

£100 on the person in command if he should not truly answer questions put to him. These statutes also placed the burden of proof on the person disputing the validity of a seizure.

Year after year the fishermen of the United States maintained a system of encroachment and of trespass by fishing within three miles of the coast, and by entering, without due justification, the bays and harbors of the Provinces. Marine police cruisers were kept up by the Provincial Governments and the Imperial ships of war aided these in seizing from time to time the vessels which were so found trespassing. Condemnations of these took place under the Imperial and Colonial Statutes just cited.

In some cases these seizures were made for violations of the Customs laws. They were, nevertheless, in nearly every case, seizures practically for violations of the Convention of 1818 and of the Fishery laws.

The vessels seized were United States fishing vessels; the Customs officers along the line of coast of the different Provinces were in reality the fisheries police of British North America. The vessels, in most instances, frequented the harbors, ports and bays of Nova Scotia and New Brunswick, for purposes other than the four allowed by the Convention of 1818, viz., the purchase of wood and the obtaining of water and for shelter and repairs. The enforcement of the Customs regulations was for the avowed purpose of denying to such vessels all rights of access, excepting those which related to the right of asylum as recognized and preserved in express words by the Treaty of 1818.

The following is a list of the offences for which condemnation of United States fishing vessels took place:—

- (a) Violation of Customs laws;
- (b.) Fishing within the forbidden limits;
- (c.) Anchoring or hovering inshore without necessity;
- (d.) Lying at anchor inside bays, &c., to clean and pack fish;
- (e.) Entering the forbidden limits to buy bait;
- (f.) Preparing to fish within the prescribed limits;
- (g.) Purchasing supplies;
- (h.) Landing and transshipping cargoes of fish.

For upwards of twenty years this course of proceeding was carried on, with hardly any complaint from the Government of the United States against the British construction of the Treaty as to the headland question, or as to the right to purchase bait and supplies or to tranship cargoes. Any complaints which were transmitted were based on controversies as to the facts on which the seizures were made. The complaints indeed at that period were more frequent on the part of the British authorities. In January, 1836, the President directed the Secretary of the Treasury "to instruct the collectors to inform the masters, owners and others engaged in the fisheries that complaints had been made, and to enjoin upon those persons a strict observance of the limits assigned for taking, drying and curing fish by American fishermen under the Convention of 1818."