

ation; because the treaty of Washington confers no such rights on the inhabitants of the United States, who now enjoy merely by sufferance, and who can at time be deprived of them by the enactment of existing laws or the re-enactment of former oppressive laws. "The Government treaty does not provide for possible compensation for such authorities and they are far important and valuable to the subjects of Her Majesty than to United States."

Fishing Vessels do Not Need to Fit in Canada.

Notwithstanding the constant misrepresentations of the eleventh article already referred to, in cases of distress it meets every possible desire; and for all else it goes without compensation therefor the privilege of purchasing all such provisions and ordinary supplies as are obtained by fishing vessels, and this alike for the homeward or the outward voyage, or when in port, or when putting in especially for the usual or needful supplies" to which it relates. In fact it meets every condition except that of original "fitting out" for a fish-voyage, or a general "refitting" for an ension of cruise.

Our vessels had the right of transhipment of mackerel in the Gulf of St. Lawrence, a latter privilege would undoubtedly be of special value; but an original fitting out, except for those special cases in the Gulf, a general refitting would never be permitted except at the home ports, as was fully proven before the Senate committee on foreign relations.

Republicans Demand Alien Fishermen in Competition with Our Own.

The three leading fishing ports in Maine—Massachusetts are Portland, Gloucester and Provincetown. Portland and Gloucester all their ships generally, if not entirely, share; so that except in the case of sickness or other misfortune, which is provided for by the treaty, they have occasion to run into the Dominion ports men, as stated by Mr. Stanley. This is explained by Capt. John Chisholm of Gloucester, in his testimony before the Committee on Foreign Relations as follows:

Q.—What is the nationality of the majority of the people on your vessel, these men you have? A.—Four are from the provinces; the rest are from the State of Maine and Gloucester.

Q.—Did you pick up those four Provincetown men in the Provinces? A.—No sir; I met them here; I sent them money in spring to pay their passage here; so as to slip with them."

Q.—Are they people you knew? A.—No sir. I knew them before."

Q.—Did you send for them to take them aboard up there, or because it was more convenient for your purposes to ship them? A.—We would rather ship them; we are never short of men here; we ship men here at any time."

It is understood that the system at Provincetown is otherwise, and at that port the owner engages the fishermen at so many dollars either for the trip, the season or the month; and thus our American fishermen may be brought directly in competition with the lower paid fishermen of Nova Scotia.

Several witnesses from Provincetown before the Committee of Foreign Relations, who explained freely and fully the facts covered in this part of this statement.

James Gifford, deputy collector at Provincetown, testified that the wages paid a fish crew, meaning probably for the season, was from seventy-five to eighty-two dollars per man, and those paid the American was from one hundred and twenty-five to one hundred and ninety dollars per man. It is understood Provincetown fits for Grand Banks about half as much tonnage as Gloucester, and three times as much tonnage as Portland.

They have had loud proclamations that the

and for this purpose we copy here the published interview with Senator Frye, which took place at Lewiston in October, 1886, immediately after the committee of foreign relations had closed the taking of evidence to which we have referred. He is reported to have said as follows:

"The testimony of the owners and fishermen taken at Gloucester, also at Boston, Provincetown and Portland, was entirely agreed on the following points:

First.—That there is no necessity at all for our fishing vessels to enter ports of Canada for any purposes except those provided for in the treaty of 1818, viz., for shelter, wood, water and repairs; that while the Canadians admit our rights to these privileges, they are unnecessarily and without excuse interfering continuously with our enjoyment of them. If one of our vessels runs into a Canadian port in a storm for shelter, they insist upon immediate entry, no matter how inconvenient it may be to the captain of the vessel. They will not permit him to land a man, though he be a citizen of that country, send his clothing ashore, send for treatment in sickness, purchase anything whatever. A score of our fishing vessels have already been seized by them and fined \$400, for what they determined to be infractions of the peculiar rules and regulations of their customs laws, which have been obsolete for more than 40 years. In fact they do not permit us to enjoy any of the rights which they admit to be secured to us by the treaty of 1818, without putting us to more inconvenience and trouble than the right is worth.

