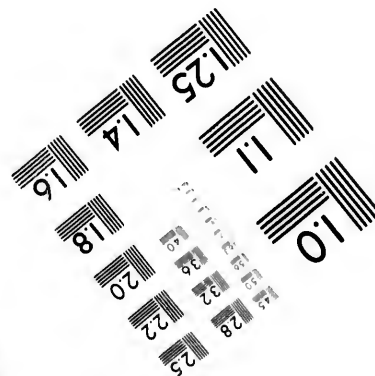
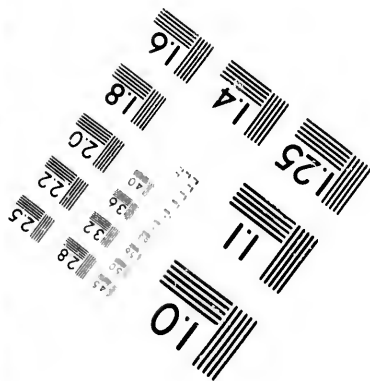
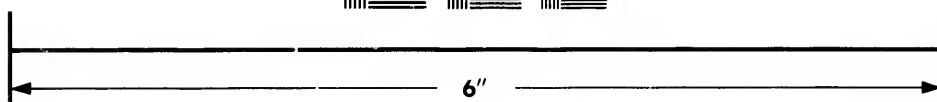
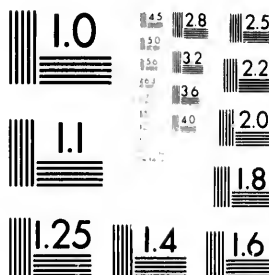


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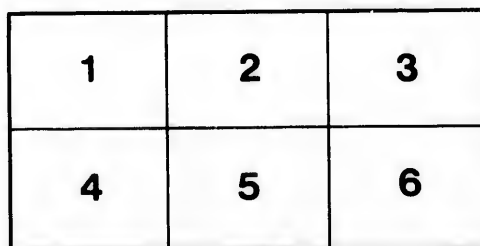
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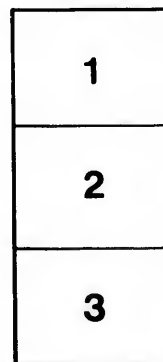
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THE
FISHERY QUESTION.
— — —
LETTERS
FROM THE N. Y. HERALD'S
SPECIAL COMMISSIONERS.

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PREFACE.

In the following pages will be found the Reports of the two Special Commissioners sent by the N. Y. *Herald*, the one of them to Canada and the other to Gloucester (Mass.) for the purpose of obtaining reliable information relative to the much vexed Fishery question. The allusion made to this matter in President Grant's Message to the United States Congress has naturally awakened fresh interest in reference thereto both in Canada and the United States, and it is of the utmost importance that the people of both countries should be enabled to form an intelligent opinion as to the position assumed by the Dominion Government, which President Grant characterizes as "unfriendly." It has, therefore, been thought expedient to publish these letters in pamphlet form, so that persons may be able conveniently to compare the statements made by the statesmen of Canada with the information given by the American fishermen.

First, it will be noticed that, whereas the representative of Canada in the course of his dialogue with the *Herald's* Commissioner, bases our position upon the rights which we legally enjoy under treaty, the case of the American fishermen stripped of all unnecessary verbiage, narrows itself to this: that the enforcement of our rights, after they have so long been permitted to rest in abeyance, has been attended with great loss and inconvenience to them, nor is it likely, under the circumstances, that any mode of performing their duty which might be devised by the Dominion officials would be acceptable to or approved of by these fishermen.

We will now very briefly discuss *in seriatim* the various cases of seizure of which the Americans complain. In the first place it may be stated that no official complaints have been made to the Dominion Government concerning the conduct of their officers, which undoubtedly there would have been had any high handed "outrage" really been perpetrated upon American citizens.

THE SEIZURE OF THE "WHITE FAWN."

The seizure of this vessel is alluded to as "one of the most unwarranted committed upon the Gloucester fishermen by the Dominion officers." She was seized for purchasing bait, the Treaty

THE FISHERIES QUESTION.

Report of the N. Y. Herald's Special Commissioner.

OTTAWA, Dec. 30, 1870.

It is with great pleasure that I am able to communicate my report of the results of the very interesting mission confided to me of repairing to the seat of government of the Dominion at Ottawa and conferring with the statesmen of that government upon the subject of the complaints made against them of unfriendly and injurious treatment of American interests in the matter of the fisheries and the navigation of the St. Lawrence. I have to acknowledge on behalf of the *Herald* and myself a reception most courteous and friendly on the part of the gentlemen of the administration. They expressed the greatest satisfaction that the leading journal of America should have specially commissioned a gentleman to hear their statements and views upon the very important subjects in question, and thus offered them such a medium of reaching the American public with a full statement of all the facts of their case as could not be obtained in any other way. I have been favored with long and protracted interviews in these matters by the very distinguished and cultivated Dominion Premier, Sir John Macdonald, as well as by Sir Francis Hincks, the Finance Minister; the Hon. S. L. Tilley, the Minister of Customs; the Hon. S. F. Howe, Secretary of State for the Provinces, and especially the Hon. Peter Mitchell, the Minister of Marine and Fisheries, whose department is more particularly concerned with these matters. I have had the privilege of full and ample discussion with all these gentlemen—and especially with the last—of the difficulty that has arisen, and I think it impossible to speak too highly of the energy and lucidity and fullness with which the whole subject was stated by them on behalf of their government. Your space would not allow that I should particularize the conversations I held with each of these

statesmen upon the fisheries and St. Lawrence questions. Much of the ground, moreover, was naturally gone over again with all of them. It will, therefore, be convenient that I should throw my report into the form of a dialogue between your commissioner and the abstract individual whom I will call "the Dominion statesman." And your readers may be sure that what is here attributed to that individual is the accurate representation of collective views and statements of the gentlemen whom I have specified, whose studies of these questions seemed to be equally comprehensive. The Minister of Marine and Fisheries, although in departmental charge of them, did not excel his colleagues in the fullness of his knowledge and studies of these important topics. And whatever view the American public may take of the matters which I have the honor to report I can at least testify that the action of the Dominion Government has been taken by a group of official gentlemen whom, after long personal experience of statesmen and governments, I can pronounce equal to any in the thoroughness and care with which they do their business of governing a great community. Indeed, I have never conversed with any statesmen who seemed so thoroughly masters and authorities in their work.

Your reporter opened his conference with an intimation that the *Herald*, true to its system of tracking subjects to their very source, had despatched me to hear what Canadian statesmen had to say upon the subject of Fisheries and the St. Lawrence, and especially of the charges of unfriendliness against American fishermen. To this question I had the following reply from my Canadian statesman:—

DOMINION STATESMAN—Sir, we are glad, indeed, that you have come. We are disposed to go into the whole subject with you comprehensively and exhaustively. And at the outset we desire to say that

we are simply overwhelmed with astonishment at the language used by the President of the United States concerning us and the charges made against us. We are absolutely free from all offence against the United States in every particular. We have been assailed absolutely without cause, fact or reason. We have neither done nor said anything which amounts to more than the defence of our property in just, kindly, and legal ways. We have stretched no point in our favor or against the people of the States. On the contrary, we have stretched points against ourselves. If you hear our case fully you will be able, with your experience as a lawyer and politician, to test it. Scrutinize it to the utmost, sir, and with as adverse an eye as you please, but pray study it fully.

HERALD COMMISSIONER—Sir, I have come here for the very purpose, and shall listen with the closest attention, and, I assure you, in the most judicial temper, to all you have to say.

