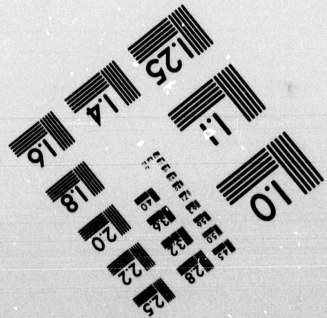
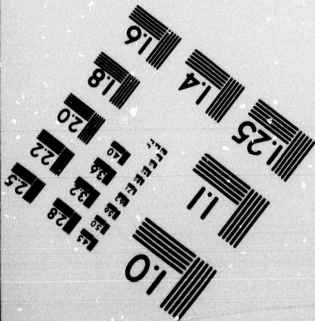
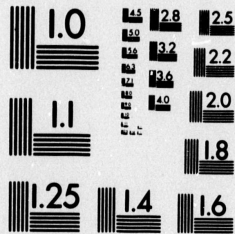


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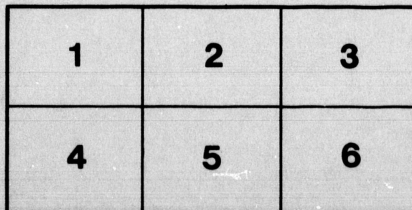
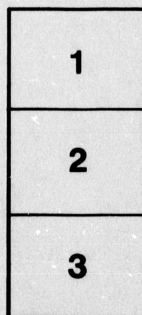
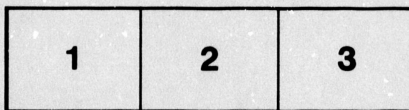
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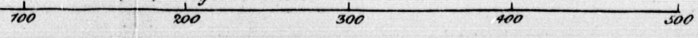
A MAP OF THE BRITISH-AMERICA



BRITISH-AMERICAN FISHING GROUNDS.



Scale of English Miles.



Johnston's Geographical Establishment, 74, Strand, London.

The

QUES

TH

The Anglo-American

Association

REPORT

ON THE

QUESTIONS BETWEEN GREAT BRITAIN
AND THE UNITED STATES

WITH RESPECT TO

THE NORTH AMERICAN FISHERIES.

MACMILLAN,
LONDON AND CAMBRIDGE.

1871.

[ALL RIGHTS RESERVED.]

1871

(62)

At a Meeting of the Anglo-American Association, held on the 7th of December, 1870, it was resolved, that Lord Edmond Fitzmaurice, M.P., Sheldon Amos, Esq., Professor of Jurisprudence in University College, London, W. A. Hunter, Esq., Professor of Roman Law in the same college, and A. C. Humphreys, Esq., of Lincoln's Inn, Barrister-at-Law, be appointed a Sub-Committee to prepare a Report on the Fisheries Question.

THE FISHERIES QUESTION.

REPORT

OF THE SUB-COMMITTEE.

THE Sub-Committee appointed in pursuance of the foregoing resolution, have the honour to report as follows:—

Your Sub-Committee have been unable to ascertain with exactness the extent of the interest of the British Provinces in the fisheries in the waters adjacent to their coasts. It is, however, stated in a paper laid before the Legislature of Nova Scotia (*Journals of House of Assembly, 1867, App. No. 18*), that a capital of from \$4,000,000 to \$5,000,000 is invested in those fisheries, and that they give employment to about 20,000 sailors. It is further stated by the same authority, that the mackerel and herring fisheries are almost wholly within the three-mile limit, and that the bait fishing is entirely in shore.

With respect to the extent to which fishing on the same coasts is carried on by the Americans, it is stated in a paper of the Canadian Legislature, entitled, "Return of Licences granted to American Fishermen, Ottawa, 1869," that "throughout the year 1866 about 800 American vessels have prosecuted fishing in various places around the sea-coasts, and in the Gulf and River St. Lawrence, many of them making two or more voyages."

The interests involved in the fisheries being thus of great value, it is necessary to consider in what manner the rights of British and American fishermen are regulated. Your Sub-Committee

have distributed the subject under four heads:—(1) The general principles of International Law respecting marine fishery; (2) the special conventions between Great Britain and the United States affecting the fisheries on the coasts of Canada, Newfoundland, &c.; (3) the home and colonial legislation upon the fishery question; and (4) the steps taken by Great Britain and Canada after the abrogation of the Reciprocity Treaty.

I. As to the general principles of International Law applicable to marine fishing.

Marine fishing may take place (A) in the open sea; (B) in more or less enclosed parts of the sea, as bays, harbours, and creeks; or (C) in straits or sounds.

A. It is now not disputed that the right of fishing in the open seas is free to all the world. It is equally certain that within the territorial waters adjacent to the coasts of any State, the right of fishing belongs, in the absence of any treaty stipulations, absolutely and exclusively to the subjects of that State. It is, in fact, a proprietary right, consequent on territorial possession. Though there has been some dispute as to the extent properly assigned to such territorial waters, it has never been disputed that the waters within three marine miles of the actual coast are clearly within such limits, and that within such limits the right of fishing is exclusive.

The law on this point is thus stated by Heffter and Wheaton:—

“Maritime States possess the indisputable right, both in regard of the defence of their respective territories, as also for the protection of their revenue and commercial interests, to establish an active supervision upon their coast and its neighbourhood, and to adopt all necessary measures to close the access to their territories against those whom they do not choose to receive there, or who do not conform to the regulations which they have established. This is a natural consequence of the general principle, ‘*Ut quod quisque propter defensionem sui fecerit jure fecisse videatur.*’ Every nation, therefore, is at liberty to exercise supervision and power of police on its own coasts, according to its own pleasure, unless it be limited by treaty obligations. It may,

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according to the special circumstances of the coasts and the waters, fix the convenient distance. A common usage has established the range of cannon-shot as the limit which it is not permitted to cross, except in special instances—a line of limitation which has not only obtained the sanction of Grotius, Bynkershoek, Galiani, and Klüber, but which has also been consecrated by the laws and regulations of many nations. . . . Formerly this limit was reckoned at two leagues; at present it is taken at three marine miles. This is the rule established by the Anglo-American treaty of October 28, 1818, and the Anglo-French treaty of August 2, 1839. Every vessel which crosses the marine boundaries of a nation must confine itself to the regulations there established, whether it enters voluntarily or under stress of weather. To that end, States bordering on the sea coast enjoy certain undisputed rights:—

“(1) The right to demand explanations as to the object of the voyage of the vessel. If an answer is refused, or if it should appear to be incorrect, the authorities on the spot may, by direct methods, take cognizance of the true object of the voyage, and, in case of urgency, take such provisional measures as the circumstances may demand.

“(2) The right to prevent breach of the peace within their territorial waters.

“(3) To make regulations relative to the use of the waters which bathe their coast; as, for instance, the right to regulate the different sorts of fishery.

“(4) The right to impose an embargo, and to establish cruisers, to prevent contraband traffic.

“(5) The right of jurisdiction.

“The simple passage of a foreign vessel on the territorial waters of a State does not authorize such State to impose tolls, except those which concern the use of establishments for the purpose of navigation or fisheries. No other rights than those here indicated can arise, except from the voluntary concessions of States.” (*Hefter, Droit International Public*, § 75.)

“The maritime territory of every State extends to the ports, harbours, bays, mouths of rivers, and adjacent parts of the sea enclosed by headlands belonging to the same State. The general

usage of nations superadds to this extent of territorial jurisdiction a distance of a marine league, or as far as a cannon-shot will reach from the shore along the coasts of the State. Within these limits its right of property and territorial jurisdiction are absolute, and exclude those of every other nation." (*Wheaton*, part ii. § 177.)

"The right of fishing in the waters adjacent to the coasts of any nation within its territorial limits belongs exclusively to the subjects of the State." (*Ibid.* § 180.)

Fishing in bays
and harbours.

B. As to rights to marine fishing in bays, harbours, creeks, &c.

In the case of bays, harbours, and creeks, strictly so named, it is a recognized custom to take the line joining the extreme parts of the bay, creek, or harbour, instead of the coast-line, and to measure from that the line from which the distance of a marine league or the length of a cannon-shot is to be measured.

On this point *Wheaton* writes :—

"The exclusive territorial jurisdiction of the British Crown over the enclosed parts of the sea along the coasts of the island of Great Britain has immemorially extended to those bays called King's Chambers; that is, portions of the sea cut off by lines drawn from one promontory to another. A similar jurisdiction is asserted by the United States over the Delaware Bay, and other bays and estuaries forming portions of their territory. . . . So also the British Hovering Act (9 Geo. II. c. 35) assumes, for certain revenue purposes, a jurisdiction of four leagues from the coast, by prohibiting foreign goods to be transhipped within that distance without payment of duties. A similar provision is contained in the revenue laws of the United States; Act, 2nd March, 1797, § 27; and both these provisions have been declared by judicial authority in each country to be consistent with the law and usage of nations." (*Kent's Com.*, vol. i. p. 31, and *Church v. Hubbard*, 2 Cranch, p. 187.)

Definition
of "bay."

