Inclosure 2 in No. 59.

Précis of Debate on the Canadian Non-Intercourse Bill.

Mr. Belmont, Chairman of the Committee on Foreign Relations, said that the Fishery question demanded the serious consideration of the country. It was not a mere commercial question, but one involving a submission to repeated violations of a Treaty. The Treaty of 1783 declared independence, defined boundaries, and was permanent in its provisions. It conferred also certain rights to deep-sea fisheries and liberties to inshore fisheries, and this distinction between rights to deep-sea fisheries and liberties to inshore fisheries had been maintained in all negotiations. The war of 1812 did not disturb these rights, nor were the fisheries mentioned in any of the Articles of the Treaty of Ghent in 1814. The fishery disputes, however, arising out of the system of non-commercial intercourse existing at that time, led to the Treaty of 1818.

Following upon the Treaty of 1818 were certain concerted legislative enactments, which finally put an end to the non-commercial intercourse. But, in the meanwhile, recourse had been had to retaliatory measures, and in 1827 Mr. Adams issued a Proclamation, which was applicable under present circumstances, declaring trade with the British Colonies prohibited, and reviving the restrictions of the Acts of 1818 and the following years. This was in consequence of American vessels having been interdicted from entering British colonial ports in 1826. Under the succeeding Administration, negotiations ensued by which the restrictions on both sides were withdrawn. There is, therefore, a precedent for interdiction of colonial commerce, not as a war measure, but as an incident to a negotiation by which a relief from prior restrictions was obtained.

There is no desire or intention of entering the prohibited waters as defined in the Treaty of 1818, but it is asked that that Treaty be interpreted according to its provisions, which refer only to inshore fisheries. The purpose of the Canadian Government is to strain the Treaty of 1818 to cover deep-sea fishing, and virtually to make the deep-sea fisheries territorial waters of Great Britain covered by the restrictions of the Treaty of 1818 upon inshore fisheries. This purpose is apparent from their legislative enactments of 1844, 1868, 1870, and, finally, the Act against the Proclamation of which by the Queen the United States protested in London. He then quotes Mr. Bayard's note of the 29th May, 1886, to Sir L. West, notwithstanding which the Act was proclaimed.

He then proceeds to enumerate the vessels which have been driven from Canadian ports in storm and stress of weather, and those which have been refused the privilege of landing to buy provisions, and says that, after the adjournment of Congress, the Canadian Statute may be still more vigorously enforced, and that, for this reason, power of defensive retaliation must be conferred upon the President. He objects to the Senate Bill, which provides that the President shall issue his Proclamation in case he is satisfied that American vessels are denied the rights granted to most favoured nations.

But he went on to say the United States have no Treaty with Great Britain containing any favoured nation clause, nor were the United States prepared to put themselves upon the same footing as any other nation, since under the Treaty of Peace they had certain rights to deep-sea fisheries, rights acquired by joint conquest, rights which no other nation, excepting Great Britain and themselves, possessed. The power conferred on the President should be conferred in distinct terms as regards the transit trade and its interdiction, because Canada, under Article XXIX of the Treaty of 1871, claims the right to send merchandize through the territory of the United States in sealed cars during the winter, when her own ports are closed. The Bill under discussion provided for the stoppage of railway cars, and how necessary this might be is seen from a passage in an article from the "Quarterly Review," to the effect that commerce fortunately can, by sealed cars and bonding arrangements, afford to disregard political boundaries. He therefore advocated the substitute Bill under consideration.

In answer to a question as to the meaning of the words, "vessels owned wholly or in part by a subject of Her Britannic Majesty," Mr. Belmont said that, if vessels under the British flag were simply shut out, it would not be sufficient, as there might be a transfer of ownership, and that American citizens might perhaps come to some arrangement for their own interests with their Canadian neighbours, and that, for this reason, the words, "wholly or in part," had been inserted in the Bill.

Mr. Rice contended, as was argued by Mr. Phelps, that American fishing-vessels sailing from American ports for deep-sea fishing had an unquestionable right, if provided with proper permits, to touch at Canadian ports for trading purposes, or to procure bait or other supplies like other vessels. The New England fishermen did not want to go into