DOMINION STATESMAN—Well, I think it would be convenient to say in the first instance that it is not the case, as the President intimates in his Message, that we are applying any new measures of severity to American fishermen in our waters. On the contrary, we have practically surrendered, though we theoretically maintain, a very important point, the headland point, upon which we consider our rights indubitable, and we now maintain and enforce only our exclusive fishery property—that is to say, three miles from shore, which is of course as much an exclusive property as a gold mine on the land itself. Perhaps it would be well to go a little more into detail. The whole question now rests upon the arrangements made by the treaty of 1818. Previous to that date and to the war of 1812, indeed at the moment of the concession of independence to the United States, that Government had advanced a claim not tenable, and not eventually adhered to, of this kind. They said that the fishing grounds of the British were conquered from the French by the common military operations of the English and the colonists, and therefore, they had a sort of natural right to use them even after severance from the British connection. Such a contention was hardly serious. It amounted to a claim to keep the privileges of British subjects after fighting to get rid of the liabilities of British subjects. An arrangement was made in 1783, by treaty, by which a certain limited right was given in British waters to American fishermen. It is not necessary to go further into that, because the war of 1812 destroyed that arrangement, according to the usual legal result of war, which annuls treaties. This question of the fisheries was

not settled at the time of the peace which followed that war, but lingered on into the year 1818, when, as I have said, the treaty was made on which the whole question now stands. The brief effect of that treaty was this: The American fishermen were placed, as to the right of taking fish, upon precisely the same footing as British subjects upon a portion of the Newfoundland coast, on the shores of the Magdalen Islands, and along pretty nearly the whole of the Labrador coast. They were given, also, the right to dry and cure fish on all the unsettled parts of the Newfoundland and Labrador coasts as to which they were given the fishing rights. When and where these coasts should be settled they were to use them only after agreement with the settlers. Such were the rights given to inshore fishing and shore curing to Americans by that treaty, rights to certain specified parts of British coasts. And by that treaty, to quote its words, the "United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry or cure fish in or within three marine miles of any of the coasts, bays, creeks or harbors of his Britannic Majesty's dominions in America not within the above mentioned limits." This renunciation was followed by a proviso that "the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein and of obtaining water, and for no other purpose whatever. You will see, sir, that the object of this last prohibition was to prevent fishing vessels acting as trading vessels, which was quite inadmissible for two reasons—that such confusion of character would prevent the due enforcement alike of the British coastal revenue system, and of the proper exclusion of American fishermen from the use of British waters to which they had no right; or, to put it more clearly, would enable American vessels, under colour of fishing, to fish where they had no right and to smuggle besides. Well, sir, to enforce the provisions of this treaty, various acts were passed by the Imperial and Local Legislatures, the terms of which are immaterial. And during the whole period from 1817 to 1854 it was the practice to seize and condemn American vessels for trespassing beyond their proper legal limits, or doing acts beyond the legal right of fishing vessels. All this legislation and all this action under it were directed to the single end of maintaining our fishery property and keeping up the rule of the treaty of 1818, that American fishing vessels should be fishing vessels, so to speak, pure and simple, without any general trading character whatever, and I have pointed out to you, sir, how absolutely

necessary it was to our fishing and revenue property and rights, that this point should be adhered to with the utmost strictness. This practice and mode of enforcing the treaty was carried on without any complaint of right all the time from 1818 to 1854, the date of the Reciprocity treaty. I say complaint of right, sir, because it would happen now and then that the American Government would raise as to particular vessels seized, the question whether they were as a fact doing wrong; and our rights were never disputed by the United States. And I wish, sir, to state with peculiar emphasis that through all this period as the Reciprocity treaty of 1854 our seizures were invariably made without any notice whatever to offending vessels, and I say this, sir, because the President in his message insinuates that we seize now without notice, contrary to ancient practice. This is not the case, sir.

HERALD COMMISSIONER. — Touching the question of the headlands, sir, in this stage of the affair, before the Reciprocity treaty.

DOMINION STATESMAN. — That question was only raised a short time before the Reciprocity treaty by the United States. You will observe, sir, that by the language of the treaty of 1818 the United States renounced all rights of fishing access, not merely within three marine miles of the British coast alone, but also of the British bays, creeks or harbours. We conceived and still conceive that under that renunciation our exclusive line was determined by a line drawn from headland to headland of all bays of British coasts, and that American fishermen were not at liberty to approach for fish within three miles of such a line. We have the decisive authority of Daniel Webster himself that this construction is the right one. Under date of 6th July, 1852, the great American statesman complains that this large concession was made in 1818 to England of drawing line from headland to headland; but he does not venture to question that it was made—complains, on the contrary, that it was made. However, shortly before the Reciprocity Treaty of 1854 the American Government began to complain of this large measure of exclusion as regards such bodies of water as the Bays of Fundy and Chaleurs, and other large indentations of the British America coasts. Now, sir, I wish at this stage of our statements to draw your especial attention to this point, because it bears with such force on the question of our friendliness. Since the abrogation of the Reciprocity Treaty in 1866, although as to this point of the headlands we conceive our rights to be indisputable, we have renounced their enforcement in practice. We now in practice

limit the exclusion of American fishermen to three miles from the actual coast line only, allowing them free fishing within all bays and harbors up to the three mile limit. Here is a point of great importance to American fishermen which we have quietly, for the sake of good neighborhood and kind feeling, practically given up our rights under the Treaty of 1818.

HERALD COMMISSIONER — Oblige me by continuing the history of the question.

DOMINION STATESMAN — Well, sir, the next stage in this eventful history was the period of the Reciprocity treaty. During the twelve years that the American Government allowed that treaty to be in force all these questions were in abeyance, for by its provisions American fishermen were placed on precisely the same footing as British fishermen; they could fish wherever they liked, all over the shores of British North America. We are at a loss to conceive, on grounds of statesmanship, why that treaty was ever denounced and repealed by the American Government. Canada got nothing under it at all equivalent to the unlimited fishing right of the citizens of the United States. Indeed that may be said to have been the very plum of the pudding in the Reciprocity Treaty, and if the Americans had kept it in their own hands all the questions now raised would have slept for ever.

HERALD COMMISSIONER — Then the stage of the affair after the repeal of the Reciprocity Treaty is a new one altogether?

DOMINION STATESMAN — Yes, sir: and we contend that our conduct as regards the fisheries since that date, so far from being chargeable with unfriendliness, has been conspicuously indulgent, neighborly and friendly to the United States. Indeed we go the length of saying that we have done everything except give up the property in our coast line fisheries altogether to American people. Nay, sir, we have even gone within an acre of even doing that altogether; for we have been willing and have attempted to give them the right of the inshore fishing on the payment of an almost nominal license fee. The American fishermen paid it at first, but afterwards declined, and left us no recourse but the enforcement of our rights.

HERALD COMMISSIONER — Oblige me and state the course of these transactions since the repeal of the Reciprocity Treaty.

