

within 3 marine miles of the shores. *This privilege, without being of much use to our fishermen, had been found very inconvenient to the British; and, in return, we have acquired an enlarged liberty, both of fishing and drying fish, within other parts of the British jurisdiction for ever.*"

His statement that the mackerel fishery was unknown in 1812 is probably too strong, but in the main his outline is correct.

It will be seen, from these passages, that Mr. Bayard was mistaken in his letter of the 10th May, 1886, to Sir Lionel West, in which he said: "*It is admitted that the deep-sea fishing was not under consideration in the negotiation of the Treaty of 1818, nor was affected thereby.*"

## Appendix (L).

[It was originally intended that a Statement embodying Mr. Bayard's notes should be put in for this Appendix, but this method having been abandoned by him, the following abstract of his speech is substituted.—W. M.]

MR. BAYARD, reading from notes, said that the United States believed that the substantial and main question was good neighbourhood, and that friendly relations should not be imperilled or impaired without sufficient cause. The locality which is the scene of disputed right is within British control, and consequently in their hands lies the main discretion. It is the mode of administering the law and the spirit of its administration that unquestionably is wholly within Canadian hands. Of these laws and their administration the United States have complained, and asked redress. Canada has pressed into the front for consideration a commercial arrangement, which is made a condition precedent, and is treated as an equivalent for a strict and oppressive administration and interpretation of the Treaty of 1818, and this dominates their negotiations. What is this "equivalent," described as a condition for the relaxation of the Canadian action and contention? For two seasons (1886-87) the fisheries have been prosecuted in accord with their insistence and without regard to our protests, and in the strictest and fullest sense their territories have not been allowed to be used by American fishermen as a base of deep-sea fishing—no bait, nor supplies, nor facilities of any kind permitted in their ports. Even sufficient food for home-bound vessels has been denied; heavy fines have been imposed, and severe losses by enforced delays and detentions have been caused. Two vessels have been in the meshes of the law since May 1886, and although supplied with the best professional assistance no decision has been reached in the cases, in which it is still insisted that the jurisdiction and laws were clear and unambiguous.

A single infraction of actual fishery rights within the 3-mile limit has been followed by summary condemnation and forfeiture, and no complaint has been made.

What is the unfavourable discrimination of the United States' laws which Canada insists prevents the fair competition of her fishermen in the United States' markets? One law, and one only: a Tariff duty on *cured* fish which is a little less than 20 per cent. *ad valorem*.

It must be observed that while the stringency of Canadian construction of the Treaty and commercial rights of our fishermen had increased in 1886 and 1887, on the other hand a growing relaxation and liberality of construction has marked the action of the United States' authorities, so that the amount of Canadian fish admitted free of duty to the markets of the United States considerably exceeds the amount of dutiable fish.

The effect of modern invention in France and everywhere now facilitates the keeping of fish fresh at little cost and for months. It is obvious that, with or without a change in the Tariff, the increase of fish kept fresh and a decrease of cured fish will progress.

That there is no discrimination against Canada in our Tariff Laws, and especially upon the item of fish, is proven by the fact that the United States' Tariff averages 47 $\frac{1}{2}$  per cent.; and that portion of Canadian fish which is not admitted free, being less than one-half, pays 19 $\frac{1}{2}$  per cent.

At the same time, *per contra*, Canada imposes a Tariff duty of about 14 per cent. *ad valorem* on American fish, and collected it in 1886.

						Dollars.
Dutiable Canadian fish paid at United States' custom-houses in 1886	..	..	..	..	..	191,540
United States' fish paid in Canada	..	..	..	..	..	56,262
Difference	..	..	..	..	..	135,278

In the same period Canada sent in free 1,065,416 dollars' worth of fish.

The area of exclusive mackerel fishery within the 3-mile belt is estimated by the best authorities to be 1 per cent. of the whole fishery-ground for mackerel.

Whenever the American Plenipotentiaries have urged that the same friendly treatment should be given to our fishermen when they go into Canadian ports which is given freely to Canadian fishermen in our ports, they present as a reason for withholding it the words of the Treaty connected with four specified purposes, "and for no other purpose whatever," and justify the refusal of all other possible communication. They assume, too, the right to make these four purposes, for which entry was secured by Treaty, subject to conditions, and to arrange these conditions without the consent or against the protest of the other Contracting Party. It is stated by Lord Lansdowne, and sustained by his Government, that for the American fishermen to find a convenience in these four purposes for carrying on their open-sea fisheries is such an "abuse" of the four privileges as would authorize the application of the restrictions which are mentioned, and was to be guarded against. That any indirect advantage to