The difficulty of this rule is contained in defining what is a "bay," inasmuch as that word is used equally for small indentations of the shore and large portions of the sea, as the Bay of Biscay, Bay of Fundy, Hudson's Bay, &c. Attempts have been made in special conventions or treaties to give definiteness to the conception of a "bay." Thus in the treaty between Great

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Britain and France, in 1839, the 9th Article ran: "It being understood that the distance of three miles, limiting the exclusive right of fishing upon the coast of the two countries, should be measured in respect to bays of which the opening should not exceed ten miles by a straight line drawn from one cape to the other." Reference may also be made to the Convention between the same nations of 1868, quoted in the Appendix.

The meaning of the terms "coasts, bays, harbours, and creeks," in the Convention of 1818, between Great Britain and the United States, was definitely fixed as regards the Bay of Fundy by a mixed Commission in 1853. The Commission differing, the cause was left to the decision of the umpire, Mr. Joshua Bates. He decided that as the Bay of Fundy is from sixty to seventy-five miles wide and from one hundred and thirty to one hundred and forty miles long, with several bays on its coasts known and named as bays, and has one of its headlands in the United States, which all vessels must pass bound to Passamaquoddy Bay, and one large island belonging to the United States, Little Menan, lying on the line between the headlands, the Bay of Fundy cannot be considered as an exclusively British bay within the meaning of the treaties regulating the fisheries, nor could the "Coast of Great Britain" under the treaties be measured from its headlands, and he intimated an opinion that no indentation could be considered a "bay," the opening of which exceeded ten miles from headland to headland. The case adjudicated upon arose out of the seizure of the American fishing schooner "Washington," while fishing in the Bay of Fundy, ten miles from the shore. Mr. Bates' judgment is very special in its character, but it serves to exhibit and illustrate the rational principles of International Law on which the interpretation of such words as bays, &c., would proceed. Vattel, writing on this same subject says, "I speak of bays and straits of *small* extent, and not of those great tracts of sea to which these names are sometimes given, as Hudson's Bay and the Straits of Magellan, over which the empire cannot extend and still less a right of property."

Case of Bay of Fundy.

It was at one time argued that a limit of six miles opening between the headlands should be imposed, but against such a limitation Mr. Seward is stated by the English Commissioner in

the case of the "Washington," to have argued, in 1852, as follows: "This argument seems to me to prove too much. I think it would divest the United States of the harbour of Boston, all the land around which belongs to Massachusetts, or the United States, while the mouth of the bay is six miles wide. It would surrender our dominion over Long Island Sound—a dominion which, I think, the State of New York and the United States would not willingly give up. It would surrender Delaware Bay; it would surrender, I think, Albemarle Sound and the Chesapeake Bay; and I believe it would surrender the Bay of Monterey, and perhaps the Bay of San Francisco."

The doctrine of maritime jurisdiction over "bays" in regard to their coven waters, has always been strongly insisted upon by the United States, and the British Commissioner in the case already mentioned says, that in 1830 that Government rejected the application made on behalf of the British fishermen of the Bahamas, to fish within certain bays of the Floridas, on the ground that the fisheries within those bays were exclusively the property of the citizens of Florida, and that the committee appointed to inquire into the matter, after giving several extracts from the treatises on the Law of Nations, by Vattel and Martens, conclude by saying that "some writers have formerly contended that the right could not appertain if the fisheries were inexhaustible, and that a necessity must exist of this exclusive appropriation. This doctrine, however is long since exploded, and the right recognized, as founded on the broad and arbitrary principle that every nation has a right to such exclusive appropriation for the extension of its commerce, and even for convenience merely."

From what has been said we may safely conclude that a bay, for the purpose of the question under consideration, may be taken to have been established by modern usage to mean an indentation of the shore of which both headlands are within the territory of the same State, and are at a distance from one another of not more than ten miles; and that in such case the whole bay within the headlands, and the waters within three miles of a line joining the headlands, form part of the territory of such State, and the fishing within such waters is by consequence in the exclusive possession of its subjects.

In conclusion, reference may be made to the clauses printed in the Appendix of the Fishery Convention of 1868 between Great Britain and France.

C. Rights of Marine Fishing in straits or sounds.

The principles of international law respecting the uses of straits are thus stated by Heffter, Wheaton, and Hautefeuille:—

“Il va sans dire que les détroits entre deux portions de la mer qui servent à la communication entre ces dernières doivent être réputés libres et communs à l’usage de toutes les nations, lorsqu’on peut les passer hors de la portée des canons des pays adjacents, comme par exemple le détroit de Gibraltar. En cas contraire, le détroit sera soumis à la souveraineté de ces Etats riverains ou de l’un d’eux. Néanmoins on est d’accord qu’aucun peuple ne peut interdire aux autres l’usage innocent de ces voies de communication.” (*Heffter, Droit International Public*, § 76, Bergson’s Ed.)

“Straits are passages communicating from one sea to another. If the navigation of the two seas thus connected is free, the navigation of the channel by which they are connected ought also to be free. Even if such strait be bounded on both sides by the territory of the same sovereign, and is at the same time so narrow as to be commanded by cannon-shot from both shores, the exclusive territorial jurisdiction of that sovereign over such strait is controlled by the right of other nations to communicate with the seas thus connected.” (*Wheaton, Elem. Int. Law*, Dana’s Ed. p. 262.)

“Il faut bien remarquer que pour la pêche et pour tous les autres droits, notamment le droit d’asile, le détroit doit être considéré comme soumis à la juridiction du souverain des deux rives; le passage seul est libre sans aucune exception.” (*Hautefeuille, Droits et Devoirs des Nations Neutres en Temps de Guerre Maritime*, vol. i. p. 97.)

It will appear, therefore, that in respect of straits of which both shores are in possession of the same State, and are not more than six miles in width, the territorial possession and jurisdiction of the riparian State is, with the exception of the right of passage, exclusive.

The only strait in the British North American territory about which any question is likely to arise is the Gut of Canso, which separates Cape Breton from the mainland. This strait is about twenty miles long, and has an average breadth of two and a half miles.

In 1841 the Attorney-General and the Queen's Advocate, in answer to certain questions put to them by the Nova Scotian Government, gave an opinion in which, amongst other things, they stated that, having considered the course of navigation to the Gulf of St. Lawrence by Cape Breton, and likewise the capacity and situation of the passage of Canso, and of the British possessions on each side, they were of opinion that, independently of treaty, no foreign country had the right to use or navigate the passage of Canso, and that, according to the terms of the Convention of 1818, it did not expressly or by necessary implication concede any right of using or navigating the passage.

It appears to have been assumed in this opinion that the right to close a strait depends upon the course of navigation between the seas which it joins. It is obvious that principles similar to those which govern the case of a strait such as that of Gibraltar, the sole means of access to the sea which it enters, do not necessarily apply to a strait which like the Straits of Messina, or the Great Belt, is only one of two or more passages from one sea to another.

Your Sub-Committee, however, do not deem it within their province to do more than indicate the nature of the questions which may arise with respect to the Gut of Canso. They believe that the passage of that strait has never in fact been interdicted by the Imperial or Colonial authorities.

PART II.
Treaty rights between the United States and the United Kingdom.
Having discussed the general principles of international law which govern marine fishing, we proceed to inquire into their application as between the United Kingdom and the United States. This inquiry may be divided into two parts; *the first* relating to the treaties which regulate the ordinary maritime territorial dominion of the two States; *the second* relating to the treaties which modify its ownership as regards the right of fishery.

Maritime Territorial dominion in general.
(1.) Previous to the Anglo-American Treaty of 1794, the ordinary maritime territorial dominion of each State was considered as

ceasing at a cannon-shot distance from the shore, and this doctrine was embodied by the 25th Article of the treaty of that year. The Treaty of 1818 fixed the limit at three marine miles, a definite distance having been by that time generally allowed to be more convenient than the uncertain distance covered by the cannon-shot, as mentioned in Part I. of this Report.

(2.) This exclusive dominion, however, had been made subject from the first to many important limitations. The third Article of the Treaty of 1783, which recognized the independence of the United States, made the following stipulations:—

Rights of fishery.

Treaty of 1783.

“That the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other Banks of Newfoundland, also in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish, and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, but not to dry or cure the same on that island, and also on the bays, coasts, and creeks of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, the Magdalen Islands, and Labrador, so long as the same shall remain unsettled, but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry and cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.”

The treaty contained no similar concession to the fishermen of Great Britain and her dependencies exercising their trade on the coasts of the United States.

During the negotiations at Ghent in 1814, previous to the treaty by which the second war between the United States and the United Kingdom was terminated, it was notified by the plenipotentiaries of the latter power that their Government had no longer any intention of gratuitously continuing the privileges accorded to the fishermen of the former power by the Treaty of 1783, which they contended had been extinguished by the war of 1812. To this notification the American plenipotentiaries replied by a refusal to discuss the question thus raised, and at the same time appealed to the nature of the rights themselves which were called in question, and to the peculiar character of the Treaty of 1783, on which they rested, as precluding any necessity for

War of 1812 and negotiations at Ghent in 1814.

further stipulations being made on the subject to which they referred.

Correspondence
between Earl
Bathurst and Mr.
Adams in 1815.