DOMINION STATESMAN — With pleasure. You will observe that from the moment when that treaty was knocked in the head we were remitted to the exact position we held under the Treaty of 1818. The British Government desired that we should treat the matter, however, in a spirit of conciliation, and we have more than responded to that desire; we have, indeed, acted in

the spirit of self-sacrifice. In the first place, as I have already intimated, we have practically given up the headland point altogether, in spite of a case which we consider unsailable in point of law, and which we used before 1854 to enforce the repeated seizures and condemnations of American vessels. We now allow them to fish anywhere up to the three mile limit of the actual shore line. But even as to these limits we were anxious on every ground to avoid complications and have the best relations with the Americans, and to this end we were willing virtually to share the fisheries with them. All that we asked was that American fishing vessels should pay a nominal tonnage license for the privilege of fishing anywhere, and we fixed this at so low a rate that it really amounted to no more than a sort of pepper corn rental acknowledgement of right. Here is the statement of the operations of the system:—In 1866 there were 354 licenses; in 1867 there were 281 licenses; in 1868 there were fifty-six licenses; in 1869 there were twenty-five licenses. Now, sir, you will readily see on a simple view of this table how numerous were the cases of trespass without license during this period. But during the whole of the four seasons not a single American vessel was detained. During this period also we indulged American fishermen with repeated warnings and it was probably this which spoiled our license system; for it practically rendered trespassing upon our fishing grounds a thing without danger. But it completely shows the spirit in which we acted throughout this time. But you can see at a glance that it was impossible for us to allow such a state of things to go on. We might just as well have surrendered the fisheries altogether. They are our property, and property which we are willing to share with Americans on just terms, which we have very nearly sacrificed altogether. We are now fully purposed not to do this without a just equivalent. While we carried on this licensing system we virtually put up with boundless trespassing, while at the same time pray observe that British caught fish are all the time subject to a virtually prohibitory duty in American ports. It is too much. They seem to want the right to take our fish and exclude our fishermen from their markets. But we are satisfied the just and generous American public do not understand this question. And that is why we rejoice at this opportunity of laying it before them. Well sir, we were obliged to reconsider our position, not only on the grounds mentioned, but because during the period since 1866 the American fishermen committed other infractions of the

Treaty of 1818, such as frequenting our harbors to transfer cargoes and take supplies, creating riots and disturbances and defying the laws. In 1869 our shores swarmed with American fishing vessels which would not pay the license fee, and we had the undoubted evidence before us that, owing to the prohibitory duties of British caught fish, and our practical surrender of our rights to American fishing vessels, the Dominion fishermen were beginning to man the American vessels, and our whole fishing trade and property were threatened with extinction. It became absolutely necessary for us to retrace our steps. And therefore we have practically this season resumed our position under the Treaty of 1818, except only that we have, as I have before pointed out, put in abeyance the headland question. We now only maintain the two points—one, exclusive inshore fishing line, and the absolute necessary distinction of character between a fishing and a trading vessel—a distinction absolutely necessary to the fishing property and the revenue system. We maintain, therefore, sir, that our conduct has been in the highest degree friendly and generous, and we have great right to complain of its being represented under a different light by so high an official as the chief of the Republic himself. If he proposes to bind together all sections of American people in one common American sentiment by such a course, it seems to us, to say the least of it, that he will not succeed.

HERALD COMMISSIONER—The President in his Message intimates that your legislation of late has been both unfriendly and novel in enforcement of your fishing rights.

DOMINION STATESMAN—The President is misinformed, and it is greatly to be wished that he would study these points for himself, or be sure of those whose studies he depends upon. Our legislation has been no more than a transcript of that older legislation on the subject, which, as I have said, was never complained of on the ground of right during the whole period between 1818 and 1854. Nor have we ever attempted to enforce our municipal legislation, except in the undoubted three-mile limit from the shore. But allow me to state what has happened. At the beginning of the year 1870, we notified to the American government that we felt ourselves obliged now strictly to enforce the rule of exclusion from the shore line of three miles; not, be it observed, from headlands. During the year 1870 we have enforced that exclusion. There have been a few seizures within the three-mile limit, pray observe, for illegal fishing. There has not as yet been one seizure for

trading. Now, sir, pray notice this part of the transaction. After our notice to the American government that we now meant to take this line it became the duty of the American Executive to warn these people. And they did their duty. Secretary Boutwell issued two circulars, dated May 16, 1870, and June 9, 1870. In these circulars he notifies to the proper American officials that the Canadian government are now about to enforce their rights under the treaties. No complaint was made to us. Indeed no complaint could be; for we were about to stand on our rights after a long course of indulgence, and even then not on our strict rights according to old treaty construction, as I have more than once said. President Grant complains in his Message that now we give no notice. In Secretary Boutwell's circular it was notified to the Americans that no notice was hereafter to be given. Why should we give notice? American fishermen know the law well enough, and when they break it they break it with their eyes very wide open indeed. Our notice and our warnings were all part of a system of indulgence and of self-sacrifice, which we find will not do at all. We persevered in it because we thought that our generosity would lead the American government to meet us in the like spirit. Practically admitting them to a share in our priceless fisheries we hoped that the spirit we showed would lead them to re-consider our exclusion from their coasting trade and from the benefits of the American register of shipping. Really, sir, we gave up everything for a season in the hope of our getting something in return. We got nothing, and now we are abused by the President for simply re-entering into possession of our own.

HERALD COMMISSIONER—Do I understand you that there is positively no foundation for the suggestion that your late legislation is novel?

DOMINION STATESMAN—Distinctly. We have done nothing but adopt the provisions of the imperial act of 1819 and the old law of Nova Scotia. There is nothing new at all. Our late act, like the Imperial Act of 1819, has no clause giving twenty-four hours' notice to the trespassing fishermen. It was found that such a clause defeated the purpose of the law, so we have adopted the old Act of 1819. But always remember that our legislation applies and our seizures are exclusively effected within the three mile limit which belongs to us. What the President means by suggesting that our legislation is novel we cannot at all understand.

HERALD COMMISSIONER—The President also suggests you are enforcing new pro-

hibitions with regard to the trading of fishing vessels.

DOMINION STATESMAN—There is absolutely no foundation for this insinuation. I have clearly explained to you that the treaties limit most carefully American fishing vessels to fishing purposes, and also the reasons for such limitation. We cannot have vessels fishing under the pretence of trading, for that would be to give up the fisheries; we cannot have them trading under pretence of fishing, for that means smuggling. Fishing vessels may come in for shelter, for repairs, for wood and for water. Why, sir, in the whole history of the discussion of these questions between the two countries no American statesman has ever ventured before President Grant to claim any right for fishing vessels to enter our ports for trade purposes, or any except those named in the treaty. So just are the grounds on which we maintain the distinction between the fishing and the trading vessels, so clear the provisions of the treaty by the help of which we maintain it. President Grant takes quite new ground on this subject, and one which no lawyer, no statesman in a responsible position has ever dreamed of taking. It is quite untenable. But what we want to know is, why we have had no complaints addressed diplomatically to us. We should be loath to regard the Message of the President as a mere electioneering manifesto to catch votes. It is quite certain, however, that an electioneering address can contain matter *ad captandum vulgus* which can find no place in diplomacy. You have an eminent American person named Bancroft with great influence among you. None of his family have settled at present within British dominions. But to speak seriously, we are deeply shocked and pained at these imputations, which a little pains and good faith would have spared us. Nor can we understand their policy. What can be the use of making statements, for example, about this point of trading by fishing vessels, which will not bear a moment's consideration or reflection? For fifty years, omitting the period of the Reciprocity Treaty, the clear right of preventing fishing vessels from trading has been enforced without a complaint from American authorities. Yet now the President says that, so far as the claim is founded on an alleged construction of the Treaty of 1812 it cannot be acquiesced in by the United States, and "it is hoped it will not be insisted on by Her Majesty's Government." But, sir, so long as we are compelled by this exclusive policy of the American Government to stand upon our rights—and you have already been shown in what a mitigated form we now do this—we must maintain

the exclusion of fishing vessels from trade. We cannot maintain the fishing property without it. And this we will now certainly not surrender beyond what we have done without a just equivalent.

HERALD COMMISSIONER—You have certainly stated matter for much serious reflection.

