

how embarrassing it was, in many instances, to know, from the deck of a vessel, how far from the shore that vessel stood. Three miles have to be measured with the eye, not from the visible shore, but from low water mark. There are coasts which are left dry for several miles by the receding tide. When the tide is up, landmarks may be familiar to the inhabitants of the shore or frequent visitors of its water; but for the fisherman who comes there for the first or second time, or perhaps for the tenth time, but after intervals of years, it may be a difficult task to determine where he can fish with safety. And what can be more tempting, I should say tantalizing, than to follow a school of mackerel, which promises a full fare in one day and a speedy return home, with the mirage of a family to embrace and of profits to pocket? Should men be exposed to such temptations, when commercial intercourse and money, as an *ultima ratio* present so many modes of removing restrictions? Is there any one of these varied modes of settlement which is worth the life of a man?

Great Britain and the United States owed it to their noble common ancestry and to their close relationship, not to listen to the evil advice of passion, and to show to the world a new battlefield, where cool judgment and good will are the most successful arms.

With the termination of the Reciprocity Treaty, reappeared the cruisers and cutters among the fishermen, and irritation seemed to have acquired vigor and intensity during the suspension. Other international differences had grown up, from the beginning of the civil war, and had accumulated, during the whole of that war, to such an extent that a spark might start a serious conflict. Fortunately cool heads were predominant in the two governments; the Joint High Commission was appointed, and the Washington Treaty reduced to a money question, what, in former times, would have cost the lives of thousands of men and would have, besides, entailed on both sides an expenditure of money ten times more considerable than the compensatory indemnities resulting from that Treaty. Ten articles of that Treaty concern the fisheries, from the 18th to the 25th, both inclusive, and the 32nd and 33rd. In addition to the liberties granted to them by the Convention of 1818, Americans are admitted, by art. 18, to fish everywhere, in common with British subjects, without being restricted to any distance from the coast, with permission to land for the purpose of drying their nets and curing their fish, provided they do not interfere with the rights of private property.

On the other hand British subjects are admitted, by art. 19, to the same liberties on the eastern sea coasts and shores of the United States, north of the 39th parallel of north latitude.

Art. 21 declares that as long as the Treaty shall subsist, fish oil and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil) being the produce of the fisheries of the United States or of the Dominion of Canada, shall be admitted into each country, respectively, free of duty.

By Art. 22 it is agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Majesty, the amount of any compensation which ought to be paid in return for the privileges accorded to the citizens of the United States, under article 18,—and that any sum of money which the Commissioners may so award shall be paid, in a gross sum, within twelve months after the award given.

Article 33 stipulates that the fisheries articles shall remain in force for the period of ten years from the date at which they may come into operation, by the passing of the requisite laws, on both sides, and further, until the expiration of two years after notice given by either of the parties of its wish to terminate the same.

The Treaty came into operation on the 1st July, 1873. Great Britain claims from the United States a sum of \$14,880,000 for the concession of the privileges granted to the citizens of the United States for the period of twelve years.

On the part of the United States it is contended that the liberty of fishing in their waters and the admission of Canadian fish and fish oil, duty free, in the markets of the United States is equivalent to what Great Britain obtains by the treaty.

The questions now to be enquired into are: 1st. Is the British claim proved, and to what extent? 2nd. Have the United States rebutted the evidence adduced on behalf of Her Majesty, and have they proved a set-off to any and what extent?

Wherever Americans have expressed a disinterested opinion about the Gulf and other Canadian fisheries, they have never underrated their value, as they have in this case, where they are called upon to pay for using them.

At a time when no diplomatist had conceived the idea of laying the claim of the United States to these fisheries, on the heroic accomplishments of our army and navy from the old British colony of Massachusetts, as we have heard from the eloquent and distinguished United States counsel, before this Commission:—at a time when, emerging from war, fit occasions offered themselves for reminding Great Britain of what she owed to the bravery of Massachusetts boys, who had planted her flag in the place of the French colors over this Dominion,—in these times the right of fishing in those waters had accrued to the American people from no other origin than a concession by treaty, and no other basis than the *ali passivitis*. When another Commission is appointed by England and France to settle the differences which exist between them in reference to the Newfoundland Fisheries, I doubt much if the political oratory of our American friends could not, with a little change of tableaux and scenery, be turned to some account,—such as the French reminding the English people of the miseries endured by Jacques Cartier during the winter he spent at Sable Island on his way to Newfoundland, Louisburg and Quebec to bring European civilization among the aboriginal tribes.

Although it is hard to vouch for anything in such matters of fancy, I doubt much whether France will recall the heroic deeds of her Cartiers and Champlains to make herself a title to these fisheries. She will not make such light work of her Treaties as our friends have done.

In the line of historical titles adopted by our learned friends, the Scandinavians would wipe out even the claim of Columbus, for three or four centuries before the discoveries of the great Genoese navigator, some of their fishermen had visited profitably the Banks of Newfoundland. My learned friends should be as much alarmed at the consequences of their fiction, as Mr. Seward was when dealing with the headland question in the Senate—page 9 of the British brief—he pointed out that the construction put upon the word bay, by those who confined them to bodies of water six miles wide at their mouth, would surrender all the great bays of the United States.

While listening with pleasure to the narration of the great achievements of the Massachusetts boys, we could not understand why they shed their blood for those poor and unproductive fisheries. We looked a little at history, we searched for a confirmation of the pretensions of our friends, and we found a very different account, in the writings of their great statesmen, both as to the basis of their claim and as to the value of the fisheries.

John Quincy Adams, who represented with others, as has already been mentioned, the United States, at the Treaty of Ghent, in 1814, collected information. He applied to Mr. James Lloyd, and this gentleman, writing from Boston, on the 8th of March, 1815, communicated to him what will be found from page 211 to page 213 of his "Duplicate Letters." A few citations will not be out of place here:—

"The shores, the creeks, the inlets of the Bay of Fundy, the Bay of Chaleurs, and the Gulf of St. Lawrence, the Straits of Bellisle, and the Coast of Labrador, appear to have been designed by the God of Nature as the great ovary of fish;—the inexhaustible repository of this species of food, not only for the supply of the American, but of the European continent. At the proper season, to catch them in endless abundance, little more of effort is needed than to bait the hook and pull the line and occasionally even this is not necessary. In clear weather, near the shores, myriads are visible, and the strand is at times almost literally paved with them."