In consequence of this difference of opinion, the Treaty of Ghent remained silent as to rights of fishery, but shortly after its conclusion the Government of the United Kingdom announced its formal intention of abrogating the privileges enjoyed by the United States' fishermen¹. An interesting discussion immediately afterwards arose between Mr. John Quincy Adams on the part of the United States and Earl Bathurst on the part of the United Kingdom. Notwithstanding subsequent treaties, the points raised in this discussion, besides having an interest of their own, have some bearing on the questions now at issue between the two countries, and it will be accordingly advisable to give an account of the arguments used on both sides.

Mr. Adams, in his despatch dated September 25, 1815, in answer to Lord Bathurst, begins by enlarging on the right of fishing having been enjoyed from time immemorial by the inhabitants of the countries now forming the United States of America, the inhabitants of which had in great measure discovered the fisheries, and owing to their proximity to them had also enjoyed their use, not to mention the fact of their having contributed their fair share to the original conquest of the coast provinces from the French. Thus, he argued, the fisheries belonged to the United States' fishermen, both in principle and in fact. These considerations, he insisted, lay at the root of the Treaty of 1783, which was not one of those which could be said to be liable to abrogation by a subsequent war. The independence and sovereignty of the United States were by that treaty recognized, but not as grants from his Britannic Majesty. They were expressed as existing before the treaty was made, and as then only first formally recognized. The right of fishery was part and parcel of the sovereign and independent rights of the United States, otherwise it would not have remained without reciprocal advantages being conferred on the fishermen of the United Kingdom fishing on the coasts of the United States. Since, then, the sovereignty of the United States

¹ Despatch from Lord Bathurst to Governor of Newfoundland. (*B. & F. State Papers*, vol. ii. 1171; Lord B. 17th June, 1815.)

did not depend upon a grant, and the right of fishery was a sovereign right, it followed that as the former was not annulled by the war of 1812 neither was the latter, while as to the declarations of the English plenipotentiaries at Ghent, they in no manner affected the matter.

To these arguments Earl Bathurst replied on October 30, 1815. He began with the general assertion that the claim and liberty of one power to fish within the limits of another could only rest on conventional stipulation. Replying to Mr. Adams' observation, that there was no reciprocity of advantage, he pointed out that *all* the provisions of the treaty were said to rest on mutual advantage. The liberties accorded by the Treaty of 1783 did not differ in any way from those accorded by any other treaty. England knew of no exception to the rule that all treaties are put an end to by a subsequent war. It was indeed true that the Treaty of 1783 contained stipulations of a permanent character, viz., those relating to the sovereignty and independence of the United States, but treaties often contained stipulations of various characters, some intended to be permanent, others to be temporary. Between such various stipulations there could not be any connexion, nor was there any in this case between the recognition of the independence of the United States and of the liberty of fishing enjoyed by its fishermen on the coasts of Newfoundland and elsewhere. He further insisted that not only was the permanent part of the treaty distinguishable from the temporary part, but was actually distinguished by the treaty itself, which spoke of the *right* to independence on the part of the United States, and of the *right* to fish enjoyed by its fishermen on the Great Bank and elsewhere, but only of their *liberty* to cure and dry in unsettled places. Otherwise, why such variation in the language employed. It was further absurd to suppose that if the privilege was as important and permanent as it was argued to be, it would be made determinable by so uncertain an event as the settlement of particular spots on the coasts of British territory.

Replying to the arguments of Earl Bathurst, Mr. Adams, in a letter to Lord Castlereagh, dated January 22, 1816, once more enlarged on the peculiar character of the Treaty of 1783, and

Corres
between
Bathurst
Adams |

questioned how far the statement made by Earl Bathurst, that England knew of no exception to the rule that all treaties are put an end to by a subsequent war was consistent with his admission that the Treaty of 1783 contained some articles which were of a permanent character. He then himself proceeded to quote instances of treaty stipulations which he considered would not be abrogated by a subsequent war, and concluded by stating that in his opinion all treaties *in the nature of a perpetual obligation* (the expression used by Earl Bathurst) were unaffected by the intervention of hostilities, and that the Treaty of 1783 belonged to their number, not in part merely, but as a whole.

The discussion of the points raised by this correspondence was terminated by the Convention of London, in 1818, which is set out in the Appendix to this Report.

The first Article was inserted in the Treaty under the instruction of Mr. John Quincy Adams to Mr. Rush, which was in the following terms :—

“The President authorizes you to agree to an article whereby the United States will desist from the liberty of fishing, and curing, and drying fish within the British jurisdiction *generally*, upon condition that it shall be secured as a permanent right, not liable to be impaired in any future wars, from Cape Ray to the Rameau Islands, and from Mount Joly, on the Labrador coast, through the Strait of Belle Isle, indefinitely northwards along the coast; the right to extend as well to curing and drying the fish as to fishing.” (*B. & F. State Papers*, vol. vii. p. 162.)

Mr. E. H. Derby, in his report on the Reciprocity Treaty, prepared by him in 1866 at the request of the Hon. Hugh McCulloch, Secretary of the Treasurer of the United States, observes as follows:—“The Commissioners, by this Convention, renounced, for the United States, the right to take or cure fish within three miles of ‘the coasts, bays, harbours, and creeks of ‘the Provinces’ (except Newfoundland, and Labrador, and the ‘Magdalen Isles), but reserved the right to enter them for shelter and repairs.

“Upon the day on which they signed the Convention they wrote to J. Q. Adams, our Secretary of State, that this clause was introduced and insisted upon by them, to prevent any implication that the fisheries were secured to us by a new grant,

“and to show that our renunciation extended only three miles
“from the coast.”

Notwithstanding the settlement so arrived at, fresh difficulties continued to arise, chiefly in connexion with the disputed rights of fishing in the Bays of Fundy and Chaleur and the Strait of Canso, to which previous reference has been made; and also with regard to the rights of American fishermen under the Shelter and Repairs Clause of the Convention of 1818, as to which see post, p. 18. These differences finally led to a third settlement by the treaty known as the Reciprocity Treaty, which was negotiated between Lord Elgin and Mr. Marey, and made July 5th, 1854. Its first and second articles provide that, in addition to the rights given by the Treaty of 1818, the fishermen of the United States shall have the further right to take fish (except shell-fish) “on the sea coasts and shores, and in the bays, harbours, and creeks of Canada, New Brunswick, Nova Scotia, and Prince Edward’s Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with liberty to land and cure fish on all those shores and on the Magdalen Islands without interfering with private rights and property of British subjects.” The treaty was not to extend to the river fisheries. Reciprocal advantages were given to British subjects fishing north of latitude 36 N. The Canadians also received under Art. III. of the Treaty very considerable commercial benefits in return for their concessions in respect of the fisheries.

Subsequent difficulties.

Reciprocity Treaty, 1854.

The privileges accorded to the American fishermen by the Reciprocity Treaty are, it will be observed, considerably greater than those agreed upon under the Convention of 1818. Indeed they closely resemble those claimed under the Treaty of 1783, which were undoubtedly broader than those accepted by Messrs. Gallatin and Rush. “Although our Commissioners,” says Mr. Derby, in the Report above quoted, “had in 1818 relinquished the right to come within a marine league of all the shores but those of Labrador and Newfoundland, except for repairs and shelter, our rights, deemed inadmissible, were thus conceded.” (Page 13.)

The following compendious statement of the results of the Treaties of 1783, 1818, and 1854, may prove useful.

“(a) The rights of the United States to the ocean fisheries to remain unmolested.

Treaty of 1783.

"(β) Concurrent rights with British subjects given to the United States fishermen, with reference to taking fish on the coast of Newfoundland and on all coasts, bays, harbours, and creeks of the English colonies.

"(γ) The United States fishermen given the liberty of curing and drying fish in unsettled bays, harbours, and creeks, within certain limits."

Treaty of 1818.

"(α) As above.

"(β) Exclusive dominion of the Colonial Governments fixed at three miles from shore, but this dominion made subject to the rights of Americans to fish on definite portions of the coast irrespective of the three miles limit.

"(γ) The United States fishermen given the liberty of drying and curing on certain definite portions of the coasts while unsettled."

Treaty of 1818.

"(α) As above.

Treaty of 1854.

"(β, γ) The United States fishermen given the liberty of fishing, curing, and drying all along the coast. Reciprocal advantages conferred on British fishermen and traders."

The Treaty of 1854 was terminated by notice given by the President of the United States, in pursuance of an Act of Congress of 18th January, 1865.

The question accordingly arises, by what Treaties are the rights of the United States' fishermen now regulated? Notwithstanding the doubt intimated by the American jurist, Mr. Dana, in a note to his recent edition of Wheaton's "International Law," it seems clear that the Treaty of 1818 is now in force.

A question thereupon arises as to the exact meaning of the "shelter and repairs" clause. "It has been claimed," says President Grant, in his last Message, "that the fishing-vessels of the United States have no right to enter the open ports of the British possessions in North America, except for the purposes of shelter and repairing damages, of purchasing wood, and obtaining water; that they have no right to enter at the British Custom Houses, or to trade there, except in the purchase of wood and water, and that they must depart within twenty-four hours after notice to leave." The President goes on to state that at the period of the negotiations of 1818, the British Commissioners desired to insert words that would have effected the objects now aimed at by the Colonial Government, but that the American Commissioners had refused to agree to them, and that finally the clause was inserted in the shape in which it now stands in the Treaty.