DOMINION STATESMAN—Now, sir, here is a point to which we should like to draw your attention; for it shows in what a spirit of anxious, considerate friendship we have dealt with the fishermen of the United States. Under the first article of the Treaty of 1818 United States citizens may take fish on the shores of the Magdalen Islands, but cannot use the land for fishing operations. But we have, year after year, allowed them to land their boats and haul their seines and enjoy all facilities, like Canadians. This causes us no small damage and trouble, we assure you. They come in great numbers. They are a class of people who, to put it mildly, have a great deal of animal spirit. They damage British fishermen and threaten the safety of the peaceful inhabitants considerably. The Canadian Government has had much trouble and expense in maintaining customs laws and navigation and fishery laws among these people. We might simply exclude them according to treaty law. But we let them come to the Magdalen Islands and bear the extra expense and dangers. Is that unfriendly? Then, again, by the treaty American fishermen may dry and cure fish on certain of the unsettled parts of the Labrador coast. After they have been settled, so provides the treaty, the American fishermen must come to agreement with the settlers. Now, what have we done? We have positively gone beyond the treaty by assuming the guardianship of this temporary and provisional right of American fishermen, for we have only permitted settlement of the Labrador coast subject to this right of American fishermen. We have not left these, as we might have done, to the mercy or option of the inhabitants, proprietors and possessors of the ground, as the treaty provides, but we have not allowed settlement except on condition that the fishermen of the States should be allowed to use the ground as before. In fact we have turned a provisional and temporary right into a permanent one. And yet we are charged in the face of the civilized world by the foremost man in the United States with being unfriendly. Really, it is too bad. We could have done no more than we have done. We have all but surrendered our fishing rights altogether, but we must now maintain our property. It is our only basis for acquiring just reciprocal rights of commerce and trading with the United States.

Why was the Reciprocity Treaty destroyed by the States? Under it they shared our fisheries with us equally everywhere. If it was done to punish Great Britain for the sympathy of some of her sections of society with the Southern cause, it was in effect much more injurious to American interests, both in the States and in Canada, and principally, we are firmly convinced, to the detriment of citizens of the United States themselves.

HERALD COMMISSIONER—I think that the question of the fisheries is pretty well exhausted. What about the St. Lawrence navigation?

DOMINION STATESMAN—Well, sir, I suppose we must speak seriously about the utterances of the President of the United States; but in this particular it is really very difficult to do so. The President states that "a like unfriendly disposition has been manifested on the part of Canada in the maintenance of a claim of right to exclude the citizens of the United States from the navigation of that River. We can only say that we are quite without any knowledge of any facts to which this assertion refers, or of any to which it could refer. The citizens of the States use the river as freely as we do our ourselves. But somehow or other—in our sleep perhaps—we have been doing a great injury to the people of the United States about this. We should amazingly like to know what it is. The President says, with great solemnity, that "there are eight States with 17,600,000 people upon these waters discharging into it." It is a great fact, no doubt, sir; but it has nothing to do with the navigation of the St. Lawrence. We do not think it possible for any American statesman to forget the Falls of Niagara. But it would really appear that the President of the United States has altogether overlooked for the moment the fact that the natural water way from Lake Superior to the ocean is considerably impeded by falls and rapids. Some of these are reckoned among the physical wonders of the world. We must reckon it among the political wonders of the world that an American statesman should leave them out of view. Why, sir, the water way of the St. Lawrence basin, as all the world knows, is only made navigable by canals. Do we practice exclusion? Not the least. We have built the Welland and St. Lawrence Canals on British territory at a cost of \$17,000,000, and we say, without fear of contradiction, that they are used, and always have been used, as freely by the tonnage of the United States as by our own, and the navigation of the St. Lawrence would be of no use to the States without them. There is absolutely nothing in this sir, whatever. We are absolutely

at a loss to conceive on what facts this complaint of President Grant is based ; and we would rather not say much more about it, because we desire to treat the statements of the Executive of the United States with all possible respect. As to friendliness, the less said by American statesmen on that subject the better. Just look at the contrast. American canal boats, in competition with our own, navigate our Ottawa and St. Lawrence canals and rivers, and can go without breaking bulk to Whitehall or New York ; but so soon as a British canal boat reaches the American frontier she is stopped, and is not permitted by the restrictive policy of American navigation laws to go any further. We cannot imagine what the President means by talking about the Rhine and the Danube. The St. Lawrence navigation is a navigation by canals supplementing the river, and our canals are freely used. Really, sir, there is no more to be said on this head.

HERALD COMMISSIONER.—How do you think all these things bear upon the great question of the unification of the Continent—upon the consummation of the "America for Americans" doctrine, which we have so much at heart in the States ?

DOMINION STATESMAN.—Why, we do not believe that there is in the Dominion at present any party whatever that desires any organic or revolutionary change in that direction. And we are quite certain that the growth of such a party is impeded or indefinitely postponed by a policy towards us which we can only regard as one of punishing us or starving us into annexation. But really this is the most mistaken policy in the world, both morally and fiscally. We are not badly off as it is ; on the contrary, Canada and the Dominion never before were so flourishing. Our tonnage increases enormously, though the United States preclude us from American registry ; our revenue is abundant, our taxation moderate. We know nothing on this side the border of Erie rings or unchaste courts of justice. American greatness attracts us, but the practical working of American institutions repels. And we do not like being threatened, and are very sure that neither Great Britain nor ourselves can be dragged into separation or independence or annexation. This is a very great matter, but it does not seem to us to be handled by the President in a great spirit. When the President threatens "to suspend the bonding system and exclude the vessels of the Dominion from United States waters," he ought to know that, so far as the first of these measures is concerned, he would do much more harm to the commerce of the United States than to ours. Our merchants now buy

about \$16,000,000 worth of foreign goods in bond from the merchants of New York, Boston, Portland and other Atlantic cities. American merchants buy from us and carry annually over our canals \$15,000,000 worth of lumber alone, which they largely reship out of bond to the West Indies, Brazil and other southern markets. I assure you, sir, that American policy is putting all that trade in peril. We did not ship a single cargo to South America : your merchants shipped our lumber to that market and took the profit. This year our own people, as the result of your high tariff policy, have shipped direct on their own account \$3,000,000 worth of it. Before long, if things go on as at present, all the trade we do at present through you will be entirely diverted to the St. Lawrence route and ourselves. It seems to us that it would be well for the whole position to be reconsidered. The experience of the last four years show us that we can do without the States if they can do without us. They seem to wish for us though. But they are taking strange means to get us. We do not know how the policy of excluding British vessels from American ports could be carried out. We are aware that a leading political person on your side has lately advocated complete severance from the British empire unless the United States have their own way in the questions under discussion between the Crown and the Republic. And President Grant would appear to have been taking lessons in that school lately. It is quite sufficient for us when we think of such threats to remember that the United States is peopled by forty millions of just and generous men, who know as well as any people on which side their bread is buttered. But we are not a little astonished to find your Chief Magistrate using such language for all that. How could you turn the great Republic of the West into a great Japan ?

The Yankee Side of the Question.

From the New York Herald Correspondence.

GLOUCESTER, MASS., Dec. 31, 1870.

"Well, I guess you'll find out if you stay in town long." This was the emphatic reply I got when, upon arriving the other evening, I asked a citizen how the fishermen felt about the trouble the Dominion of Canada had been making them. I thus found out at the very start that I had anticipated rightly when I surmised that there might be a good deal of excitement here over the matter. I remembered what I had read of local history in Massachusetts, and therefore knew that

vessel then lying about five miles from Lubec. The crew of the vessel did not catch or attempt to catch any herring or other fish while lying there, but only went in to buy bait, as American vessels had been in the habit of doing. There is no Custom House in the place at which the vessel could enter.

The master of the vessel went on ashore to put some letters in the post office, and when he returned found a British officer on board of his schooner, who represented himself as the second officer of the Canadian cutter *Water Lily*. The captain of the *Water Lily* and eight armed men afterwards came on board and asked the master what he was doing there. He replied that he had bought some bait, which the captain of the cutter said was contrary to law. When asked to show the law he declined doing so. He said he should have to take the vessel for buying bait. He then took the vessel, the master protesting, and taking charge of her dropped her down alongside the cutter. Ten of the crew were placed in an open boat and sent to Eastport, being allowed to take only some clothes with them, and the *Fawn* was towed into St. John, N. B. As soon as the news arrived in Gloucester of the seizure, George Friend, Jr., the chief partner of the firm, left at once for St. John. Immediately upon his arrival he called upon Mr. Goodwin, the American Consul, and Mr. Goodwin directed him to consult with Mr. Tuck, the Queen's Consul. "I asked him," Mr. Friend says, "on what charge the schooner was taken, and he replied for buying bait. He claimed that a vessel buying bait within three miles of the shore, was, by that act preparing to fish, and it was on this charge the vessel was tried. A prize crew was then in possession of the vessel, and she is now in their hands. Mr. Tuck further told me that he was waiting for instructions. The vessel had been detained twenty days when I left St. John without prosecution. Mr. Tuck refused to bond her, and said he would do nothing without instructions from Ottawa. I have learned since arriving home that he has been directed to prosecute her. This vessel was bound for the Western Banks, and had no intention or idea of fishing in shore."

