

them from purchasing bait, supplies, ice, &c.; to prevent them from transshipping their fish in bond, under color of the provisions of the convention of 1818, is an assumption and a construction of that instrument which was never acquiesced in by the United States; and is carrying out in practice provisions which were proposed to the United States commissioners by the British commissioners, in 1818, and were rejected by the former.

IV. That the mackerel fishery, out of which the trouble mostly comes, is a matter that has come into existence since the negotiation of the treaty, and it is a subject for consideration whether the terms of the convention are fairly applicable to it.

8. REMEDIES.

It is suggested that this class of questions may be adjusted, either,

I. By agreeing upon the terms upon which the whole of the reserved fishing grounds may be thrown open to American fishermen, which might be accompanied with a repeal of the obnoxious laws, and the abrogation of the disputed reservation as to ports, harbors, &c., &c.; or, failing that,

II. By agreeing upon the construction of the disputed renunciation; upon the principles upon which a line should be run by a joint commission to exhibit the territory from which the American fishermen are to be excluded; and by repealing the obnoxious laws, and agreeing upon the measures to be taken for enforcing the colonial rights, the penalties to be inflicted for a forfeiture of the same, and a mixed tribunal to enforce the same. It may also be well to consider whether it should be further agreed that the fish taken in the waters open to both nations shall be admitted free of duty into the United States and the British North American Colonies.

In addition to the authorities hereinbefore cited, there is in the archives of the Department of State a copious and well-arranged memoir upon the subject of the fisheries, by Richard D. Cutts, esq., of the Coast Survey, which will be placed at the disposal of the commissioners.