The intention of the British authorities to prohibit the entry of

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British ports to American fishermen was first notified in the autumn of 1870, and extended as well to the ports of the dominion of Canada as to those of the other provinces. It was justified by Vice-Admiral Wellesley, the commanding officer on the station, as being within the Shelter and Repairs Clause. (*Executive Documents*, appended to President's Message of 1870, No. 267.)

The American Government complain that this prohibition deprives American fishermen of the privilege they had hitherto enjoyed of entering British harbours, and there transshipping in bond the fish caught by them for conveyance to their own ports, and also procuring bait, ice, provisions, and other supplies; all of which facilities were of great importance, as enabling them to prosecute their voyages with the *minimum* of interruption or delay.

It may also be inferred from the Executive Documents appended to the President's Message of 1870, that a distinction based on the construction of the Treaty of 1818 is drawn on the part of the United States between the case of vessels engaged in the ocean fisheries and those which fish immediately off the coast.

The withdrawal of these privileges by the Canadian authorities is defended chiefly on the ground that their continuance facilitated smuggling, and also enabled American-caught fish to compete at very great advantage in the American ports with those imported by the Colonial fishermen.

Your Sub-Committee consider, however, that as "it is the undoubted right of every nation to prohibit or to allow foreign commerce with all or any part of its dominions" (*Despatch of Mr. Clay to Mr. Gallatin, Br. and Fr. St. Pap.* 1826, 1827, p. 590; Marten's *Précis du Droit des Gens*, § 140), any discussion of this point would be nugatory, should Great Britain decide on excluding American traders or fishers from all privileges not expressly secured to them in the ports of the British possessions by the Treaty of 1818. Your Sub-Committee are, however, unable to perceive what advantages could accrue from such a course being adopted.

In international controversies such as that which is now under consideration, no municipal legislation by either disputant can

PART III.
Municipal legislation of Great

Britain and the provinces.

directly affect the rights of the other. Such legislation is, in fact, nothing but a series of regulations laid down for the conduct of the subjects of the legislating State, and of those aliens who by coming within its dominions become amenable to its jurisdiction. The form and substance of such legislation is, however, important, not only as affording evidence of the view taken by the legislating State of the rights and liabilities of its own and the subjects of other States, but also as amounting in many cases to a claim and exercise of dominion or proprietary right.

Questions have also been recently raised by the American Government with respect to certain Acts of the Colonial Legislatures, and the validity or propriety of proceedings thereunder.

It has therefore been considered advisable to include in the present Report a brief abstract of the legislation of Great Britain and the provinces for regulating the fisheries in the waters of the eastern coasts of British North America. The Sub-Committee are not cognizant of the existence of any similar legislation by the Federal Government, or by any of the United States.

Several Acts of the English Parliament were passed on the subject of the North American fisheries before and after the separation of the United States from the mother country, but the only Imperial Act relevant to the present purpose is the 59 Geo. III. c. 38. This statute, after reciting certain parts of the Convention of 1818, and empowering the King to make Orders in Council for regulating the fishery, and for carrying the Treaty into effect, proceeds to enact, § 2, that "From and after the passing of the Act it shall not be lawful for any person or persons not being a natural-born subject of his Majesty, in any foreign ship, vessel, or boat, nor for any person in any ship, vessel or boat, other than such as shall be navigated according to the laws of the United Kingdom of Great Britain and Ireland, to fish for or to take, dry, or cure any fish of any kind whatever within three marine miles of any coasts, bays, creeks, or harbours whatever in any part of his Majesty's dominions in America not included within the limits specified and described in the first Article of the said Convention, and hereinbefore recited; and that if any such foreign ship, vessel, or boat, or any persons on board thereof, shall be found fishing or to have been fishing

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“or preparing to fish within such distance of such coasts, bays, creeks, or harbours within such parts of his Majesty’s dominions in America, out of the said limits, as aforesaid, all such ships, vessels, and boats, together with their cargoes, and all guns, ammunition, tackle, apparel, furniture, and stores, shall be forfeited, and shall and may be seized, taken, sued for, prosecuted, recovered, and condemned, by such and the like ways, means, and methods, and in the same Courts as ships, vessels, or boats may be forfeited, seized, prosecuted, and condemned for any offence against any laws relating to the revenue or customs, or the laws of trade and navigation; under any Act or Acts of the Parliament of Great Britain or of the United Kingdom of Great Britain and Ireland, provided that nothing in this Act contained shall apply or be construed to apply to the ships or subjects of any prince, power, or State in amity with his Majesty, who are entitled by treaty with his Majesty to any privilege of taking, drying, or curing fish on the coasts, bays, creeks, or harbours, or within the limits in this Act described.”

§ 3. “Provided always, and be it enacted that it shall and may be lawful for any fisherman of the said United States to enter into any such bays or harbours of his Britannic Majesty’s dominions in America as are last mentioned, for the purpose of shelter and repairing damages therein, and of purchasing wood and of obtaining water, and for no other purpose whatever, subject, nevertheless, to such restrictions as may be necessary to prevent such fishermen of the said United States from taking, drying, or curing fish in the said bays or harbours, or in any other manner whatever abusing the said privileges by the said treaty and this Act reserved to them, and as shall for that purpose be imposed by, any Order or Orders to be from time to time made by his Majesty in Council under the authority of this Act, and by any regulations which shall be issued by the Governor or person exercising the office of Governor in any such parts of his Majesty’s dominions in America, under or in pursuance of any such Order in Council as aforesaid.”

§ 4. “And be it further enacted that if any person or persons upon requisition made by the Governor of Newfoundland, or the person exercising the office of Governor or by the Governor

“or person exercising the office of Governor in any other part of his Majesty’s dominions in America as aforesaid, or by any officer or officers acting under such Governor or person exercising the authority of Governor, in execution of any Orders or instructions from his Majesty in Council, shall refuse to depart from such bays, or harbours, or if any person or persons shall refuse or shall neglect to conform to any regulations or directions which shall be made or given for the execution of any of the purposes of this Act, every such person so refusing or otherwise offending against this Act, shall forfeit 200*l.*, to be recovered in the Superior Court of Judicature of the Island of Newfoundland, or in the Superior Court of Judicature of the colony, settlement in or near to which such offence shall be committed, or by bill, plaint, or information in any Court of Record at Westminster, one moiety of such penalty to belong to his Majesty, his heirs and successors, and the other moiety to such person or persons as shall sue or prosecute for the same, Provided always, that any such suit or prosecution, if the same be committed in Newfoundland, or in any other colony or settlement, shall be commenced within three calendar months, and if commenced in any of his Majesty’s Courts at Westminster within twelve calendar months, from the time of the commission of such offence.”

Subject to any questions which may arise between the Colonies and the mother country, the whole of this Act is now in force.

On the 19th June, 1819, an Order in Council was made, by which, after reciting the Act of 1819, and those parts of the Convention which related to the privileges of catching and curing fish on portions of the Newfoundland coast, directions were given that the Governor of Newfoundland should order all English vessels not to interrupt the aforesaid fisheries, and that he should conform himself to the treaty and to such instructions as he should from time to time receive thereon in conformity to the treaty and the Act.

Colonial Legislation.

The consideration of the Colonial legislation naturally falls under two heads; first, that of the several provinces; second, that of the Dominion of Canada, which was constituted under the provisions of the Imperial Act, 30 Vict. c. 3, by the

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union of the provinces of Canada, Nova Scotia, and New Brunswick, under the name of Canada. By § 91 of the last-mentioned Act the exclusive legislative authority of the Dominion is declared to extend over sea-coast and inland fisheries.

Your Sub-Committee have not been able to discover the existence of any Colonial statute earlier than that of Nova Scotia, intituled 6 Wm. IV. c. 8, and confirmed by Orders in Council of 15th June and 6th July, 1836. This act is now embodied in the Revised Statutes of Nova Scotia, 3rd Series, tit. xxv. c. 94, as amended by 29 Vict. c. 35. (1) Nova Scotia.

A statute, intituled 16 Vict. c. 69, passed by the Legislature of New Brunswick, was confirmed by Order in Council of 24th October, 1853. This and the last-mentioned statute are still in force, notwithstanding the union of the provinces, except in cases provided for by the Dominion Statute, 31 Vict. c. 61. (2) New Brunswick.

A statute, intituled 6 Vict. c. 14, passed by the Legislature of Prince Edward Island, was confirmed by Order in Council of 3rd September, 1844, and is believed to be still in force. (3) Prince Edward Island.

A statute, intituled 6 Wm. IV. c. 3, passed by the Legislature of Newfoundland, was disallowed by Order in Council, in September, 1836, and the Newfoundland fisheries would therefore seem to be regulated solely by the Statute, 59 Geo. III. c. 38, and the Order in Council of 19th June, 1819. (1) Newfoundland.

Your Sub-Committee have not considered it necessary to state the provisions of the above-mentioned Colonial statutes, inasmuch as they do not vary greatly from each other, or from the statute of the Dominion of Canada which they now proceed to consider.

This statute, 31 Vict. c. 61, was passed by the Parliament of Canada in the year 1866, and as amended by another statute of the same body, 33 Vict. c. 15, is printed at length in the Appendix.