"What do you think will be the result of the prosecution?"

"Really, I can't tell. I have, however, thorough General Butler, our Representative to Congress, asked the President to demand this vessel from the Dominion Government, as by interpretation of the law and the treaty on this basis no American vessel is safe when they see fit to capture her. Mr. Tuck told me positively that no American vessel can buy provisions

or supplies, other than wood and water, and that the purchasing of anything else is a violation of law and the fishing treaty."

AN OUTRAGE AT PIRATE COVE.

I have also learned the unpublished particulars of an outrage upon an American fleet at Pirate Cove, N. S., which took place as long ago as July. Having put into the Cove Harbour from necessity, the fleet was visited by the officer of a Dominion cruiser, who ordered every vessel off forthwith. Two of the vessels, *Wildfire* and *Sargent S. Day*, both of this town, were aground and could not move. The official was very much exasperated at this, and, with a force of twenty-five men boarded the *Wildfire* and informed her master that he should fine him \$800. Upon reflection, however, he concluded that he had no authority to assess and collect a fine, and gave the vessel permission to remain in port until two o'clock in the afternoon. He afterwards boarded the other vessel and proceeded in a summary manner to unbend her sails, but was led to desist by representations from leading citizens of the place, and finally took his men off, muttering curses loud and deep upon American fishermen, and declaring that he would "make some of them sweat." Neither of these vessels was accused of violating any law or regulation of the Dominion.

A COUPLE OF VESSELS DRIVEN FROM HALIFAX DURING A GALE.

The feeling, it would seem, is so bitter against these unoffending fishermen that the Dominion officials would wilfully hurry them all to watery graves. Only a few weeks since the schooner *Ruth Groves* and *Mary E. Daniels*, of this town, while coming home from the Bay of St. Lawrence, encountered heavy weather and were obliged to make a port of safety. They succeeded in getting into Halifax Harbor; but at daylight the following morning both vessels were boarded by an officer of the port, who inquired what their business was there. When informed that they had put in on account of stress of weather he replied that they had no business there, and ordered them to proceed to sea, with which order they were obliged to comply to avoid seizure, to the great jeopardy of life and property. Desiring to find shelter from the rough weather, the master of the *Ruth Groves* being unacquainted with the coast, one of the crew of the other vessel was sent on board of her, and finally both craft succeeded in getting into a small harbor, difficult of ingress and egress, called Catch Harbor, distant about twelve miles from Halifax, and where, with considerable exertion, they rode out the gale in safety.

Gloucester, the great headquarters of American fisheries, was just the place for an industrious correspondent to visit in search of information bearing upon the present international difficulties.

**THE TROUBLES WITH THE DOMINION OFFICIALS
AND WHAT THE GLOUCESTER FISHERMEN THINK
ABOUT THEM.**

There is no doubt that the Dominion authorities have brought about these difficulties simply for the purpose of forcing our government into a renewal of the Reciprocity Treaty which expired some years since. This is what the Gloucester fishermen think, and they assert that the Canadians and Bluenoses themselves do not conceal this fact. They treat our peaceful and unoffending fishermen as if they were outlaws of the most contemptible character, and deny them the simple rights and privileges due from one civilized nation to another. One old salt with whom I conversed said that if Congress did not take the matter in hand the fishermen would have to go armed and protect themselves. "We must do it," he said; "if Uncle Sam can't attend to them, why, we can. There are seven thousand fishermen and sailors right here in Gloucester, and I, for one, would be willing to

COMMENCE PIRACY

upon all their harbors and commerce, and keep it up until they learn how to behave. There are others here who would join me, and I have no doubt but I could get crews for a dozen pirate steamers in a dozen days right here in this town. I tell you, sir, this is what it is coming to unless something is done, and done very quickly too. You will find others besides the fishermen who will back us, and we count old Ben Butler among our best friends. If he don't fix things at Washington we are going to rig up a dozen or so Alabamas and commence business."

I talked with another man—not a fisherman; "It won't come to any serious trouble," he said, "for I happen to know that

GRANT AND SCHENCK ARE ALL RIGHT,

and when Congress meets proper legislation will follow, and then Schenck will get his instructions, and there will be a change of conduct very soon on the part of the Dominion Government towards our Yankee fishermen. Grant is aroused, and has promised to fix the matter right off, and you can bet old Ben won't let him alone till he does. And I further know," he added, with a significant wink, "that Schenck ain't going over to England to eat dinners, but to fix up this Alabama and fish business. Our boys have stood this thing as long as they are going to, and the Government knows it.

THE BEGINNING OF THE TROUBLES.

It was early last summer that the troubles began, and the fishermen, without offering resistance, promptly reported the various outrages to the representatives of the American Government. By a change of boundary lines at that time the Canadian territory includes Mount Joly and a portion of the shore to the east thereof, which, in the treaty of 1818, was described as the southern coast of Labrador. The Secretary of the Treasury holds that this change does not affect the rights of our fishermen under that treaty. The people of Ottawa hold the opposite opinion, and propose to maintain it with gunboats, as they are now doing, and have done ever since last June. Now the grand question is "What is to be done?" From the feeling manifested in Gloucester it is clear that there must be an adjustment of the difficulties one way or another before the fishermen start out for the coming season.

As I have already intimated, there is indignation and excitement prevalent everywhere in the vicinity, and it is no wonder. If one-half the reported outrages of the Canadian authorities upon American fishermen be true, it is a shame and disgrace to our Government that they have passed so long unnoticed. I have conversed with those best qualified to know about these proceedings, and with men of high character, and their reports of the conduct of the Dominion authorities are all unanimous to the point that unheard of outrages have been committed. Most of the statements which I have gathered have been furnished under oath, and they may be relied upon as implicitly true.

THE SEIZURE OF THE "WHITE FAWN"—STATEMENT OF CAPTAIN FRIEND, THE OWNER.

The seizure upon the schooner *White Fawn* was probably one of the most unwarranted committed upon the Gloucester fishermen by the Dominion officers. The announcement of her seizure has already been published, but as the circumstances and details have not yet been given, I concluded to obtain them from Mr. Friend, her owner. The *Fawn* is a first class vessel of 64.49 tons burden, and was built at Essex only a few months since for Mr. Friend & Co. The alleged offence was a violation of the treaty of 1818, and the British fishing laws founded thereon. The vessel sailed from Gloucester on November 21, bound for the Western Banks, where alone her crew were to fish. After touching at Portland for ice she sailed for Head Harbor, Campo Bello, for the purpose of obtaining bait. This bait was delivered on board the *White Fawn* the next day, November 25, being brought off in bouts, the

A GLOUCESTER FLEET DRIVEN FROM PRINCE EDWARD ISLAND BY AN ARMED CREW OF NAVAL MARINES.

