

Northeastern Atlas

Extracts from the Message of President Cleveland, Transmitting the Treaty of Feb. 15, 1888.

The treaty meets my approval, because I believe that it supplies a satisfactory, practical, and final adjustment, upon a basis honorable and just to both parties, of the difficult and vexed question to which it relates.

A review of the history of this question will show that all former attempts to arrive at a common interpretation, satisfactory to both parties, of the first article of the treaty of October 20, 1818, have been unsuccessful; and with the lapse of time the difficulty and obscurity have only increased.

The negotiations in 1854 and again in 1871, ended in both cases in temporary reciprocal arrangements of the tariffs of Canada and Newfoundland and of the United States, and the payment of a money award by the United States, under which the real questions in difference remained unsettled, in abeyance and ready to present themselves anew just so soon as the conventional arrangements were abrogated.

The situation, therefore, remained unimproved by the results of the treaty of 1871, and a grave condition of affairs, presenting almost identically the same features and causes of complaint by the United States against Canadian action and British default in its correction confronted us in May, 1886, and has continued until the present time.

The proposed delimitation of the lines of the exclusive fisheries from the common fisheries will give certainty and security as to the area of their legitimate field; the headland theory of imaginary lines is abandoned by Great Britain, and the specification in the treaty of certain named bays especially provided for gives satisfaction to the inhabitants of the shores, without subtracting materially from the value or convenience of the fishery rights of Americans.

The uninterrupted navigation of the Strait of Canso is expressly and for the time affirmed, and the four purposes for which our fishermen under the treaty of 1818 were allowed to enter the bays and harbors of Canada and Newfoundland within the belt of three marine miles are placed under a fair and liberal construction, and their enjoyment secured without such conditions and restrictions as in the past have embarrassed and obstructed them so seriously.

The enforcement of penalties for unlawfully fishing or preparing to fish within the inshore and exclusive waters of Canada and Newfoundland, is to be accomplished under safe-guard against oppressive or arbitrary action, thus protecting the defendant fishermen from punishment in advance of trial, delays, and inconvenience and unnecessary

right to regulate sales of bait, and other fishing supplies within their own jurisdiction is recognized, and the right of our fishermen to freely purchase these things is made contingent, by this treaty, upon the action of Congress in the modification of our tariff laws.

Our social and commercial intercourse with those populations who have been placed upon our borders and made forever our neighbors is made apparent by a list of United States common carriers, marine and inland, connecting their lines with Canada, which was returned by the Secretary of the Treasury to the Senate on the 7th day of February, 1888, in an answer to a resolution of that body; and this is instructive as to the great volume of mutually profitable interchanges which has come into existence during the last half century.

This intercourse is still but partially developed, and if the amicable enterprise and wholesome rivalry between the two populations be not obstructed, the promise of the future is full of the fruits of an unbounded prosperity on both sides of the border.

The treaty now submitted to you has been framed in a spirit of liberal equity and reciprocal benefits, in the conviction that mutual advantage and convenience are the only permanent foundation of peace and friendship between States, and that with the adoption of the agreement now placed before the Senate, a beneficial and satisfactory intercourse between the two countries will be established as to secure perpetual peace and harmony.

In connection with the treaty herewith submitted, I deem it also my duty to transmit to the Senate a written offer or arrangement, in the nature of a *modus vivendi*, ordered after the conclusion of the treaty, on the part of the British plenipotentiaries, to secure kindly and peaceful relations during the period that may be required for the consideration of the treaty by the respective Governments and for the enactment of the necessary legislation to carry its provisions into effect if approved. This paper, freely and on their own motion, signed by the British conferees, not only extends advantages to our fishermen, pending the ratification of the treaty, but appears to have been dictated by a friendly and amicable spirit.

The Treaty of Feb. 15, 1888.

ARTICLE I.

The High Contracting Parties agree to appoint a Mixed Commission to delimit, in the manner provided in this Treaty, the British waters, bays, creeks, and harbors, of the coasts of Canada and of Newfoundland, as to which the United States, by Article I. of the convention of October 20, 1818, between the United States and Great Britain, renounced forever any liberty to take, dry, or cure fish.

ARTICLE II.

The Commission shall consist of two Commissioners to be named by her Britannic Majesty, and of two Commissioners to be named by the President of the United States.

line from Latine Point, on the mainland shore, to the most South point of Red Island, thence by the most direct line to the most South point of Merasheen Island to the most South point of Long Island and Bryer Island, thence by the most direct line to Mary's Bay, in Nova Scotia, the purpose of delimitation, be taken as the coast of such bay.

ARTICLE V.

Nothing in this Treaty shall be construed to include within the common fisheries such interior portions of any bay or harbors as cannot be reached from the sea without passing within the three 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, upon, numbered, described, and herein provided, with quadruplicate thereof; which lines so reported with from time to time be solemnly proclaimed by the High Contracting Parties and be binding after two months proclamation.

ARTICLE VII.

Any disagreement of the Commission shall forthwith be referred to a select committee of the Senate of the United States and Her Britannic Majesty, to be named by the President of the United States and the Minister at Washington; and his decision shall be final.

ARTICLE VIII.

Each of the High Contracting Parties shall pay its own Commissioners' salaries. All other expenses jointly incurred in connection with the performance of the duties of the Commission, including compensation to the United States and Her Britannic Majesty, shall be paid by the High Contracting Parties in equal moieties.

ARTICLE IX.

Nothing in this Treaty shall in any way 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 the regulations common to them and to the vessels of Canada or of Newfoundland.

They need not report, enter or call upon such bays or harbors for repairing damages, nor when passing the same, outside the limits of the ports of entry, for the purpose of loading or unloading of fish, or of obtaining water, or of any such vessel remaining more than twenty-four hours, exclusive of legal holidays, within any such bay or harbor, or communicating with the shore, they are required to report, enter, or call upon, no vessel shall be excused from giving due information to the authorities of the bay or harbor.

They shall not be liable in any bay or harbor for compulsory pilots when therein for the purpose of repairing damages, or of purchasing of obtaining water, shall they be liable for harbor dues, tonnage dues, buoy dues, or other similar dues; enumeration shall not permit other 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 bays, and harbors of the Northeastern coast of Canada, or of Newfoundland under any such laws and regulations, all fish on board such unloading, transshipment, or made necessary as incidental to the replenishment of the vessels, provisions, and other necessaries, shall be taken on board at the expense of the vessel.