An examination of its provisions, which as already mentioned do not substantially vary from those of the prior Provincial Acts, will show that it is based on the Imperial Statute, 59 Geo. III. c. 38, already quoted, and further that the Colonies as early as 1836 claimed the right of seizing and forfeiting vessels fishing, or preparing to fish, within the three-mile line, and examining upon oath under penalty the masters of suspected vessels. These rights appear to have been frequently exercised between the years 1818

and 1854, but whether uniformly or not your Sub-Committee have no means of deciding.

The references in the passage which has been quoted from Wheaton to the Hovering Acts of England and the United States, are important as affecting the statutes which claim to forfeit vessels for fishing or preparing to fish within the territorial limits. The principles in the case of violation of rights of fishing are similar to those of infractions of the revenue laws. Every nation claims and exercises the right to punish such infractions, whether in their complete or their inchoate stages. Mr. Wheaton (*International Law*, part ii. § 79), is clearly of opinion that such jurisdiction to seize and punish extends in such cases even beyond the limits of the territorial seas. Mr. Dana, in his note to the last edition, has expressed a doubt on this point. He does not entertain any doubt that in such cases forfeiture may properly be exercised within the territorial jurisdiction. He says,—

“The Revenue Laws of the United States provide that if a vessel bound to a port in the United States shall, except in case of necessity, unload cargo within four leagues of the coast, and before coming to the proper port of entry and unloading, and receiving permission to do so, the cargo is forfeit, and the master incurs a penalty; but the Statute does not authorize a seizure of foreign vessels when beyond the territorial jurisdiction. The Statute may well be construed to mean only that a foreign vessel coming to an American port, and then seized for a violation of revenue regulations committed out of the jurisdiction of the United States, may be confiscated; but that to complete the forfeiture it is essential that the vessel shall be bound to and shall come within the territory of the United States after the prohibited act. The act done beyond the jurisdiction is assumed to be part of an attempt to violate the revenue laws within the jurisdiction. Under the previous section of the Act it is made the duty of revenue officers to board all vessels, for the purpose of examining their papers, within four leagues of the coast.”

It is deserving of consideration whether the jurisdiction claimed by the Colonial Statutes, in respect of the fishermen, and of which the President of the United States complains, in any degree

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exceeds in principle or in fact that of the American Statute in its most limited application, as thus expounded by Mr. Dana.

On this subject President Grant, in his last Message, says,—

“The Imperial Government is understood to have delegated the whole, or a share, of its jurisdiction or control of these in-shore fishing-grounds to the colonial authority known as the Dominion of Canada; and this same independent but irresponsible agent has exercised its delegated powers in an unfriendly way.”

By Statute 26 & 27 Vict. c. 24, after declaring (§ 2) that “Vice-Admiralty Court shall mean any of the existing Vice-Admiralty Courts enumerated in the Schedule marked A, hereto annexed, or any Vice-Admiralty Court which shall hereafter be established in any British possession,” it is enacted (§ 22), “the appeal from a decree or order of a Vice-Admiralty Court lies to her Majesty in Council; but no appeal shall be allowed, save by permission of the Judge, from any decree or order not having the force or effect of a definitive sentence or final order.”

Among the Courts enumerated in the Schedule A are those of Quebec, New Brunswick, Newfoundland, Nova Scotia, and Prince Edward Island. By 30 & 31 Vict. c. 45, § 16, her Majesty may establish Vice-Admiralty Courts in possessions having legislative powers.

It appears to be clear, therefore, that the decisions of the Vice-Admiralty Courts of the colonies, before which the cases of fishing-vessels seized under the authority of the Acts above-mentioned would be tried, are subject to appeal to the Judicial Committee of the Privy Council, an Imperial tribunal.

When the Reciprocity Treaty was determined, the American fishermen were thrown back on the Convention of 1818, by which they were excluded from fishing within three miles of the shore of the Provinces. The British authorities were not, however, anxious to enforce the exclusion of American vessels from waters in which they had been accustomed to take fish for eleven years under the Reciprocity Treaty, and they offered them licences to fish in British waters according to a rate that was considered nominal, namely, 50c. per ton on the tonnage of the vessel. From

PART IV.
The Fishery
Question since
1866 Licences.

the first, however, many American vessels neglected or refused to pay for licences, and the British province of Prince Edward Island connived at the violation of the colonial rights for the sake of the trade between that island and the American fishermen. On the 9th May, 1868, the Duke of Buckingham authorized an increase in the sum charged for licences to two dollars per ton.

The three warnings rule.

Vessels fishing without a licence were liable to capture, but it was usual to give three warnings. The practical operation of this rule was that any vessel might avoid seizure if she changed her ground at all after the first or second warning. The almost universal evasion of the law by the American fishermen forced on the Canadian Government the necessity of reducing the number of warnings to one (sanctioned by the Duke of Buckingham in his despatch of the 9th May, 1868); but this was found equally ineffectual; and finally, in 1870, the practice of warning was abolished by law. The necessity which led to this was communicated in a friendly spirit to the United States early in 1870, and the Secretary of the Treasury, in a circular issued in May, 1870, called the special attention of American fishermen to the new provision. This is the origin of the complaint in the Message of President Grant: "Vessels have been seized without notice or warning, in violation of the custom previously prevailing, and have been taken into the colonial ports, their voyages broken up, and the vessels condemned." But it is not alleged that any vessels have been so condemned while ignorantly violating what the President calls "the technical rights of Great Britain."

Vessels "preparing to fish."

The other head of complaint refers to the powers contained in the Canadian Statute to seize vessels within three miles that are "preparing to fish," although they may not actually have fished. On this point your Sub-Committee would refer to what has been already said by them at the end of Part III. of this Report.

Your Committee desire to point out that the question in dispute between this country and America as to the interpretation of "bays;" as to the rights of American fishermen engaged in ocean fishing to resort to Canadian harbours to land fish and procure fishing material and provisions; as to the propriety of seizing vessels without warning which are found fishing or preparing to fish within the three-mile line; and as to the jurisdiction of local

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courts to condemn trespassing vessels—all involve questions which, if no agreement is speedily arrived at between the Governments of the two countries may lead to serious dangers. It appears to your Sub-Committee that—as in 1854, the Imperial and Colonial Governments were willing to concede to the United States the fullest liberty of fishing within their territorial waters, in consideration of equivalent advantages being granted to British subjects—it would be most desirable that these Questions should be now settled by the negotiation of a new treaty, granting to each party reciprocal benefits; or in the event of that being found impracticable, that all matters thus in dispute should be settled by arbitration.

Your Sub-Committee have in conclusion to state that it was their wish, had time allowed, to have obtained the revision of their Report by four American jurists. Although this has not been found possible, they venture to hope that they have succeeded in their primary object of giving a full and fair statement of the points at issue. They trust, therefore, that their Report will find acceptance with impartial persons whether in the States or in the United Kingdom and its dependencies, and may thus in some degree aid in the good work of the Anglo-American Association.

EDMOND FITZMAURICE.

SHELDON AMOS.

W. A. HUNTER.

A. C. HUMPHREYS.

January, 1871.

APPENDIX A.

TREATY OF 1783.

"It having pleased the Divine Providence to dispose the hearts of the Most Serene and Most Potent Prince George III., by the Grace of God King of Great Britain, France, and Ireland, &c., and of the United States of America, to forget all past misunderstandings and differences that have unhappily interrupted the good correspondence and friendship which they mutually wish to restore, and to establish such a beneficial and satisfactory intercourse between the two countries, upon the ground of reciprocal advantages and mutual convenience, as may promote and secure to both perpetual peace and harmony."

Then follow recitals (1) of the Provisional Articles of Paris of the 30th of November, 1782, (2) that the definitive Treaty in accordance with the Articles was not to be concluded until terms of peace had been agreed on between Great Britain and France; (3) that the Treaty between Great Britain having been since concluded, Mr. Hartley, on the part of Great Britain and France, and Mr. Adams, Mr. Franklin, and Mr. Jay on that of the United States, had been appointed plenipotentiaries for concluding the present definitive Treaty, "who have agreed upon and confirmed the following Articles:—

"I. His Britannic Majesty acknowledges the said United States, viz. New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia to be free, sovereign, and Independent States; that he treats with them as such, and for himself, his heirs and successors, relinquishes all claims to the government, propriety, and territorial rights of the same, and every part thereof.

"II. [Sets out the boundaries between the British possessions and the United States.]

"III. It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Great Bank, and on all the other banks of Newfoundland; also in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island), and also on the coasts, bays, and creeks of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement,

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“IV. [Creditors on either side not to be hindered in recovering bonâ fide debts theretofore contracted.]

“V. [Congress to recommend to the State Legislatures the restitution or confiscated estates of British subjects, with subsidiary provisions.]

“VI. [General amnesty and release of State prisoners.]

“VII. [Cessation of hostilities and release of prisoners of war; British forces to evacuate and deliver up all positions held by them in the United States.]

“VIII. [Navigation of the Mississippi to remain open to subjects of both States.]

“IX. [Mutual surrender of places taken by the forces on either side before the arrival in America of the Provisional Articles of Peace.]

“X. [Ratifications of the Treaty to be exchanged between the parties within six months from date.]

“Done at Paris this 3rd day of September, in the year of our Lord, 1783.

“DAVID HARTLEY,	(L.S.)
“JOHN ADAMS,	(L.S.)
“B. FRANKLIN,	(L.S.)
“JOHN JAY.	(L.S.)”

