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FISHERY COMMISSION

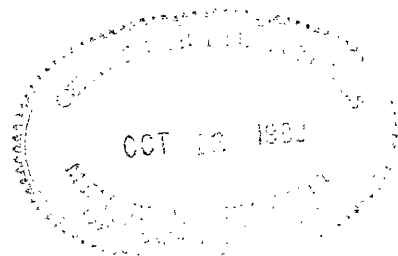
UNDER THE

TREATY OF WASHINGTON

OF

MAY 8, 1871.

CASE OF HER MAJESTY'S GOVERNMENT.



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*Fishery Commission under the Treaty of
Washington of 8th May, 1871.*

CASE OF HER MAJESTY'S GOVERNMENT.

Introduction.

IN laying the case of Her Majesty's Government before the Commissioners, it will be desirable to commence by a brief history of the Fisheries Question since the outbreak of the War of Independence in 1775.

Before the commencement of this war all British colonists enjoyed equal privileges in matters connected with fishing, but at its close, and on the conclusion of peace, it became a question how far such privileges should be restored to those who had separated from the British Crown. The matter was very fully discussed in the negotiations which preceded the Treaty of the 3rd September, 1783, and though Great Britain did not deny the right of the American citizens to fish on the Great Banks of Newfoundland, or in the Gulf of St. Lawrence, or elsewhere in the open sea, she denied their right to fish in British waters, or to land in British territory for the purpose of drying or curing their fish. A compromise was at length arrived at, and it was agreed that United States' fishermen should be at liberty to fish on such part of the Coast of Newfoundland as British fishermen could use, but not to dry or cure their fish on that Island; and they were also to be allowed to fish on the coasts, bays, and creeks of other British Possessions in North

Negotiations in 1783.

America, and to dry and cure their fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, the Magdalen Islands, and Labrador, so long as they should remain unsettled; but so soon as any of them became settled, the United States' fishermen were not to be allowed to use them without the previous permission of the inhabitants and proprietors of the ground.

The IIIrd Article of the Treaty of Paris of Treaty of Paris, September 3, 1783. the 3rd of September, 1783, is as follows :—

“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 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 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 without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground.”

It should, however, be observed that the Rights secured to United States' subjects by Treaty of 1783. rights conceded to the United States' fishermen under this Treaty were by no means so great as those which, as British subjects, they had enjoyed previous to the War of Independence, for they were not to be allowed to land to dry and cure their fish on any part of Newfoundland, and only in those parts of Nova Scotia, the Magdalen Islands, and Labrador where no British Settlement had been or might be formed, expressly excluding Cape Breton, Prince Edward Island, and other places.

So matters stood until the war of 1812 Outbreak of war of 1812. broke out, when, of necessity, the right of American citizens to fish in British waters, and to dry and cure their fish on British territory,

terminated. In the course of the negotiations which preceded the Peace of 1814, this question was revived, and the alleged right of American citizens to fish and cure fish within British jurisdiction was fully gone into by the British and American Commissioners, who were assembled at Ghent for the purpose of drawing up the Articles of Peace. At that time, however, the circumstances had very considerably changed since the Treaty of 1783 had been concluded. The British North American possessions had become more thickly populated, and there were fewer unsettled bays, harbours, and creeks in Nova Scotia than formerly. There was consequently greater risk of collision between British and American interests; and the colonists and English merchants engaged in the fisheries petitioned strongly against a renewal of the privileges granted by the Treaty of 1783 to the American fishermen.

Negotiations at Ghent, 1814.

It was under these circumstances that the negotiations for peace were entered into. At the first meeting, which took place on the 8th of August, 1814, the British Commissioners stated "that the British Government did not intend to grant to the United States gratuitously the privileges formerly granted to them by Treaty, of fishing within the limits of British territory, or of using the shores of the British territories for purposes connected with the fisheries." They contended that the claim advanced by the United States of immemorial and prescriptive right was quite untenable, inasmuch as the inhabitants of the United States had until quite recently been British subjects, and that the rights which they possessed formerly as such could not be continued to them after they had become citizens of an independent State.

Signature of Treaty of Ghent,
1814.

After much discussion it was finally agreed to omit all mention of this question from the Treaty, which was signed at Ghent on the 24th December, 1814, and which contains no reference to the Fisheries Question.

