

of Canada and Newfoundland so far as they are reserved or secured by this treaty. The British argument is much stronger, in my judgment, for this construction of Article XII than for the claims to which Mr. Bayard and his associates have so tamely submitted.

Nor will I dwell on the thirteenth article, regarded by our fishermen as so obnoxious and degrading. It requires every fishing vessel of the United States, whether she means to go near Canada or not, to wear a number conspicuously exhibited on each bow, a requirement not applied to England's own fishermen, strongly suggestive of tickets of leave and prison regulations.

The fourteenth article is equally remarkable for what it declares Canada shall not do hereafter, and for what it impliedly consents Canada may hereafter continue to do. Nobody, I suppose, expects that until we grant free fish, and free trade to Canadian products, there will be any change in the spirit, temper, policy, or purpose of Canada. What we have to complain of is that Canada has so framed her customs laws and her fishing laws as to subject our vessels to a series of seizures, confiscations, penalties, interruptions, and outrages. This malice she has deliberately enacted into law. Any of twenty officials, some of them of the pettiest order, may seize an American ship and cargo. The burden is put upon the owner of the vessel to show that these seizures were illegal. If the local judge shall certify there was probable cause for the seizure, we get no costs, and only 4 cents damages. This is the existing Canadian law, untouched, unrepealed, unaffected by this treaty.

Extracts from the Canadian statute respecting fishing by foreign vessels are given in the appendix to these remarks (M).

[It will be seen that by these laws any petty customs or naval officer or justice of the peace may seize an American ship and cargo, although that ship may be in the exercise of its rights and outside the 3-mile line; may take it to any port in Canada; may put it on trial wherever he please to detain it; may compel it to prove its innocence; shall be exempted from paying either damages or costs, if the court certify there was probable cause for seizure; may convict it or establish probable cause on the evidence of the Canadian sailors, who may receive three-fourths of the sum for which the ship and cargo are sold, if condemned; and that the suit by the owner can only be brought one month after notice left at the last and usual place of abode of the captor, which may be in Great Britain; and can not be brought at all more than three months after the seizure; so that there are only two months in all within which such suit may be brought, even if the owner die, or be sick, or insane, or be at a distance.]

You have full knowledge of these things. You have complained of them. You have declared that they were put by Canada on her statute-book to harass your fishermen and drive them to madness. You have denounced them as an outrage. And now, when you make your treaty, you put in it a few of the commonplaces of common right, and leave these outrages to continue. Worse than this. You declare that this treaty contains all that you can reasonably ask. You not only leave this Canadian legislation on her statute-book, but the President and his Secretary indorse it, and estop us, so far as they can, from ever complaining of it again. You have contented yourself with so much. As to the rest, you must forever after hold your peace. This is what you call conciliation.

Concillate? It jost means be klieked,  
No metter how they phrase an' tone it;  
It means that we're to set down lickered,  
Thet we're poor shotes an' glad to own it.