

# "Wonderful Value"

PEOPLE EXCLAIM WHO KNOW

## Our Boys' Boots.



All sizes, from size 7, to fit small boy, to size 5, which is next size to men's, and prices range from

**\$1.30**

per pair up, according to size.

Look anywhere! Look where you will, comparison will prove that

### OUR SPECIAL BOYS' BOOTS

are better quality at LOWER PRICES than you can find elsewhere.

**S. MILLEY**

## The Fishery Question.

### Light From History on the Dispute--Important Letter From W. G. Gosling, Esq.

(Concluded.)

After peace was thus declared, the fisheries were prosecuted in accordance with the provisions of the treaty. United States fishermen flocked to the Labrador in ever increasing numbers, until in 1809 it was stated that 1,500 vessels visited that coast. They always pursued the same route, going through the Gut of Canso, round by Bay Chaleur to the Magdalen Islands and to Labrador. They nearly succeeded in crowding British fishermen off that coast, and numerous complaints were made of their aggressive conduct. On the Nova Scotia coast also they are continually complained of, but in regard to Newfoundland there is complete silence.

The fishery reports of English naval captains contain no reference to U. S. fishermen, nor do United States authorities claim any use of Newfoundland waters by their fishery vessels. Petitions from the merchants of Newfoundland in 1812, and from the Legislature of Nova Scotia in 1816, make no complaint in regard to any fishery carried on by U. S. fishermen in Newfoundland. A witness before a House of Commons Committee in 1817 stated that prior to 1812 U. S. vessels were always kept by English cruisers at a suitable distance off the coast of Newfoundland.

It is therefore indisputable the fact that U. S. fishermen recognized their restricted rights in regard to the coasts of Newfoundland. Chief Justice Rees, of Newfoundland, writing a few years after the Treaty of 1783, says "That revolution has made an alteration in the value and importance of Newfoundland, which seems to me never to have been sufficiently considered. It appears to me that since the peace of 1783, Newfoundland has been more completely her own; that it has been a more genuine British fishery and of more value to the Mother Country than it was ever before. There is no longer the competition and interloping trade of the New Englanders so much complained of heretofore by the merchants."

The war of 1812 terminated all fishery operations by U. S. fishermen in

finally culminated in the Convention of London, 1818. During the negotiations, 1816-1818, temporary liberty to fish in unoccupied British-American bays was granted to U. S. fishermen.

The experiences of past years are again evidenced in the Treaty. The Legislature of Nova Scotia had protested so loudly against the use of their coasts, which were becoming rapidly settled, that the English negotiators succeeded in freeing them, and a clause was inserted whereby the U. S. agreed to abstain from fishing within three miles of the coasts, bays, harbors and creeks of British America not otherwise specified. This clause was inserted at the instance of the U. S. negotiators who wished their agreement to abstain put on record as evidence of their contention that they had rights to be relinquished. They were particularly willing to forego any privileges on these coasts because, as was afterwards disclosed, evidence had been furnished to them to the effect that the important cod fisheries were at some distance from the coast.

In regard to the Labrador, remembering the enormous fishery carried on by them before the war, and the above mentioned evidence having also impressed upon them the fact that the fisheries were carried on close along shore on the Labrador, they sought and obtained full rights of taking and curing fish on the coasts, bays, harbors and creeks, from Mount Joli in the Gulf of St. Lawrence, through the Straits of Belle Isle, and thence northward indefinitely.

The restricted privileges in regard to the "coast" of Newfoundland were renewed, with the following changes: Instead of its being the British section as in 1783, it was now confined to the disputed French Shore, with the addition of that portion of the south coast from Ramea Islands to Cape Ray, and upon this latter section they were also given the privilege of entering unoccupied bays, harbors and creeks and landing to dry and cure fish. The American plenipotentiaries had been again furnished with a careful letter, of instruction containing a "sine qua non." During the negotiations this was revealed. They said they were forbidden "to assent to any article which did not secure to the inhabitants of the United States the liberty of taking and curing fish of every kind on the southern coast of Newfoundland, from Cape Ray to the Ramea Islands, and on the coasts, bays, harbors and creeks of Labrador." It will be seen that they had not asked for any rights on Newfoundland coasts except on a very small section, and the question may be asked, why the west coast of Newfoundland was thrown in as a make weight? No account of the negotiations furnishes us with any further evidence on the point, but the reason