Orders were now sent out to the Governors of the British North American Colonies not to interfere with citizens of the United States engaged in fishing on the Newfoundland Banks,

in the Gulf of St. Lawrence, or on the high seas, but to prevent them from using the British territory for purposes connected with the fishery, and to exclude their fishing-vessels from the harbours, bays, rivers and creeks of all Her Majesty's Possessions. Orders were also given to the British naval officers on the Halifax Station to resist any encroachment on the part of American fishermen on the rights of Great Britain. The result was the capture of several American fishing-vessels for trespassing within British waters; and the President of the United States in 1818 proposed to the Prince Regent that negotiations should be opened for the purpose of settling in an amicable manner disputed points which had arisen connected with the Fisheries. Commissioners were accordingly appointed by both parties to meet in London, and the Convention of 20th October, 1818, was eventually signed.

Signature of Convention of 1818.

Article I of this Convention is in these words:—

“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 Britannick Majesty's dominions in America, it is agreed between the High Contracting Parties that the inhabitants of the said United States shall have, forever, in common with the subjects of His Britannick 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 Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, 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, forever, to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland, hereabove 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 said 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 forever, 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 Britannick 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 shall be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

Subsequent to the conclusion of this Convention, in consequence of numerous complaints on the part of Her Majesty's Government of encroachments on their waters by American fishermen, the United States' Government issued a notice warning their subjects that they were "to observe strictly the limits assigned for taking, drying, and curing fish by the fishermen of the United States, under the 1st Article of the Convention of the 20th of October, 1818," a copy of which was annexed to the Circular Notice.

Negotiations for Reciprocity, 1847.

This was the state of affairs until the year 1847, when, in consequence of a Petition addressed to the Queen by the Canadian Parliament, negotiations were opened between the two Governments for the establishment of reciprocal Free Trade between Canada and the United States; and on the 1st of November, 1849, Sir H. Bulwer, who was then about to proceed to Washington as British Minister, was authorized to enter into a negotiation by which access to the fisheries of all the Colonies (except Newfoundland, which refused to consent on any terms) should be given to the citizens of the United States, in return for reciprocity of trade with the United States, in all natural productions, such as fish, wheat, timber, &c.

The proposal was favourably received by the United States' Government, but some delay occurred owing to the death of General Taylor in 1850. The new President, however, doubted whether it was a proper subject for a Treaty, and thought that it should be done by legislation, and accordingly a Bill was brought in for the purpose. The Bill was, however, thrown out,

and from one cause or another nothing was done from that time until 1852, when a desire was evinced on the part of the United States' Government to come to an arrangement on the subject, and a draft Convention having been prepared, a copy thereof was sent home by the British Minister on the 19th December, 1852, together with remarks made by the President thereon.

A good deal of correspondence passed between the two Governments on the subject, but, owing to difficulties connected with the question of Tariff, the United States' Government appeared anxious to have the Fisheries Question dealt with separately, but to this the British Government would not assent. The fishing season of 1853 accordingly opened without any agreement having been come to with the United States, and fortunately, owing to the measures taken by both Governments for the preservation of British rights, came to a close without the occurrence of further causes of dissatisfaction.

In the meantime, negotiations for a Treaty had been continued by the two Governments; and in the month of May, 1854, Lord Elgin, who was on his way to resume his duties as Governor-General of Her Majesty's North American Provinces, received instructions to visit Washington, and to ascertain the views of the United States' Government, and if any favourable opportunity presented itself, to conclude a Treaty on the subject. So successfully were Lord Elgin's negotiations conducted, that in a letter dated 12th June, 1854, he was able to announce that he had executed a Treaty with Mr. Secretary Marcy relative to Fisheries and Reciprocity of Trade between the United States and the British Provinces in North America. This was the Reciprocity Treaty signed on the 5th June, 1854, and confirmed by the United States' Senate on the 3rd August of the same year. Its main provisions were as follows:—

Signature of Reciprocity Treaty,
1854.

British waters on the East Coast of North America were thrown open to United States' citizens, and United States' waters north of the 36th degree of north latitude were thrown open to British fishermen; excepting always the salmon and shad fisheries (which were exclu-

sively reserved to the subjects of each country), and certain rivers and mouths of rivers to be determined by a Commission to be appointed for that purpose. Certain articles of produce of the British Colonies and of the United States were admitted to each country, respectively, free of duty. The Treaty was to remain in force for ten years, and further for twelve months after either party should have given notice to the other of its wish to terminate the same.

Some difficulty was experienced in regard to Newfoundland, but at length a clause was agreed to, providing that if the Imperial Parliament of Great Britain, the Provincial Parliament of Newfoundland, and the Congress of the United States should agree that Newfoundland should be included, all the provisions and stipulations of the Treaty should apply to that Colony.

