On the 30th October, 1886, a Committee of the Canadian Privy Council contended, and the Administrator of the Government in Council upheld the contention—

"That the Convention of 1818, while it grants to United States' fishermen the right of fishing in common with British subjects on the shores of the Magdalen Islands, does not confer upon them privileges of trading or of shipping men, and it was against possible acts of the latter kind, and not against fishing inshore, or seeking the rights of hospitality guaranteed under the Treaty, that Captain Vachem [McEachern] was warned by the Collector."

On the 24th November, 1886, a Committee of the Canadian Privy Council declared, and the Governor-General approved the declaration—

"The Minister of Marine and Fisheries, to whom said despatch was referred for early report, states that any foreign vessel, 'not manned nor equipped, nor in any way prepared for taking fish,' has full liberty of commercial intercourse in Canadian ports upon the same conditions as are applicable to regularly registered foreign merchant-vessels; nor is any restriction imposed upon any foreign vessels dealing in fish of any kind different from those imposed upon foreign merchant-vessels dealing in other commercial commodities.

"That the Regulations under which foreign vessels may trade at Canadian ports are contained in the Customs Laws of Canada (a copy of which is herewith), and which render it necessary, among other things, that upon arrival at any Canadian port a vessel must at once enter inward at the custom-house, and, upon the completion of her loading, clear outwards for her port of destination."

American Fishermen are not Outcasts.

The foregoing contention, set up not merely by the Canadian Privy Council, but by the Governor-General of the Dominion of Canada, sweeps into the meshes of Canadian legislation to enforce the 1st Article of the Treaty of 1818 every deep-sea fisherman, in his relation to Canadian ports, no matter on what sea or ocean, Atlantic or Pacific, he may have pursued, or may intend to pursue, his industry. That contention places all American deep-sea fishermen entitled to wear the flag of the Union at the masthead of their boats or vessels, be they little or big, under much the same ban in respect to the hospitality of Canadian ports as they would be if pirates, or slave-traders, or filibusters, or other enemies of the human race. "She was a fishing-vessel," says, on the 5th June, 1886, the Canadian Minister of Marine and Fisheries, and therefore "debarred by the Treaty of 1818 from entering Canada for the purposes of trade." "The two vessels which have been seized are, both of them, beyond all question fishing-vessels, and not traders," says the Governor-General of the Dominion of Canada to Lord Granville on the 7th June, 1886, "and therefore liable, subject to the finding of the Courts, to any penalties imposed by law for the enforcement of the Convention of 1818." "We cannot concur in Mr. Bayard's contention," said the Canadian Privy Council on the 14th June, 1886, that "to prevent the purchase of bait or any other supply needed for deep-sea fishing would be to expand the Convention to objects wholly beyond the purview, scope, and intent of the Treaty, and give to it an effect never contemplated." "American deep-sea fishermen cannot," said the Canadian Minister of Marine and Fisheries, on the 14th October, 1886, "obtain supplies for the prosecution of his fishing, and to tranship his cargoes of fish at a Canadian port," because both "are contrary to the letter and spirit of the Convention of 1818." "The Convention of 1818," said a Committee of the Canadian Privy Council, on the 30th October, 1886, "does not confer upon United States' fishermen 'priveleges of trading or of shipping men' in Canadian ports." And, finally, a Committee of the Canadian Privy Council declared, in effect, on the 24th November, 1886, that an American vessel manned, equipped, and prepared for taking fish has not the liberty of commercial intercourse in Canadian ports, such as are applicable to other regularly registered foreign merchant-vessels.

Such an interpretation of the present legal effect of the 1st Article of the Treaty of 1818 is, in the opinion of your Committee, so preposterous, in view of concerted laws of comity and good neighbourhood enacted by the two countries, that, had it not been formally put forward by the Dominion of Canada, would not deserve serious consideration by intelligent persons. If all the stipulations of 1818 restraining American fishermen are now in full force (which may well be doubted), your Committee concedes that American fishermen have no more liberty to take fish, or to dry, or cure fish in what has been described as portion (B), than a British fisherman has to take fish in the inner harbour of New York, and to dry or cure fish in the City Hall Park of that city. But the liberty of an American fisherman to take, dry, and cure fish in portion (A), in common with