(*Martens, Nouveau Recueil de Traités*, tom. iii. p. 553).

APPENDIX B.

CONVENTION OF 1818.

“THE United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, desirous to cement the good understanding which happily subsists between them, have for that purpose named their respective plenipotentiaries.” Then follows a nomination of Mr. Gallatin and Mr. Rush as the American, and the Right Hon. F. J. Robinson and Mr. Goulburn as the English plenipotentiaries, “who have agreed to and concluded the following Articles:—

“I. Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of his Britannic Majesty's Dominions in America; it is agreed between the High Contracting Parties that ‘the inhabitants of the said United States shall have for ever, in common with the subjects of his Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joli, on the southern coast of Labrador, to and through the Straits of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company. And that the American fishermen shall also have liberty for ever to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland, here above described, and of the coast of Labrador, but so soon as the same or any portion thereof shall be settled, it shall not be lawful for the fishermen to dry or cure fish at such portion so settled without previous agreement for

such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce for ever any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbours of his Britannic Majesty's dominions in America, not included within the above-mentioned limits. Provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

"II. and III. [relate to the boundary between British and American possessions from the Lake of the Woods to the Stony Mountains.]

"IV. [Provisions of the Convention of London, of the third of July, 1815, with certain exceptions extended and continued in force for ten years from the date of the signature of the present Convention.]

"V. [Provision for referring to arbitration certain claims of the Americans for captured slaves.]

"VI. This Convention, when the same shall have been duly ratified by the President of the United States, by and with the advice and consent of their Senate, and by his Britannic Majesty, and the respective ratifications mutually exchanged, shall be binding and obligatory on the said United States, and on his Majesty; and the ratifications shall be exchanged in six months from this date, or sooner, if possible.

"ALBERT GALLATIN,

"RICHARD RUSH,

"FREDERICK JOHN ROBINSON,

"HENRY GOULBOURN.

"Ratified by the Prince Regent on the 2nd of November, 1818.

"By the President and Senate on the 28th of January, 1819."

(*Martens, Nouveau Recueil de Traités*, tom. v. *Volume Supplémentaire*, p. 406.)

APPENDIX C.

RECIPROCITY TREATY OF 1854.

ARTICLE I.—It is agreed by the High Contracting Parties, that in addition to the liberty secured to the United States fishermen by the above-mentioned Convention of October 20, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of her Britannic Majesty, the liberty to take fish of every kind, except shell-fish, on the sea coasts and shores, and in the bays, harbours, and creeks of Canada, New Brunswick, Nova Scotia, Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore; with permission to land upon the coasts and shores of those colonies and the islands thereof, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish: provided that in so doing they do not interfere with the rights of private property, or with British fishermen in the peaceable use of any part of the said coast in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the

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sea fishery, and that the salmon and shad fisheries, and all fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

And it is further agreed, that in order to prevent or settle any disputes as to the places to which the reservation of exclusive right to British fishermen contained in this Article, and that of fishermen of the United States contained in the next succeeding Article, apply, each of the High Contracting Parties, on the application of either to the other, shall, within six months thereafter, appoint a Commissioner. The said Commissioners, before proceeding to any business, shall make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favour, or affection to their own country, upon all such places as are intended to be reserved and excluded from the common liberty of fishing under this and the next succeeding Article; and such declaration shall be entered on the record of their proceedings. The Commissioners shall name some third person to act as an Arbitrator or Umpire in any case or cases on which they may themselves differ in opinion. If they should not be able to agree upon the name of such third person, they shall each name a person, and it shall be determined by lot which of the two persons so named shall be the Arbitrator or Umpire in cases of difference or disagreement between the Commissioners. The person so to be chosen to be Arbitrator or Umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration in a form similar to that which shall already have been made and subscribed by the Commissioners, which shall be entered on the record of their proceedings. In the event of the death, absence, or incapacity of either of the Commissioners or of the Arbitrator or Umpire, or of their or his omitting, declining, or ceasing to act as such Commissioner, Arbitrator, or Umpire, another and different person shall be appointed or named as aforesaid, to act as such Commissioner, Arbitrator, or Umpire, in the place and stead of the person so originally appointed or named as aforesaid, and shall make and subscribe such declaration as aforesaid.

Such Commissioners shall proceed to examine the coasts of the North American provinces and of the United States embraced within the provisions of the first and second Articles of this Treaty, and shall designate the places reserved by the said Articles from the common right of fishing therein.

The decision of the Commissioners and of the Arbitrator or Umpire shall be given in writing in each case, and shall be signed by them respectively.

The High Contracting Parties hereby solemnly engage to consider the decision of the Commissioners conjointly, or of the Arbitrator or Umpire, as the case may be, as absolutely final and conclusive in each case decided upon by them or him respectively.

Article II.—It is agreed by the High Contracting Parties that British subjects shall have, in common with the citizens of the United States, the liberty to take fish of every kind, except shell-fish, on the eastern sea coasts and shores of the United States north of the 36th parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbours, and creeks of the said sea coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore; with permission to land upon the said coasts of

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the United States and of the islands aforesaid for the purpose of drying their nets and curing their fish, provided that in so doing they do not interfere with the rights of private property, or with the fishermen of the United States in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

Article III.—It is agreed that the articles enumerated in the Schedule hereunto annexed, being the growth and produce of the aforesaid British colonies, or of the United States, shall be admitted into each country respectively free of duty.

Schedule.

Grain, flour, and bread-stuffs of all kinds.
 Animals of all kinds.
 Fresh, smoked, and salted meats.
 Cotton-wool, seeds, and vegetables.
 Undried fruits; dried fruits.
 Fish of all kinds.
 Products of fish and all other creatures living in the water.
 Poultry.
 Eggs.
 Hides, furs, skins or tails undressed.
 Stone or marble in its crude or unwrought state.
 Slate.
 Butter, cheese, tallow.
 Lard, horns, manures.
 Ores of metals of all kinds.
 Coal.
 Pitch, tar, turpentine, ashes.
 Timber, and lumber of all kinds, round, hewed, and sawed, unmanufactured in whole or in part.
 Firewood.
 Plants, shrubs, and trees.
 Pelts, wool.
 Fish-oil.
 Rice, broom-corn, and bark.
 Gypsum, ground or unground.
 Hewn, or wrought or unwrought burr or grindstones.
 Dye stuffs.
 Flax, hemp, and tow, unmanufactured.
 Unmanufactured tobacco.
 Rags.

Article IV.—It is agreed that the citizens and inhabitants of the United States shall have the right to navigate the River St. Lawrence and the canals in Canada used as the means of communicating between the Great Lakes and the Atlantic Ocean, with their vessels, boats, and crafts, as fully and freely as the subjects of her Britannic Majesty, subject only to the same tolls and other assessments as now are or may hereafter be exacted of her Majesty's said subjects; it being understood, however, that the British Government retains the right of suspending this privilege, on giving due notice thereof to the Government of the United States.

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It is further agreed, that if at any time the British Government should exercise the said reserved right, the Government of the United States shall have the right of suspending, if it think fit, the operation of Article III. of the present Treaty, in so far as the province of Canada is affected thereby, for so long as the suspension of the free navigation of the River St. Lawrence or the canals may continue.

It is further agreed, that British subjects shall have the right freely to navigate Lake Michigan with their vessels, boats, and crafts, so long as the privilege of navigating the River St. Lawrence, secured to American citizens by the above clause of the present Article, shall continue; and the Government of the United States further engages to urge upon the State Governments to secure to the subjects of her Britannic Majesty the use of the several State canals on terms of equality with the inhabitants of the United States.

And it is further agreed, that no export duty or other duty shall be levied on lumber or timber of any kind cut on that portion of the American territory in the state of Maine watered by the River St. John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the province of New Brunswick.

Article V.—The present Treaty shall take effect as soon as the laws required to carry it into operation shall have been passed by the Imperial Parliament of Great Britain and by the Provincial Parliaments of those of the British North American Colonies which are affected by this Treaty on the one hand, and by the Congress of the United States on the other. Such assent having been given, the Treaty shall remain in force for ten years from the date at which it may come into operation, and further, until the expiration of twelve months after either of the High Contracting Parties shall give notice to the other of its wish to terminate the same; each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said term of ten years, or at any time afterwards.

It is clearly understood, however, that this stipulation is not intended to affect the reservation made by Article IV. of the present Treaty with regard to the right of temporarily suspending the operation of Articles III. and IV. thereof.

Article VI.—And it is hereby further agreed, that the provisions and stipulations of the foregoing Articles shall extend to the Island of Newfoundland, so far as they are applicable to that colony. But if the Imperial Parliament, the Provincial Parliament of Newfoundland, or the Congress of the United States, shall not embrace, in their laws enacted for carrying this Treaty into effect, the Colony of Newfoundland, then this Article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair the remaining Articles of this Treaty.

Article VII.—The present Treaty shall be duly ratified, and the mutual exchange of ratifications shall take place in Washington, within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty, and have hereunto affixed our seals.

Done, in triplicate, at Washington, the fifth day of June, Anno Domini one thousand eight hundred and fifty-four.

ELGIN AND KINCARDINE.
(L.S.)

W. L. MARCY.
(L.S.)

APPENDIX D.

CLAUSES OF ANGLO-FRENCH TREATY.