"They are a damned set of reprobates and ought to be exterminated," was the answer I got from a fisherman down on the wharf when I asked him what he thought of the interference with his business by the Dominion officials. "Yer are a correspondent of the New York *Herald*, are yer?" he continued, taking a fresh chew of pigtail, "Wal, now, yer jest come 'long with me and I'll put yer onto a feller who'll tell yer all 'bout the G—d d—d whelps." I thanked him and followed. He took me to an intelligent young tar, who said he was one of the crew of the *Charles P. Thompson*, and in answer to inquiries he proceeded to give me an account of an adventure that vessel had at Prince Edward Island last September. His narrative, in brief, was as follows:—

"The schooner entered the harbour of Charlottetown, and the English sloop-of-war *Valorous*, in command of Captain Hardinge, was in port at the same time. The officers of the *Valorous* boarded the schooner as soon as her anchor was down and inquired what business she had in there. Edward Cash, the master, replied that he wanted wood, water and provisions. He was told that he could take them and to clear out within twenty-four hours, but that he could not take any bait. The officers then placed an armed barge alongside the schooner and kept her there all night. One of the crew, who had been ashore, came on board in the schooner's boat and was hailed. Afterwards the barge's crew boarded the schooner and tried to take the men out of the fore-castle. The next morning the vessel was ordered to proceed to sea, and went below the harbour, but it was blowing so heavily that the master did not think it proper to go out. An armed boat was then sent down to drive the schooner out, calling her crew smugglers and threatening them with prosecution. Before leaving, however, the captain made a protest to the American Consul against such treatment, but that officer did nothing about it."

"Now, yer come with me to another feller I know and he'll tell yer about what a time they had with the schooner *Lant* down in that same damned Charlottetown."

I went with my enthusiastic and indignant friend, and very soon I heard the following story about the *Lant*:—

"We put into Charlottetown in August and cast anchor. An officer of the *Valorous* boarded the schooner and asked what we came in there for. The captain replied that he came in to get water, also to take some bait that was shipped down to him

from Boston by steamer. The officer replied, 'You are not allowed to purchase any provisions here, and you shan't have your bait. I order you to leave this port in twenty-four hours.' Two of the schooner's crew were on shore and could not be found readily, and the *Valorous* sent an armed boat's crew to drive the vessel to sea, and she was obliged to leave the two men on shore. Captain Allen made application to the American Consul to aid him in getting his bait, but he replied that he would do nothing for him. Mr. J. C. Hall, an American merchant at Charlottetown, took care of the men left behind when the vessel put out to sea, and forwarded them by steam to Point Kildare, North Point, in four days from the time they were left, and they rejoined their vessel."

My friend, who had accompanied me, here broke in:—

"You must remember, mister, that none of these fellers tried to catch or buy a damned bit of bait. What they wanted was to take on board some that had been sent down from Boston, with freight all paid and no duties. There ain't no duty on bait down at Charlottetown, anyhow, and so they couldn't defraud their revenue. It was a great damage to the *Lant's* voyage, as well as the *Thompson's* and I wish they could be licked for it."

AN AMERICAN FLEET HUSTLED OUT OF PORT MULGRAVE, STRAIT OF CANO.

A captain of another fishing vessel told me a harrowing story of an outrage inflicted upon a fleet at Port Mulgrave, in the Strait of Canso, in July. The vessels, he said, had scarcely time to procure wood and water before Commander Scott, of the Dominion Navy, was after them, and some of the vessels were not allowed even time to get their supplies on board before they were driven to sea by the armed cutter. The crew of the cutter kept a sharp look out to prevent any of the fishermen from purchasing anything in the shops in the neighborhood. Heretofore, he said, these shops had supplied the men with mittens, socks, and the like.

"Don't the storekeepers object to such proceedings?" I asked.

"Yes, of course they do, and so do the people generally, for they depend largely upon the trade of American fishermen while in port. Some of these vessels had men on board belonging in Port Mulgrave, and these men very naturally wished to purchase some provisions for their families to use during their absence; but the vessels were cleared out without giving them any time to settle their bills or arrange for the comforts of their homes while absent. I tell you what it is such things were deuced hard. Darn it, they wouldn't let us buy

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at ought to be done?" If I could
y way I would start a nitro-glycer-
tory in every damned city and town
Dominion, and blow it to kingdom
t once. I wish Uncle Sam would
er our rights. If he knew how
were going on I'll bet he would send
nough down there to keep the Do-
navy in its proper place. If this is
e shall have an opportunity to get
with some of the bloaters."

EL SEIZED AND AFTERWARDS RE-CAITUR-
BY A PLUCKY GLOUCESTER CREW AND
EN GOBBLED UP AGAIN BY THE DOMINION
NAVY.

Herald's telegrams have already
ed the fact that the schooner *Clara*
ient, of this town, was seized by a
ion cutter; also that she was recap-
y her own crew, but again overhauled
same cutter which took her origi-

Mr. Friend, who has just arrived in
ester, from Charlestown, where the
now is, furnishes an interesting ac-
of the whole affair. The vessel was
for the chronic offence of violating
fishery laws, and was placed
rge of an armed guard pending the
of the courts in the matter. This
was dilatory, and Mr. Friend and
w, having a keen idea of the injus-
the authorities towards them, un-
k

WAR AGAINST THE DOMINION NAVY

ir own hook, or, in other words, set
rescue their vessel by force. Mr.
and his sixteen men did the busi-
ne dark night, and the manner in
they accomplished it is best told by
the vanquished marines who was
ng the vessel. His story, when the
me up in the Vice Admiralty Court,
follows:—

at half past eleven o'clock on Thurs-
ht a boat with fifteen or sixteen
me alongside, asked how far they
leeward of Southport, and said
uld come on board for a drink of

The witness replied that they
ot be allowed to come on deck
ey rushed on board. A man came
thomas and demanded his rifle,
he dropped on being collared
n, whom he did not know, threat-
blow out his brains if he refused;
no alarm; was ordered into the
nd went, and had a talk with
ere, who told the witness not to
d—he would be all right; Mr.
also said he would treat the guard

well; witness recognized all the traversers
but Moor. In cross examination he ad-
mitted that he was not very badly used;
heard some one in the boat cry out,

"SHOOT HIM,"

but Mr. Friend said not to do so; the
guard was not shut down in the cabin, but
could go on deck whenever they thought
proper; Captain Grady told us we should
have to show them things, and we did;
helped them to get up the anchor; the
captain said we would have to do it; wit-
ness won't say he was sorry that Mr.
Friend was getting his vessel—told him it
was a pity for any poor man to lose his pro-
perty; can't swear to seeing any firearms;
saw with one of the men what he (Thomas)
thought was a pistol or revolver; he held
the slack of the throat-halyard when they
were fishing the anchor; they wanted the
vessel and did not do us any harm.

THE CREW INDICTED FOR RESCUING THEIR OWN VESSEL.

The trial lasted for two days and result-
ed in Mr. Friend and the crew being held
on the charge of rescue. Mr. Friend's
bail was put at £500 and that of the others
at £100 each, and all obtained sureties
among the citizens of Charlestown, who
were generally in sympathy with them.
The Queen's Counsel also endeavored to
have them severally indicted for assault
upon the guards, for larceny and for
creating a riot; but the Court refused to
entertain the charges. The vessel will
soon be sold by the Government, and Mr.
Friend will probably bid her in.

ANOTHER OUTRAGE AT PORT MULGRAVE.

"Hello there, cap'n," was the salutation
I heard towards evening, while walking
briskly up Front street, in the direction of
the hotel. Before turning I knew it was
the jolly old fellow I had been indebted
to during the afternoon.

"Ah, how do you do again," I observed.

"Now, here, Mr. *Herald* man, I want yer
to go 'long with me agin and see Ned Gor-
man; he'll tell yer all about that schooner
A. I. Franklin that was seized by those
damned fools down at Canso Strait t'other
day."

I went along and in due time was in the
presence of a genuine salt, who, I was in-
formed, was Ned Gorman."

"My friend, Mr. Whatdoyoucallhim, in-
forms me, Mr. Gorman, that you know
something about the seizure of the schoo-
ner *Franklin* down at Port Mulgrave the
other day."