Second.—They refuse our fishermen absolutely and unqualifiedly all commercial rights whatever, and refuse to recognize as valid our customs permits to touch and trade. Their ports are almost as effectually closed against all of our fishing vessels as if there was to-day a condition of war between us and Great Britain. The fishermen also concur in saying that these commercial privileges are of no value. It has been generally understood that the right to purchase bait was a very valuable one; but the testimony not only shows that it is of no value, but the preponderance of testimony is that the right exercised does more harm than good, that the time consumed in going into and out of the port, and going thence to the banks again, costs the fishermen more than the value of the bait.

Third.—Both fishermen and owners agree with great unanimity, that they require absolutely nothing of Canada other than the treaty rights of 1818; that it is better for them when they start on their cruises to provide their vessels with everything that is necessary for the cruises, bait and all, than to leave anything to be provided for in Canada.

Fourth.—They agree that the privilege of fishing inside of the three-mile limit is absolutely worthless, and has been for 15 years; that nearly all the fish, both mackerel and cod, have been taken outside; that fishing with purse seines within three miles of the shore never brings compensation enough to make up for the damage to the seines in the shoal water and on the rocks.

Fifth.—There seems to be no difference in opinion about the result of a treaty with Canada which would give them our markets or alter our tariff by making fish free. They believe it would be certain to destroy in ten or fifteen years the fishing industry of New England and transfer to Canada the fishing fleet; that there is nothing which Canada can give them as a compensation for this.

Sixth.—Their remedy for existing troubles with their business is a higher duty on salt fish, also a duty on fresh fish."

These remarks were made near the close of the first season of these fishery troubles, and also at the close of the great mass of testimony taken by the committee, of which the senator was a member. He stood then in a position to observe what had taken place in the past, and what was needed for the future. The only recommendation he made was a higher duty on salt fish and a duty of

any penalty in excess of those heretofore constantly imposed. As already stated, it consents to a forfeiture of the vessel for illegal fishing, but carefully limits it to the value of the cargo at the time of the offence. It does not deny a like maximum punishment for illegally preparing to fish, but clearly restricts this to the cases where the preparation was within the waters of the Dominion and the fishing was intended also to be within the same jurisdiction, so that by its terms proceedings like those against the "Adams" and the "Doughty" would be impossible. Having in view also the somewhat indefinite meaning of the words "preparing to fish" and the varying degrees of criminality which that expression implies, it demands that the court shall take into consideration all the circumstances, and modify the penalty accordingly.

Had the commissioners been working new ground, strong reasons might have been urged for refusing to recognize any penalty for illegally preparing to fish; but in view of the fact that, since A. D., 1819, this has been an offence according to the statutes of Great Britain with the practical acquiescence of the United States, it is very plain that the only question was whether the punishment could be ameliorated.

As to all other matters the statute of 1886 is cut up by the roots; and any vessel alleged to be guilty of violation of the fishery laws of Canada, aside from illegally fishing or illegally preparing to fish, is at the most exposed to a penalty not exceeding three dollars per ton. This of course does not apply to proceedings under the customs laws; it would have been beyond reason to have sought by a treaty to modify the penalties of the customs laws of any foreign country.

Conclusion.

Such are the beneficent provisions of this treaty. The principle running through it is not one of barter. The privileges granted by it are only those which we were justly entitled to ask as among neighboring States, but they were the same which have been constantly refused to us from the time of the convention in 1818. It was not within the jurisdiction of the commission to offer a price, in the way of money, concessions of duties or other valuable considerations, to enable our fishermen to share all the peculiar advantages appertaining to those resident in Nova Scotia; but it is for them an assurance of peace and it is hoped will enable them to pursue their occupations unharassed and unvexed.

Extracts from the Paper of Hon. W. L. Putnam Attached to the Minority Report of the Committee of the Senate of the United States of May 17, 1888.

Remedy Which the Treaty Affords Against Harsh Canadian Legal Proceedings.

The treaty next seeks to alleviate the hardships of the legal proceedings which various statutes of the province and the Dominion have imposed on foreign vessels. These statutes extended to fishing vessels systems of procedure which are with less injustice applied to merchantmen. The latter come voluntarily into port, and are ordinarily furnished either with credit or cash through their consignees, enabling them to protect themselves in case of litigation. Fishing vessels, however, especially those putting into strange waters merely for shelter, have no such aids and frequently have with them very little cash; and the result has been that the forms of