced by the United States, but the right was reserved to our fishermen to enter all bays and harbors within those limits for the purpose of shelter and repairs, and to procure wood and water, subject to regulations which should prevent them from abusing the privileges thus conferred upon them. The privileges thus given were not commercial in their nature; they concerned chiefly the safety of fishing-vessels and their crews, and were granted as special rights to enable them to prosecute their voyages with greater safety and with the best assurance of success. These clauses in the treaty of 1818 made the fishing-vessels of the United States a specially privileged class at a time when, as we have seen, no other American vessels were permitted to hold intercourse with the British Provinces. These privileges and rights were not accorded to American fishermen from any generous spirit on the part of Great Britain, but because it was held by American statesmen, who had the moral support of the civilized world at that time, that these were rights that were held in common with the subjects of Great Britain, and that it was no concession on the part of the latter government that American fishermen should retain that which they had so long enjoyed. If this is true, and we believe there are none bold enough to deny it, then the treaty of 1818 should have a liberal construction so far as the rights of American fishermen are concerned. Viewed in this light, it certainly seems unreasonable that this class of men and vessels which were entitled to special rights and privileges prior to 1830 should now, or at any time since that date, be restricted in the enjoyment of privileges which are accorded to citizens of the United States engaged in other trades.

Now, under the provisions of this recent treaty, and notwithstanding the fact that the Canadian vessels are enjoying to-day *all* commercial rights in the ports of the United States, our fishing-vessels are deprived of commercial privileges in the provinces unless such may be accorded in case of shipwreck or disaster. Even the ordinary rights of humanity, which all civilized and even semi-barbarous nations grant to each other without treaty, are here put down as concessions which the fishermen of the United States are expected to value as important considerations.