EXTRACTS FROM THE ANGLO-FRENCH FISHERY CONVENTION OF 1867 (see 30 & 31 Vict. c. 45):—

"1. British fishermen shall enjoy the exclusive right of fishing within the distance of three miles from low water-mark, along the whole extent of the coasts of the British Islands; and French fishermen shall enjoy the exclusive right of fishing within the distance of three miles from low water-mark along the whole extent of the coast of France; the only exception to this rule being that part of the coast of France which lies between Cape Carteret and Point Nieinga.

"The distance of three miles fixed as the general limit for the exclusive right of fishery upon the coasts of the two countries shall, with respect to bays, the mouths of which do not exceed ten miles in width, be measured from a straight line drawn from headland to headland.

"The miles mentioned in the present Convention are geographical miles, whereof sixty make a degree of latitude."

* * * * *

"XXXI. Fishing-boats of either of the two countries shall be admitted to sell their fish in such ports of the other country as may be designated for that purpose, on condition that they conform to the regulations mutually agreed upon. Those regulations, together with a list of the ports, are annexed to the present Convention; but without prejudice to the opening by either country of any additional ports.

"XXXII. The fishing-boats of the one country shall not enter within the fishery limits fixed for the other country, except under the following circumstances:—

"1. When driven by stress of weather, or by evident damage.

"2. When carried in by contrary winds, by stray tides, or by any other cause beyond the control of master and crew.

"3. When obliged by contrary winds or tide to beat up in order to reach their fishing-ground; and when from the same cause of contrary winds or tide they could not, if they remained outside, be able to hold on their course to their fishing-ground.

"4. When, during the herring fishery season, the herring-boats of the one country shall find it necessary to anchor under shelter of the coasts of the other country, in order to await the opportunity of proceeding to their fishing-grounds.

"5. When proceeding to any of the ports of the other country open to them for the sale of fish, in accordance with Art. XXXI.; but in such case they shall never have oyster-dredges on board."

APPENDIX E.

(COLONIAL FISHERY STATUTE.)

AN ACT RESPECTING FISHING BY FOREIGN VESSELS.

[Assented to 22nd May, 1868.]

Preamble. HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:—

Governor may grant licences to 1. The Governor may, from time to time, grant to any foreign ship, vessel, or boat, or to any ship, vessel, or boat not navigated according to

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the laws of the United Kingdom, or of Canada, at such rate, and for such period not exceeding one year, as he may deem expedient, a licence to fish for or take, dry or cure any fish of any kind whatever, in British waters, within three marine miles of any of the coasts, bays, creeks, or harbours whatever, of Canada, not included within the limits specified and described in the first article of the convention between his late Majesty King George the Third and the United States of America, made and signed at London on the Twentieth day of October, 1818.

Foreign vessels, &c., to fish in British waters, within three miles of the coasts of Canada.

2. Any commissioned officer of her Majesty's Navy serving on board of any vessel of her Majesty's Navy cruising and being in the waters of Canada for purpose of affording protection to her Majesty's subjects engaged in the fisheries, or any commissioned officer of her Majesty's Navy, Fishery officer, or Stipendiary Magistrate on board of any vessel belonging to or in the service of the Government of Canada and employed in the service of protecting the fisheries, or any officer of the Customs of Canada, Sheriff, Magistrate or other person duly commissioned for that purpose, may go on board of any ship, vessel or boat within any harbour in Canada or hovering (in British waters) within three marine miles of any of the coasts, bays, creeks or harbours in Canada, and stay on board so long as she may remain within such place or distance.

Certain British and Canadian officers may board vessels hovering in British waters within the said limits.

3. [If such ship, vessel or boat be bound elsewhere, and shall continue within such harbour or so hovering for twenty-four hours after the Master shall have been required to depart,] Any one of such officers or persons as are above mentioned may bring [such] *any* ship, vessel, or boat being within any harbour in Canada, or hovering in British waters, within three marine miles of any of the coasts, bays, creeks, or harbours in Canada, into port and search her cargo, and may also examine the Master upon oath touching the cargo and voyage; and if the Master or person in command shall not truly answer the questions put to him in such examination, he shall forfeit four hundred dollars; and if such ship, vessel or boat be foreign, or not navigated according to the laws of the United Kingdom or of Canada, and have been found fishing, or preparing to fish, or to have been fishing (in British waters) within three marine miles of any of the coasts, bays, creeks, or harbours of Canada, not included within the above-mentioned limits, without a licence, or after the expiration of the period named in the last licence granted to such ship, vessel, or boat under the first section of this Act, such ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited¹.

Such vessels refusing to depart may be brought into port, &c.

And forfeited in certain cases.

4. All goods, ships, vessels, and boats, and the tackle, rigging, apparel, furniture, stores, and cargo liable to forfeiture under this Act, may be seized and secured by any officers or persons mentioned in the second section of this Act; and every person opposing any officer or person in the execution of his duty under this Act, or aiding or abetting any other person in any opposition, shall forfeit eight hundred dollars, and shall be guilty of a misdemeanor, and upon conviction be liable to imprisonment for a term not exceeding two years.

Vessels, &c., forfeited may be seized.

Penalty for resisting seizure.

5. Goods, ships, vessels, and boats, and the tackle, rigging, apparel, furniture, stores, and cargo seized as liable to forfeiture under this Act, shall be forthwith delivered into the custody of the Collector or other principal officer of the Customs at the port nearest to the place where seized,

How such vessels, &c., shall be secured and kept.

¹ The words in brackets are omitted, and the word "*any*" in italics inserted in this section by the Canadian Act, 33 Vict. c. 15.

- to be secured and kept as other goods, ships, vessels, and boats, and the tackle, rigging, apparel, furniture, stores, and cargo seized are directed by the laws in force in the Province in which such port is situate to be secured and kept, or into such other custody and keeping as the Governor in Council, or a Court of Vice-Admiralty shall order.
6. All goods, vessels, and boats, and the tackle, rigging, apparel, furniture, stores, and cargo, condemned as forfeited under this Act shall, by direction of the Collector or other principal officer of the Customs at the port where the seizure has been secured be sold at public auction; and the proceeds of such sale shall be applied as follows: The amount chargeable for the custody of the property seized shall first be deducted and paid over for that service, one half of the remainder shall be paid without deduction to the officer or person seizing the same; and the other half, after first deducting therefrom all costs incurred, shall be paid to the Receiver General of Canada through the Department of Marine and Fisheries; but the Governor in Council may, nevertheless, direct that any ship, vessel, boat or goods, and the tackle, rigging, apparel, furniture, stores, and cargo seized and forfeited shall be destroyed, or be reserved for the public service.
7. Any penalty or forfeiture under this Act may be prosecuted and recovered in any Court of Vice-Admiralty within Canada.
8. The Judge of the Court of Vice-Admiralty may, with the consent of the person seizing any goods, ship, vessel or boat, and the tackle, rigging, apparel, furniture, stores, and cargo, as forfeited under this Act, order the re-delivery thereof, on security by bond to be given by the party, with two sureties, to the use of her Majesty: and in case any goods, ship, vessel, or boat, or the tackle, rigging, apparel, furniture, stores, and cargo so re-delivered is condemned as forfeited, the value thereof shall be paid into court and distributed as above directed.
9. Her Majesty's Attorney-General for Canada may sue for and recover in her Majesty's name any penalty or forfeiture incurred under this Act.
10. In case a dispute arises as to whether any seizure has or has not been legally made, or as to whether the person seizing was or was not authorized to seize under this Act, oral evidence may be heard thereupon, and the burden of proving the illegality of the seizure shall be upon the owner or claimant.
11. No claim to any thing seized under this Act and returned into any Court of Vice-Admiralty for adjudication, shall be admitted unless the claim be entered under oath, with the name of the owner, his residence and occupation, and the description of the property claimed: which oath shall be made by the owner, his attorney, or agent, and to the best of his knowledge and belief.
12. No person shall enter a claim to any thing seized under this Act until security has been given in a penalty not exceeding two hundred and forty dollars to answer and pay costs occasioned by such claim; and in default of such security the things seized shall be adjudged forfeited, and shall be condemned.
13. No Writ shall be sued out against any officer or other person authorized to seize under this Act for any thing done under this Act, until one month after notice in writing delivered to him or left at his usual place of abode by the person intending to sue out such Writ, his attorney, or agent; in which notice shall be contained the cause of action, the name
- When condemned to be sold by auction.
- Application of proceeds of sale.
- Proviso: vessels, &c., may be reserved for public service.
- Forfeiture how enforced.
- Vessel, &c. may be released on security being given.
- Value to be distributed in case of condemnation.
- Attorney General for Canada to sue.
- As to proof of legality of seizure.
- Claims must be made on oath.
- And security must be given.
- Protection of officers, &c., acting under this Act.

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and place of abode of the person who is to bring the action, and of his attorney or agent; and no evidence of any cause of action shall be produced except such as shall be contained in such notice.

