

fishermen without doing the least damage to the United States."

He also testified before the committee of foreign relations as follows:

Q.—Taking the cod-fishery, then, what your opinion is the value to the American fishing interest of the right to get bait from the British shores? A.—Nothing whatever."

Q.—You would not care anything about A.—No, sir."

Q.—In your halibut fishery you carry ice out from here always, do you not?—Yes, sir."

Q.—And stand right straight off for the halibut fishing ground? A.—Yes, sir. We are 25 to 40 tons to a vessel."

Q.—Taking the cod-fishery, the mackerel fishery and the whole thing together, how far do you regard as of any practical value to American fishing interests the right to go ashore or inside the three-mile limit, to get for shelter and for fresh water? A.—I should not think it was of any value whatever."

Mr. O. B. Whitten of Portland, vice president of the Fishery Union, said November last in a local paper, that Canada has nothing to give us to offset free trade, "no privileges, bait or fish."

He also testified before the committee of foreign relations as follows:

Q.—In fishing in Canadian waters for halibut—do I not mean in waters within your jurisdiction, but off their coast on the banks—what necessity is there for our fishermen to go into their ports for bait? A.—Any whatever."

Q.—Is there any necessity of going into the ports of Canada to get fresh bait? A.—It is not necessary; they can get it here and take it with them. There are thousands and thousands of barrels caught no other than Wood Island."

Q.—Do you consider valuable the privilege of going into Canadian ports to buy bait? A.—I do not consider it of any value whatever."

Q.—Then so far as the Canadian ports are concerned, other than for purposes of shelter, wood and repairs of damages, it would be better for the fishermen of Maine they were not permitted to go in at all?—I think so."

Mr. Charles A. Dyer of Portland, than no gentleman is more experienced, testified before the same committee as follows:

Q.—From your experience in the fishing line do you think that our fishermen in Maine on the Banks off the Canadian coast, the Grand Banks and others, have any necessity for going into port to buy bait? A.—I should think not."

Q.—In your opinion, what is the privilege of buying bait in Canadian ports worth to the Maine fishermen? A.—Not a cent."

Q.—Whether or not you concur with Mr. Whitten that, as a rule, the voyages would be more successful if they did not go into Canadian ports at all for any bait? A.—I think they would."

Q.—Is there anything that you know of that is desirable for our fishermen that Canada can give us? A.—Nothing."

Republican Lawyers at Halifax Put Us Out of Court.

and in the formal answer of the United States filed before the Halifax Commission, as said:

The various incidental and reciprocal advantages of the treaty of 1871 such as privileges of traffic, purchasing bait and for supplies, are not the subject of contention; because the treaty of Washington confers no such rights on the inhabitants of the United States, who now enjoy them merely by sufferance, and who can at any time be deprived of them by the enactment of existing laws or the reenactment of former oppressive laws. * * * The treaty does not provide for possible compensation for such authority, and they are far important and valuable to the subjects of Her Majesty than to the United States."

Fishing Vessels Do Not Need to Fit in Canada.

Notwithstanding the constant misrepres-

fishermen of New England are to be protected; yet the matter of freely slipping men in Nova Scotia is not in the interests of fishermen, but of the owners of fishing vessels. No one ought to object to justly aiding the latter, and on the other hand all ought to be willing to encourage them by all reasonable methods. Neither should any one oppose the free ingress to the United States of the residents of the Maritime Provinces, who in their own homes are a kind-hearted and honest people; but it is a strange thing to ask in the pretended interests of our fishermen, the exercise of the power of our government in forcing a policy whose sole object is to bring them in direct and easy competition with the cheaper paid Nova Scotians.

Right of Transhipment in Bond Abandoned by Republican Lawyers at Halifax.

Only one thing remains to be considered, and that is the matter of transhipment of fish in bond.

It cannot be doubted that the privilege is one of value; but it cannot be demanded as a right. It is not one recognized by the ordinary comity of nations, and, as already said, it never has been asserted except when granted by express treaty provisions. These propositions are too clear to need argumentation.