"Yes; I know all about it, for I was one
of the crew. I have already told the par-
ticulars to Collector Babson, and he's go-
ing to send them along to Ben Butler.

tell you old Ben is a brick, and I'd just like to go down there privateering with him."

"Yes; old Ben is a brick," I said approvingly. "Now, how was it about this affair of the *Franklin*?"

"Well, I will tell you just the same as I told Mr. Babson. The schooner was on her passage from the Bay of St. Lawrence to Gloucester. Having finished our fishing voyage we went into Port Mulgrave, anchored in the harbor, and then went ashore for some wood. We did not fish or attempt to fish in the harbor, or within three miles of the shore. The next morning Captain Torrey, of the Dominion cutter *Ida E.* boarded our vessel. He had, however, been on board previously, and examined her to find evidence for violation of the fishery laws, but he found nothing to warrant her detention. This second time when he came he said he had been informed that I had been fishing inside the limits the morning he boarded her before. The captain denied this, and asked Captain Torrey why he did not take the vessel when he boarded her the other morning. He said he had no proof then, but he had got some since. He went on shore then, and consulted with Mr. Wildes, a merchant of the place. He seemed to be quite undecided what to do. He was not himself personally aware of any violation of law, but acted on hearsay evidence."

"What did he do finally?"

"Oh, he took the vessel, and sent her to Halifax, where she is now bonded for \$2,800."

"What became of the crew?"

"The crew were put ashore at Port Mulgrave destitute. The American Consul said he could not help us because we were fishermen."

ANOTHER SPURGE BY CAPTAIN TORREY AT PORT HOOD.

Captain Nicholas Murphy, of the schooner *Hawartha*, also of Gloucester, furnishes an interesting account of a narrow escape he had from seizure by this same energetic Captain Torrey, but the affair took place at Port Hood instead of at Port Mulgrave. Captain Murphy said the *Grenada* had been seized the same day he went into port. After he had anchored Captain Torrey came on board and asked to see the papers, which I showed him. I asked him if I could buy provisions on shore, and he said "No; and if I catch you buying any you are liable to seizure." He also told me if I was allowed to buy provisions to last me home and attempted to fish either inside or outside the limits I would violate the law, and he would seize my vessel. He alluded to the

seizure of the *Franklin*, and said that he had seized that vessel on evidence given by a Nova Scotia fisherman, who complained of her for having meddled with him when he was catching mackerel. He also said that I was violating the law by being in the harbor as long as I had wood and water on board. I went in their for shelter and claimed that right, but Captain Torrey denied it and said I had no business there if I had wood and water on board; that the treaty made no mention of any right to stay twenty four hours in port for shelter, adding that I was violating the law by being there anyway.

"What did you do?"

"I got under weigh as soon as possible and went to sea. If I had remained, according to his interpretation of the law, he would have seized my vessel."

AN INTERVIEW WITH THE COLLECTOR OF THE PORT OF GLOUCESTER.

Among others whom I called upon in the pursuit of information was Mr. Babson, the Collector of the port. Aside from the outraged fishermen themselves there is probably no other man in town who manifests so lively an interest in protecting their interests. He has examined personally into all the outrages committed upon the Gloucester fishermen, and much of the information which he has gathered is already in the hands of General Butler, who, it is understood will immediately bring the matter up upon the reassembling of Congress after the holidays. Mr. Babson was very glad, he said, of the opportunity to lay before the country, through the *Herald*, some of the facts connected with the outrages which the Canadian Government had perpetrated upon our unoffending and industrious American fishermen.

"I think, Mr. Babson," I observed, in the way of approval of his views, "that when the unparalleled wrongs are made known that the people of this country, from one end to the other, will insist upon our Government taking immediate action in the premises, and it is for the purpose of informing the American people of the unpardonable conduct of their Dominion neighbors that I have visited Gloucester in search of information."

"And I am heartily glad that the *Herald* takes such an interest in the matter," he again assured me: "for the spoliation of our fishermen and the destruction of their business is, as you say, a subject that will ever awaken a just resentment in the minds of our people. The Canadian interpretation of the Treaty of 1818 is simply an excuse for piracy, and their acts will be denied, repudiated and avenged. Under the pressure of the war debt the United

States has been obliged to tax its industries heavily, and we cannot afford to give to Canada our free markets to compete with our taxed labour, and because we do not do this we have made war upon our fishermen."

"I suppose, then, I am to understand that you attribute this annoyance on the part of the Dominion Government to a desire to bring about a Reciprocity Treaty similar to the one formerly existing?"

"Yes; that is it exactly. The concessions made by the Treaty of 1818 were those applying to the fishing business as prosecuted at that time. Not until 1825 did American vessels go into the Bay of St. Lawrence for mackerel. The cod fishery had been carried on by small vessels on our own coasts or by larger vessels on the Banks. Since 1825 the mackerel business has increased, until from 500 to 800 vessels now go annually into the Bay of St. Lawrence during the summer months. Mackerel, being a migratory fish, must be followed to be caught."

"Where are they found in largest quantities?" I inquired.

"Around Prince Edward Island, along the shores of Nova Scotia and Magdalen Islands, they swarm in the bays in numbers beyond computation. The annual catch does not seem to diminish their number, and the supply may be said to be absolutely inexhaustible. At the time of making the Treaty of 1818 this part of the fishing business was not considered, as mackerel fishing was not then prosecuted as a business. Codfishing was the only business recognized as a fishing business, and upon which the United States paid a bounty to fishermen. Vessels engaged in mackerel fishing were not recognized under the interpretation of laws existing at that time, and therefore the commissioners never had mackerel fishery in view when they gave up the right to fish within three miles of the shore. Marine papers, styled 'Mackerel Papers,' were issued by the United States in convalidation to fishing papers, up to the time of the repeal of the fishing bounty in July, 1866."

"When did these troubles between the Dominion authorities and the fishermen commence?"

"These later troubles commenced during the present year, or, at least, they began to be more aggravating; but previous to the Reciprocity Treaty of 1855 American fishermen, in the Bay of St. Lawrence, were driven from within the three mile limitation by British cruisers. In some cases captures were made for catching mackerel inside of the three mile line from the Canadian shore, but the cruisers invariably warned the trespassing vessels of their liability, and it was not until hav-

ing been legally warned, and afterwards found fishing within the limits, that they were troubled. Upon the termination of the Reciprocity Treaty by limitation, and the formation of the New Dominion the party of confederation turned their attention to the renewal of reciprocity with the United States. Fail g, however, to impress our Government with the necessity of opening our markets to their products free of duty, or, to use the words of one of their legislators, 'grass being impotent they would try the virtue of stones,' the Canadian Parliament enacted the law by which our fishermen are treated as outlaws. By their construction of the law of 1818, and the Canadian laws based upon it, they claim that American fishermen have no right to buy stores or supplies; no right in their harbors when they have wood and water on board; no right to have fish in bond for export to the United States; no right to receive bait or supplies from home through their ports; no right to buy bait, and in fact they assume that they are outlaws in every sense, and entitled to no consideration at their hands save capture."

"Under such an interpretation of the law, then, it does not seem so strange that the fishermen have been so persistently annoyed by the Dominion officials?"

"You are quite right, for the officials have been very industrious in the outrages authorized by their Government. The six schooners commissioned as cutters by the Dominion have followed and harassed the fishermen, driving them out of harbors where they have sought shelter, capturing them on hearsay evidence, and making their authority felt on every possible and conceivable occasion."

"How many vessels have been captured altogether, Mr. Babson?"

"Oh, five or six Gloucester vessels and as many more belonging to other ports; and when you consider that these vessels involve a loss to owners and crews of about \$10,000 each, and that one of the induce- ments held out to the officer making the seizure is one-half the proceeds, it is singular that more have not been captured, for it was intended that the Dominion navy should be a paying institution."