is not altogether unimaginable. On the part of the U. S. any addition was acceptable, and it was not their business to look a gift horse in the mouth, and as their treaty of alliance with France had been abrogated they were under no obligation to consider them. From the English point of view, the French had already set up their claim to the sole right of fishery on the so-called French Shore, a claim which was not very strongly contested at that time, and as the coast therefore was of no particular value to them, they let the Americans have a share in it; then the Americans and the French could fight it out. It would certainly strengthen the British claim to grant rights there to the U. S., which argument was, in fact, used all through the long disputes with the French about the coast.

It is interesting to trace the negotiations in regard to that position of the coast from Ramea Islands to Cape Ray. During the preliminary negotiations in 1817, Mr. Bagot, England's representative at Washington, made a tentative offer of this section, which was refused by the U. S. because they said that they could not learn that the coast had ever been used by their vessels, or was likely ever to be of any value to them. During the final negotiations they, however, stipulated for it because, no doubt, of the previous offer. So far as I have been able to discover this grant has been of no value to the U. S. They have made little or no use of the right to fish on the open coasts; have not attempted to fish in the bays or creeks and have not dried their fish on the shores.

In past disputes about the Convention of 1818 an endeavour has been made to prove that the words do not mean what they say. For instance that the terms "coasts of Newfoundland," "shores of the Magdalen Islands," and "coasts, bays, harbors and creeks of Labrador," all mean exactly the same thing. That a bay is not a bay if it is over 6 miles wide at the mouth, and so on; that the framers of the Treaty did not know what they were talking about, and used words loosely and without consideration. There could be no greater mistake. The plenipotentiaries on both sides were some of the most able men of the day, and on the American side at least, they were furnished with abundance of evidence as to what was wanted. When they said coasts, they meant coasts, and when they stipulated for bays, harbors and creeks, it was their intention to get all the inshore waters as well. One general principle underlies both treaties—a principle which explains many of their peculiarities, and the overlooking of which has occasioned many of the disputes which have arisen.

They were purely codfish treaties. At that period no other fishery was prosecuted in distant waters. This position was put very clearly by Mr. Dwight Foster, Consul for the U. S. at Halifax in 1878. He said: "There was no mackerel fishery then (1818). This controversy (prior to 1818) was in reference to the ocean fisheries, to the codfishery and whale fishery." "We relinquished this right (to the inshore fisheries of Nova Scotia) because our fishing at that time was entirely a deep sea fishing." "The cod fisheries were all the parties had in mind in making the Treaty of 1818."

"We got all that was then thought useful in the times of codfishery." Precisely. And most of the disputes which have since occurred have been occasioned by the United States endeavouring to make this codfish treaty

## Evening Telegram Fashion Plates.

The Home Dressmaker should keep a Catalogue Scrap Book of our Pattern Cuts. These will be found very useful to refer to from time to time.

8718

### 8718 CHILD'S APRON and BLOOMERS.

The two practical little garments comprising this set, will prove invaluable during the summer season, when so much of the children's playtime is spent out of doors. They can be worn by either boys or girls and their simplicity and comfort will be appreciated by all mothers. Demin, gingham, and Holland are all suggested for the making.

The medium size will require 2½ yds. of 36 inch material for the apron, and 1¼ yds. for the bloomers. Sizes 3, 4, 5, 6, 7, 8, 9 years.

A pattern of this illustration mailed to any address on receipt of 10 cents in stamps or silver.

**PATTERN COUPON.**

Please send the above-mentioned pattern as per directions given below.

No. ....

Size .....

Name .....

Address in full:—

.....

.....

.....

N.B.—Be sure to cut out the illustration and send with the coupon, carefully filled out. The pattern cannot reach you in less than 15 days. Price 10 cents each, in cash, postal note, or stamps. Address: Telegram Pattern Department.