Therefore its only alleged basis would be the twenty-ninth article of the treaty of A. D. 1871. Apparently in the view of the commissioners the article did not sustain that construction; and in the argument of Hon. Richard H. Dana, counsel of the United States at Halifax in A. D. 1877, at a time when the matter came fairly in issue, he asked the question: "Does the treaty of 1871 give the United States the right to buy bait, ice, provisions, supplies for vessels and to tranship cargoes within the British Dominion?" He himself answered: "I say the treaty of Washington has not given us these rights."

Had Congress approved the commission recommended by the President before the beginning of these troubles, the concessions thus indicated could perhaps have been formulated, and with the consent of Congress, in some way made good otherwise than at the cost of our fishermen. That they are not now obtained, is the work of those who opposed that commission, and in no way the fault of the present negotiators. These had no proper jurisdiction over matters calling for barter, and no just power under present circumstances to bind Congress to pay for such concessions either in money, by reduction of duties, or in any other manner.

Nothing Paid by Us For What This Treaty Secures.

What has been acquired by this treaty, and this examination of its provisions must show that very much has thus been acquired, has been obtained without any consideration whatever moving from the United States, beyond the arguments persistently put forward that Canada must ultimately be an enormous loser by continuing the unfriendly course which she had heretofore marked out.

The Treaty Secures Everything Senator Frye Demanded Before It Was Made.

At this point we are in a position to review the progress marked by the treaty; 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 1871, viz., for shelter, wood, water and repairs; that

fresh fish. This, if just, and if the time has now come to reverse the action of the Republican Congress and Republican President in A. D. 1870, when the duties on fish were fixed as they stand to-day, is a matter for the Legislative and not for the treaty-making power.

We invoke the most careful examination of every word contained in this statement, which was apparently prepared with care, and we challenge the pointing out of a single mischief stated therein as of consequence which this treaty does not entirely dispose of.

Relief from Oppressive Legal Proceedings and from Forfeiture Except for Illegal Fishing.

The fourteenth article must prove very beneficial. Of our vessels heretofore seized for unlawful fishing, by far the greater numbers have been condemned, and in some cases the owners found it more expensive to defend than to permit them to be sold, purchasing them back at the sales. The proceedings have been in the vice-admiralty courts, where they are unusually expensive; and this is now remedied. The mere matter of relief from giving bonds for costs is of real importance; because, although on this point there has been no discrimination against fishing vessels and the practice in the Canadian courts has been somewhat as in our own, yet before bonds can be given, so that the cases may be brought to trial, skippers and sharmen are scattered and the owners find it expensive and sometimes quite impossible to collect the proofs again.

This section provides that the penalty for unlawful fishing may extend to the forfeiture of the vessel and cargo aboard at the time of the offence, subject as in all other cases of penalties to revision by the Governor in council, thus giving the vessel the possibility of the benefit of all mitigating circumstances.

Since A. D. 1819 this forfeiture has been imposed, not only on vessels illegally fishing, but on vessels preparing to fish. It has also been claimed that vessels purchasing bait intended for deep sea fisheries were liable to forfeiture; and it was so decided in A. D. 1870, by the vice-admiralty court at Halifax, in the case of the "J. H. Nickerson." This vessel was alleged guilty of no offence except of purchasing bait with the view of fishing on the banks; and yet she was seized and condemned, the United States furnishing no assistance in her defence and obtaining no reparation for the owners.

The validity of that decision has been contested anew in the cases of the "Adams" and "Doughty," mainly at the expense of the United States.

In order that there might be no question with reference to future seizures, the Dominion Parliament in 1886 enacted a statute imposing the extreme penalty of forfeiture, not only on vessels purchasing bait, but on all entering the Dominion waters in cases not expressly authorized by treaty, thus imperiling our fishermen with the danger of forfeiture under innumerable circumstances. This law was severe, yet it was not more unjust in some respects than statutes passed in A. D. 1836, 1868 and 1870, the repeal and modification of none of which was ever secured by our government, and all of which have been permitted to stand as a continual threat to our fishermen and a constant peril to their property.

This article permits no enlargement 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