"I have learned from the owners and crews of some of the captured vessels that they were not even guilty of violating the regulations which the Canadians put such an unreasonable construction upon. Do you understand that they were innocent, or that they violated the laws through ignorance?"

"In the case of A. I. Franklin it seems that the captain of the cutter making the capture had no personal knowledge of any

violation of law or treaty on the part of the owner of the *Franklin*; but, from information from some source, he pursued the vessel and took her. Now, on this ground any American vessel that has been in the bay or has touched at their ports will be liable to capture on information furnished by their enemies, particularly when the division of the profits is so largely in favor of the officer making the capture. Our people, you see, fear that next year, if their vessels get into the bay, they will be captured on information of violation the previous year, and the known hostility there against our fishermen will no doubt secure evidence against almost any vessel."

"How about the *White Fawn*?"

"That case is outrageous. Simply for buying bait her owners and crew are charged with preparing to fish within the three mile line. Now it is well known that our Western Bank fleet always buy their bait inshore, and use it entirely in the deep sea fishing. The construction put upon this act is simply in keeping with the open hostility of feeling displayed against Mr. Friend, the owner of the vessel, and the personal abuse of the officers of the government."

NON-INTERCOURSE WITH GREAT BRITAIN.

I have found out during my investigations around town where the idea of non-intercourse originated. It was not with Ben Butler, as a great many suppose. As long ago as August 26 the *Cape Ann Advertiser*, one of the most able and enterprising country journals in New England, advanced that idea in the following language:—"Let those who seek to put an arbitrary construction upon the laws touching upon the fishing question be made to feel that two parties can play at that game as well as one, and it will have a wonderful effect towards cooling off those excited Provincials. We can do without them much better than they can without us, and it is only necessary for the business men of the Provinces to become aware of this fact, and they will then earnestly protest against any more of this unnecessary meddling with the United States fishermen."

• • • • • If, therefore, the English Government see fit to abrogate these privileges, which are common to all nations, as a direct blow at our fishing interests, it simply shows that malice and revenge are the inspirations of these acts, and that nothing but direct reciprocity of non-intercourse, shutting out the productions of the Provinces from our markets, will bring them to their senses. This subject assumes a broader and more national aspect, as from harassing fishermen they

have now assumed to shut up their ports and forbid trade to Americans, while no other nation is treated in this discourteous manner."

This idea of non-intercourse is more prevalent here than in other sections of the country, for, notwithstanding its impracticability, as frequently pointed out, a numerous signed memorial for such legislation has been forwarded to Congress. In their memorial the petitioners say that inasmuch as the Canadians have declared absolute non-intercourse with the fishermen of the United States, refusing the right to buy stores or supplies at any of their ports—driving them from their harbors, where they had sought shelter—refusing the landing or bonding of American fish or mackerel for export to the United States—they have seized mackerel saved from vessels wrecked on their coasts, refused supplies to disabled vessels, and harassed the fishermen in a manner peculiar to British authority—they therefore pray that a non-intercourse act be passed similar in its effects to that of Canada, whereby the same treatment may be applied to all vessels hailing from the British Provinces as that suffered by American fishermen; also for an act prohibiting the importation of English or Canadian fish or mackerel in so called British waters; also that transportation in bond of merchandise for Canada through American territory be prohibited until Canadian ports are opened for transportation in bond of American fish, mackerel, or other merchandise to and from the United States. Also that the United States demand full and complete indemnity for vessels and cargoes captured, and for all detentions and outrages committed on fishing vessels and their crews by British armed vessels.

LOSS OF LIFE AND PROPERTY IN 1870.

In addition to the annoyances of the British government the year just closing has been otherwise disastrous. The record made up for the year ending to-day shows that there have been thirteen vessels and ninety-seven lives lost, against sixteen vessels and sixty-seven lives in 1869. The aggregate tonnage of the vessels lost this year is 798.14, their value \$79,700, insurance \$63,470. Four of these vessels were lost in the Georges fishery, two in the Bank and two in the Bay of St. Lawrence mackerel fishery, one in the shore mackerel fishery, two in the coasting trade and two in the herring fishery. Of the ninety-seven men lost twenty-six were married, leaving twenty-six widows and forty-five fatherless children.

expressly stipulating that American fishing vessels can only frequent Canadian harbours for shelter, or for obtaining *supplies of wood and water*.

THE CASE OF THE "WILDFIRE" AND "SARGENT S. DAY."

The particulars of this "outrage" are as follows: The vessels in question were boarded in Pirate Cove on the 19th of July and allowed 24 hours to depart. Two hours after the termination of the allotted period when asked why they had not sailed, the crews replied that they were aground, but they forgot to add that they had been afloat a great part of the night and morning when they could have weighed anchor and left the place.

VESSELS DRIVEN FROM HALIFAX IN A GALE.

The American schooners *Ruth Groves* and *Mary E. Daniels* were shipping ice in Halifax, which Commander Tory had orders not to allow. They were therefore compelled to leave the port, though not in a gale or even in rough weather, although it is possible they may afterwards have been caught in one, a misfortune for which the Dominion authorities cannot well be blamed.

AN AMERICAN FLEET HUSTLED OUT OF PORT MULGRAVE.

In reference to this story it may be stated that each and all of the vessels in question were given twenty-four hours notice to leave the port; and permission was accorded to the men belonging to Port Mulgrave to send provisions &c., to their families. The individual who is responsible for the account given of this affair, is evidently not a reliable personage but rather a man of the Butler type. Witness his amiable aspirations to "start a nitro glycerine factory in every city and town in the Dominion and blow it to kingdom come."

THE CASE OF THE "CLARA F. FRIEND."

This vessel was not taken by a Dominion cruiser, but by H. M. S. *Plover*, on the North side of P. E. Island. The Commander did not wish to seize her but as she had been warned over and over again he had no excuse for not doing so. It was a clear violation of the Fishery Act; the vessel was condemned and ordered for sale. The *Plover* sailed from Charlottetown before the sale could take place; it was then that the gallant sixteen men took the vessel from the custody of the Custom House ship-keeper.

THE CASE OF THE "A. I. FRANKLIN."

The story told to the *Herald* Commissioner by one Ned Gorman is altogether false as proved by Commander Tory's affidavit, which shows that the *Franklin* was fishing among a crowd of Canadian fishing vessels.

THE GLOUCESTER FLEET AND THE ROYAL MARINES.

It is evident that in this case Captain Hardinge, the Commander of H. M. S. *Valorous*, only did his duty. He ordered vessels to sea

that were about to procure cargoes at Charlottetown, P. E. I., or procure bait there contrary to the Provisions of the Treaty. An experienced officer like Captain Hardinge would not be likely to break the law which permits American vessels to remain in port for shelter from rough weather. As to the opinions expressed by Mr. Babson, the Collector of the Port of Gloucester, it is evident that that official has been hoaxed and imposed upon by these law-breakers. The arguments he uses are plainly fallacious. For instance, what have we to do with the fact of the mackerel fishery not being known in the Gulf in the year 1818 when the Treaty was made? The waters in which the mackerel are found, according to his own showing, belong exclusively to Great Britain, and no foreigners can have any right in them. As to the License system it was tried and failed. The Americans wished to be allowed to enjoy all the rights of the British, but would not pay one cent for them. After the abrogation of the Reciprocity Treaty they were offered licenses, but in innumerable cases positively refused them. They would run all risks of capture rather than pay \$2 per ton. It was then that the Dominion authorities refused to give any warning, but of necessity fell back upon the Treaty to protect their rights.

To assert that the British Government have "abrogated any privileges common to all nations" is a manifest untruth. The Dominion authorities have only acted up to the arrangements made at the Convention of 1818, which were agreed to by both nations. All they ask is that the Americans should do the same, that they should cease to intrude in waters which do not belong to them, or to take fish to which they have no right.