14. Every such action shall be brought within three months after the cause thereof has arisen. Limitation of suits.

15. If on any information or suit brought to trial under this Act on account of any seizure, judgment shall be given for the claimant, and the Judge or Court shall certify on the record that there was probable cause of seizure, the claimant shall not recover costs, nor shall the person who made the seizure be liable to any indictment or suit on account thereof; and if any suit or prosecution be brought against any person on account of any seizure under this Act, and judgment be given against him, and the Court or Judge shall certify that there was probable cause for the seizure, then the plaintiff, besides the thing seized or its value, shall not recover more than three and a half cents damages, nor any costs of suit, nor shall the defendant be fined more than twenty cents. If judgment be for the claimant but there was probable cause of seizure, no costs allowed.

16. Any officer or person who has made a seizure under this Act may, within one month after notice of action received, tender amends to the party complaining, or to his attorney or agent, and may plead such tender. Tender of amends.

17. All actions for the recovery of penalties or forfeitures imposed by this Act must be commenced within three years after the offence committed. Limitation for penalties.

18. No appeal shall be prosecuted from any decree or sentence of any Court touching any penalty or forfeiture imposed by this Act, unless the inhibition be applied for and decreed within twelve months from the decree or sentence being pronounced. As to appeals from decrees under this Act.

19. In cases of seizure under this Act, the Governor in Council may, by order, direct a stay of proceedings; and in cases of condemnation may relieve from the penalty in whole or in part, and on such terms as may be deemed right. Governor in Council may relieve from penalty.

20. The several provisions of this Act shall apply to any foreign ship, vessel, or boat in or upon the inland waters of Canada; and the provisions hereinbefore contained in respect to any proceedings in a Court of Vice-Admiralty shall, in the case of any foreign ship, vessel, or boat, in or upon the inland waters of Canada, apply to, and any penalty or forfeiture in respect thereof shall be prosecuted and recovered in one of the Superior Courts of the province within which such cause of prosecution may arise. Act to apply to inland waters; and other Courts substituted for Vice-Admiralty in such case.

21. Neither the ninety-fourth chapter of the Revised Statutes of Nova Scotia (third series), "*Of the Coast and Deep Sea Fisheries*," nor the Act of the Legislature of the province of Nova Scotia, passed in the twenty-ninth year of her Majesty's reign, chapter thirty-five, amending the same, nor the Act of the Legislature of the province of New Brunswick, passed in the sixteenth year of her Majesty's reign, chapter sixty-nine, intituled, "*An Act relating to the Coast Fisheries, and for the Prevention of Illicit Trade*," shall apply to any case to which this Act applies; and so much of the said chapter, and of each of the said Acts, as makes provision for cases provided for by this Act, is hereby declared to be inapplicable to such cases. Certain enactments of N. S. and N. B. not to apply to cases provided for by this Act.

APPENDIX F.

REVISED SCHEDULE of Vessels seized by Imperial and Canadian Cruisers for violation of the Fishery and Revenue Laws, during the current season to date 14th December, 1870.

Name of Vessel.	Tonnage.	Name of Master or Owner.	Place of Ownership.	Date of Seizure.	Place of seizure and distance of locality from shore	Whether hovering at anchor, or trading, actively fishing, or preparing to fish.	When and how tried, and with what result, and if defended by counsel.	By whom seizure was made.	Remarks.
"Wampatrick"	40	Mr. Goodwin	Plymouth, U.S.	27th June, 1870	About 1½ mile from the shore off the north shore of Aspeg Bay, N.S.	Actively fishing; the men on board in the act of hauling in their lines.	Condemned by Vice-Admiralty Court at Halifax.	James A. Tory, schooner "Ida E."	
"J. H. Nickerson"	70	Mr. McDonald	Salem, Mass. U.S.	30th June, 1870	Within 3 cables' length from shore, on east side of Bay of Ingouish, N.S., and immediately inside of Ingouish Island	At anchor, preparing to fish, and a quantity of fresh caught herring in the hold taken on the spot, having been previously warned off.	Vice-Admiralty Court, Halifax; still pending. Counsel retained in defence.	James A. Tory, schooner "Ida E."	
"Minnie" .....	...	Mr. Campbell	Halifax, N.S.	28th July, 1870	Aspeg Bay, N.S.	Smuggling	Ditto	James A. Tory, schooner "Ida E."	So named on Register, but the Ship's Articles give the names, J. C. Hall, owner, and William Hearm, master. Also violation of 10 th section Merchant Shipping Act.
"Lettie"	57	Owner, Mr. McGowan Master, Mr. Beeman.	Prince Edward Island	18th Aug. 1870	Half a mile off the light inside Gaspé Harbour, Province of Quebec.	Fishing 7 days in Gaspé Harbour, and preparing to fish at time of seizure.	In course of litigation in Courts of New Brunswick.	H. E. Betts, schooner "Ella G. McLaw."	

"Lizzie A. Tarr"	63	Messrs. Tarr Brothers.	Gloucester, Mass. U.S.	27th Aug. 1870	St. Margaret's Bay, north shore, Gulf of St. Lawrence, Province of	At anchor. Lines set, on which were 6 halibut.	Tried at Quebec, in Vice-Admiralty Court, condemned and sold.	N. Lavoie, schooner "La Canadienne."	
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Mr. McGowan
Master,
Mr. Beeman.

63 Messrs. Tarr
Brothers.

63 Mr. Webber.

31 Mr. Watson.

... Mr. Naas.....

"Lizzie A. Tarr"	63 Messrs. Tarr Brothers.	Gloucester, Mass. U.S.	27th Aug. 1870	St. Margaret's Bay, north shore, Gulf of St. Lawrence, Province of Quebec, 350 yards from shore.	At anchor. Lines set, on which were 6 halibut.	Tried at Quebec, in Vice-Admiralty Court, condemned and sold.	N. Lavoie, schooner "La Canadienne."
"A. H. Wonson"	63 Mr. Webber.	Gloucester, Mass. U.S.	3rd Sept. 1870	Less than 2 miles south of Sea-wolf Islands, and within 3 miles of shore of Cape Breton, N.S.	Throwing out bait, and crew casting their fishing-lines.	Vice-Admiralty Court, Halifax; still pending. Counsel retained in defence.	J. C. E. Carmichael, schooner "Sweep-stake."
"H. B. Lewis"	31 Mr. Watson.	Halifax, N.S.	17th Sept. 1870	Under Henry Island, near Port Hood, N.S.	Smuggling	Ditto	J. C. E. Carmichael, schooner "Sweep-stake."
"A. J. Franklin"	... Mr. Naas.....	Gloucester, U.S.	15th Oct. 1870	Within 2 miles of shore at Broad Cove, Cape Breton, N.S.	Having fished in the cove, and actually found with mackerel wet and dripping, and hooks baited with fresh fish blood.	Vice-Admiralty Court, Halifax; still pending.	James A. Tory, schooner "Ida E."
"Granada"	... ..	Provincetown, Mass., U.S.	25th Oct. 1870	.....	Smuggling	Taken to Halifax for adjudication; still in process.	James A. Tory, schooner "Ida E."

APPENDIX F.—continued.

Name of Vessel.	Tonnage.	Name of Master or Owner.	Place of Ownership.	Date of Seizure.	Place of seizure and distance of locality from shore.	Whether hovering at anchor, or trading, actively fishing, having fished, or preparing to fish.	When and how tried, and with what result, and if defended by counsel.	By whom seizure was made.	Remarks.
"Romp"	Mr. Oliver ...	Eastport, Maine, U.S.	8th Nov. 1870	Back Bay, Oliver's Wharf, Co. Charlotte, N.B.	Having fished at Three Islands, Grand Manan.	In course of litigation in Courts of New Brunswick.	Albert Betts, schooner "Water Lily."	
"White Fawn"	64	Mr. Marshall	Gloucester, Mass, U.S.	25th Nov. 1870	Head Harbour, Campo Bello.	Preparing to fish at Head Harbour, Campo Bello.	Taken to St. John's for adjudication.	Albert Betts, schooner "Water Lily."	
"S. G. Marshall"	H.M.S. "Valorous."	This department is without any official information from the Admiral in command, or the seizing officers regarding these cases; but gathers from the public newspapers that such seizures were made by the Imperial vessels named.
"Albert"	H.M.S. "Valorous."	
"Clara F. Friend"	H.M.S. "Plover."	

Department of Marine and Fisheries,
 Fisheries Branch,
 Ottawa, 14th December, 1870.
 W. J. MUTCHEE,
 For the Hon. Minister of Marine and Fisheries.

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ANGLO-AMERICAN ASSOCIATION.

At a meeting of the General Committee, held at 1, Adam Street, Adelphi, London, on Wednesday, January 25, 1871, Mr. Thomas Hughes, M.P., in the chair, it was resolved :—

1. "That the following address, setting forth the objects of this Association, be adopted and published."

ADDRESS.

THE Anglo-American Association has been formed for the purpose of obtaining the best securities for the maintenance of a friendly understanding, and for the cultivation of more cordial relations, between the United States and Great Britain. It is proposed to establish a similar Society in the United States and in Canada, and it has been ascertained that there are many leading Americans who will give their aid to this end. It is hoped that citizens of each country resident in the other will join the Association in the place of their temporary domicile.

The necessity for the establishment of some such Society has forced itself on several of the Promoters of the Committee, who have been lately in the United States. The lamentable ignorance of contemporary American history, which exists in England even amongst otherwise well-instructed politicians, is too notorious; and the case is much the same in the United States with reference to Great Britain. Upon all questions in controversy

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