1818 will, I believe, explain many of the obscure or debatable points contained in them; but it is naturally impossible to enter upon a lengthy discussion in the restricted space of this article. I would like, however, to observe on the matter of jurisdiction raised by question 1 that the Americans as colonists never had any controlling or regulatory powers in British North America fisheries, nor even did the loyal colonists until long after the Treaty of 1783. It seems therefore absurd to suppose that England would have consented to convey any such powers in the liberty to fish granted to the U. S., or, in fact, that the U. S. would have dreamed of asking for such powers. The liberties granted to the U. S. were exactly similar in nature to the liberty granted by one gentleman to another to shoot on his estate.

I think it is clearly proven in the foregoing that—

- (1) Newfoundland was viewed by England very differently from the other colonies and was always carefully preserved.
- (2) The Treaty of 1818 was framed for the codfishery.
- (3) The plenipotentiaries of the United States knew exactly what they wanted.
- (4) The language used in the Treaty was most carefully chosen to give effect to the meaning of both parties.

When, therefore, liberties were accorded to "inhabitants of the United States" (question 2), Great Britain had as little intention of granting, as the United States had of securing, privileges for any other nation or people. By no species of sophistry can the fishermen of Bay of Islands be transmuted into "inhabitants of the United States."

When the United States bargained so carefully for privileges in the "bays, harbors and creeks" of Labrador but were satisfied with the "coasts" only of Newfoundland (question 6), they knew exactly what the different terms implied. They demanded and secured all they at that time thought would or could be of use

to them, which Great Britain would grant.

When they renounced their liberty to fish within three marine miles of certain other "coasts, bays, harbors and creeks" (question 5), they included, and were willing to include, every bay, whether 6 or 60 miles across the mouth. "So it is nominated in the bond," for the words used, when extended, are as follows: "Three marine miles of the coasts, three marine miles of the bays, three marine miles of the creeks, and three marine miles of the harbors." If the word "coasts" included all its indentations, as has been contended by the United States, there was no necessity to insert the words "bays, harbors and creeks."

Questions 3, 4 and 7 would seem to depend rather upon the comity of nations than upon language used in the Treaty.

In conclusion, it must be stated that each dispute has been occasioned by some new attempt on the part of the United States to exceed their treaty privileges. For instance, the question of bays (5) arose in 1839 when the U. S. fishing vessels essayed to fish for mackerel in the bays of Nova Scotia. The question of regulation (1) arose in 1878, when the U. S. fishermen attempted to take herring on a Sunday in Fortune Bay. That of the meaning of "coasts of Nfld." (6) and "inhabitants of the United States" (2) in 1905-6, when the U. S. fishermen wanted to seine herring at Bay of Islands and to ship as crews the fishermen of that locality.

It will be observed that these circumstances "were not dreamed of in the philosophy" of the framers of the codfish treaty.

The Convention of London, 1818, has long outlasted its usefulness.

W. G. GOSLING.

## BICYCLES

BICYCLE SUNDRIES  
DISC RECORDS BICYCLE MUNSON  
at Cut Prices 249 Yonge St. TORONTO  
Send for Cut Price Catalogue, aprils, 11.

### Here and There.

**CITY COUNCIL.**—The Municipal Council will meet this afternoon.

**CHOIR MEETING.**—A full attendance of St. Thomas's Choir is expected this evening at 8.15.

**AT WESLEY CHURCH.**—A lecture will be delivered next Sunday in Wesley Church by the request of the pastor, Rev. J. K. Curtis. All friends and supporters of the pastor's work will be welcome.

### "Blood Will Tell"

Strength, stamina and vitality depend upon the blood supply. Keep it pure, fresh and red with

## BEECHAM'S PILLS

Sold Everywhere. In Boxes 25 cents.

## HIGHEST QUALITIES At Lowest Prices.

### Fresh Eggs, 20c. dozen.

3 tes. Fidelity Hams.  
2 cases Fidelity Bacon.  
3 bris. Bologna Sausage.

Heinz's Tomato Soup—small.  
Heinz's Baked Beans.  
Heinz's Tomato Ketchup.

10 cases NECCO  
One Cent Candles.  
Full assortment now in.

Cleaned Sultana Raisins.  
Bananas.  
Cal. Oranges.  
Strawberries.  
Celery.  
Cucumbers.  
New Potatoes.

N. Y. CHICKEN.  
N. Y. CORNED BEEF.

Knighn's Family Mess Pork.  
Pork Loins.  
Pork Jowls.

**T. J. EDENS.**