

Canadian waters or to interfere with the inshore fisheries. If, however, the Canadian Government shuts out American vessels fishing in the deep seas who go into Canadian ports for the purpose of buying supplies, upon the sale of which many of their poor people live, let them do it. The United States say that there is no provision that American vessels shall not go there. They say there is, and that is the question upon which the two Governments have joined issue. "They shut American fishing-vessels out of their ports, and we shut their fish out of our markets."

The Senate Bill, he contended, by which the President was authorized to prohibit all Canadian vessels from coming into American ports and the importation of all Canadian-caught fish and all Canadian products, was sufficient, and went far enough. He advocated therefore the adoption of the Senate Bill.

*Mr. Davis* maintained that the claim now, for the first time, made, that American fishing-vessels are by the terms of the Treaty of 1818 prohibited from commercial intercourse with British North America, is unfounded. If, he said, Great Britain is determined to sustain the Canadian authorities in a policy of commercial non-intercourse with a class of American vessels engaged in a legal and laudable occupation wholly without her jurisdiction, we must prove to her that such policy will be inconvenient and injurious to her interests. But the representations of the United States' Government have been wholly futile. No adequate reply has been vouchsafed, and it is now full time to vindicate by other steps our rights, interest, and honour. The character of the retaliatory legislation proposed was in harmony with international law and numerous precedents.

*Mr. Dingley* said that if the United States' Government was right in assuming that the legislative arrangement with Great Britain obliges the United States to extend commercial privileges to the fishing-vessels of Canada in return for similar privileges granted to American vessels by Canada, then it becomes necessary to arm the President with authority to withdraw such privileges from Canadian fishing-vessels when and so long as Canada declines to concede them to fishing-vessels of the United States.

*Mr. Hitt* attacked the Secretary of State for his subserviency to the British Government in the matter of the temporary arrangement, which, he said, would have been a repetition of the Halifax Commission. Retaliatory measures had become necessary, but he strongly objected to the clause in the Bill providing for stopping locomotives and cars from coming from Canada, which, he said, had a hidden purpose, namely, to defy a Treaty and violate national faith. Under the XXIXth Article of the Treaty of 1871 with Great Britain, goods in transit have a right to go either way through the United States to Canada from American seaports, or through Canada to the United States from Canadian seaports, or the reverse.

Goods in transit are therefore allowed to go through by the Treaty, and the only way it can be done away with is to give two years' notice for its termination. One party to it cannot be held to grant the privilege or right when the other denies it. It expires when violated. But it is intended to reach it by this clause, which adroitly includes cars and locomotives among the things that may be stopped, though they are loaded with goods in transit under Treaty through the United States. The goods may go, but the cars which carry them must not.

"Now," said *Mr. Hitt*, "if such a proposition as that were presented by some crafty savage Chief in making a Treaty he would be laughed at, and yet it is deliberately proposed to the American Congress in order to evade and set at naught, not to violate squarely, a Treaty which is admitted to be in force."

He then proceeded to point out the inconvenience and delay which would be caused by adopting this clause which the Senate had almost unanimously rejected in their Bill, and would probably reject again when sent up to them by the House. A Conference must then ensue, the outcome of which was doubtful.

No. 60.

*Sir L. West to the Marquis of Salisbury.*—(Received March 10.)

(Extract.)

*Washington, February 25, 1887.*

I HAVE the honour to inclose to your Lordship herewith copies of a Resolution submitted to the Senate yesterday against negotiations with Great Britain having for object any change in existing duties on imports.