

APPENDIX J.

SPEECHES OF COUNSEL BEFORE THE HALIFAX COMMISSION.

I.

At the 5th Conference held on the 31st of July, 1877, on the conclusion of the reading of the "Case of Her Majesty's Government;" the "Answer of the United States;" and the "Reply of Her Majesty's Government;"

Mr. THOMSON said:—

This, Your Excellency, and Your Honors, is the "Case of Great Britain;" the "answer of the United States" to this Case, and the reply. The issues are plain, and are not, I apprehend, to be misunderstood. I think I may not be presumptuous in saying on the part of Her Majesty's Government, that we feel these issues are trusted for adjudication and decision to able and impartial hands; and if it shall happen, as I hope it may, that the result of your deliberations in this case may be the basis upon which future and more lasting negotiations may be entered into, and so a source of continued national and local irritation be entirely removed, then I think I may fairly say to your Excellency and Your Honors that you will, have acquired no unenviable and no unimportant place in the history of your times; and I am quite satisfied that you will have earned by your labors the lasting gratitude of two great peoples.

II.

At the 25th Conference held on the 28th day of August, 1877, Mr. TRESCOT, on behalf of the Government of the United States, made the following application:—

Mr. President and Gentlemen of the Commission:

As the time is now approaching when the evidence in support of the British case will be closed and we will be requested to open the testimony in behalf of the United States, we would ask leave to make a slight change in the order of our proceeding as it has been at present arranged.

According to the present arrangement, it will be our duty to open our case in advance of the testimony by laying before you the general scheme of our argument and indicating the points upon which evidence will be submitted in its support.

The character of the testimony which has been now submitted in support of the British Case, and the tenor of that which we will offer (as may be inferred from the evidence of the two witnesses whom we were allowed to examine out of order) have impressed us with the conviction that a practical discussion of the real issues will be more certainly secured, and the time and patience of the Commission will be more wisely economized, if we are allowed to submit such views as it may be our duty to maintain at the close instead of in advance of the examination of witnesses.

As we understand the wish of both Governments to be that the whole discussion should be as frank and full as possible, it has occurred to us that you might be disposed to allow us to adopt such an arrangement as would in our judgment best enable us to lay before you a complete presentment of the opinions of the Government we represent. And we feel more assured in that opinion as this privilege deprives counsel on the other side of no advantage which they now possess. For, beside the right to reply to the printed argument which they now have, we would of course expect that they would also be allowed the right of oral reply, if they desired to exercise it.

An opening speech is not necessary, as the counsel on the other side have shown, but it would be obviously improper to submit this case without a careful review of the testimony which will have been offered on both sides; and this can be done with much more convenience and thoroughness by an oral speech than by a written argument. To say all that it may be our duty to say in a printed argument would be impossible, without swelling it into a volume of unreadable proportions.

It is our purpose to make the printed argument a complete but concise summary of the contention, a clear statement of the principles involved and the authorities referred to, accompanied by an analysis of the leading facts of the testimony. This we can do, so as to make it an efficient help to you in your own examinations of the case, if we are not compelled to overload it with all the discussion which the evidence and the case itself suggest, but which we could sufficiently dispose of in oral argument.

We would therefore request permission so to distribute the argument on our side as to have the opportunity of submitting our views orally, upon full comparison of all the testimony taken. It is no small inducement to make this request that we believe that upon the close of the testimony we will be able to dispense with much argument which we can scarcely avoid in the present imperfect condition of the testimony.

Respectfully.

(Signed)

RICHARD H. DANA,
WM. HENRY TRESCOT,

Counsel for United States.