The Commission for the designation of the places reserved to each country from the common right of fishing met subsequently, and was engaged for some years in determining the places to which the exclusive right of fishing applied. It is, however, unnecessary here to do more than notice this fact, as the reservations in question are expressly mentioned under Article XX of the Treaty of Washington of 1871.

From the year 1854 until 1865 the Reciprocity Treaty continued in force, and no further difficulties appear to have arisen on questions connected with the fisheries; but on the 17th of March of that year, Mr. Adams, the United States' Minister in England, informed the British Government that he was instructed to give notice that at the expiration of twelve months from that day the Reciprocity Treaty was to terminate. This notice was given in pursuance of a Resolution of Congress approved by the President of the United States.

Efforts were made on the part of Her Majesty's Government towards a renewal of the Treaty, but these from various reasons proving unsuccessful, the Treaty came to an end on the 17th of March, 1866; and, as a consequence, the provisions of the Convention of 1818 revived on the same day, and remain in effect at the present moment, except in so far as they are affected by the

stipulations of the Treaty of Washington of 1871.

In the meantime a notice had been issued by Lord Monck, warning the citizens of the United States that their right to fish in British waters would cease on the 17th of March, 1866; and it became necessary to consider what measures should be adopted for the protection of British rights. Her Majesty's Government were very desirous to prevent, as far as possible, the injury and loss which must be inflicted upon citizens of the United States by a sudden withdrawal of the privileges enjoyed by them for twelve years; but with every desire in this direction, they found themselves bound by Acts both of the Imperial and Colonial Legislatures to enforce severe penalties upon all persons, not being British subjects, who might be found fishing within British jurisdiction.

Eventually, however, on the suggestion of Lord Monck, it was decided that American fishermen should be allowed during the year 1866 to fish in all Provincial waters upon the payment of a nominal license fee, to be exacted as a formal recognition of right. This system, after being maintained for four years, was discontinued, owing to the neglect of American fishermen to provide themselves with licences; and in 1870 it again became necessary to take strict measures for the enforcement of British rights. Orders were given to Admiral Wellesley to dispatch a sufficient force to Canadian waters to ensure the protection of Canadian fishermen and the maintenance of order, and to instruct the senior officer of such force to co-operate cordially with any United States' force sent on the same service. It was also found necessary to employ a local Marine Police Force for the same purpose.

Licensing system adopted in 1866,
and abandoned in 1870.

The result of these measures was the capture and forfeiture of several American vessels for infringing the provisions of the Convention of 1818, both by fishing within British waters, and by frequenting Canadian ports for objects not permitted by the Convention; and notwithstanding the steps taken by the British Government to mitigate as far as possible the stringency of the

orders given for the exclusion of American fishermen from British waters, it was found at the close of the season of 1870 that many seizures of American vessels had been made by cruisers both of the Imperial and Dominion Governments.

The difficulties caused by these untoward events subsequently led to the reopening of negotiations for the settlement of questions connected with the Fisheries.

Joint High Commission in 1871.

It is unnecessary here to relate the circumstances which led to the appointment of the Joint High Commission in 1871; suffice it to say that, towards the end of 1870, Sir John Rose, having been commissioned to proceed in an unofficial character to Washington for the purpose of ascertaining the views of the United States on the subject, was able in the month of February, 1871, to announce that the United States' Government were prepared to refer all questions between the two countries to a Joint High Commission.

The Commissioners held their first meeting at Washington on the 27th February, 1871, and the Treaty was signed on the 8th of May of the same year.

Fishery Articles of the Treaty of Washington.

THE Articles in this Treaty relating to the Fisheries, and in virtue of which this Commission is constituted, are Articles XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXXII and XXXIII. They are as follows:—

“ARTICLE XVIII.

“It is agreed by the High Contracting Parties that in addition to the liberty secured to the United States fishermen by the Convention between Great Britain and the United States, signed at London on the 20th day of October, 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, for the term of years mentioned in Article XXXIII of this Treaty, to take fish of every

kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbours, and creeks of the Provinces of Quebec, Nova Scotia, and New Brunswick, and the Colony of 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 said coasts and shores and islands, 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 coasts in their occupancy for the same purpose.

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

" ARTICLE XIX.

"It is agreed by the High Contracting Parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII of this Treaty, to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the thirty-ninth 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 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 other fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

" ARTICLE XX.

"It is agreed that the places designated by the Commissioners appointed under the Ist Article of the Treaty between Great Britain and the United States, concluded at Washington on the 5th of June, 1854, upon the coasts of Her Britannic Majesty's Dominions and the United States, as places reserved from the common right of

fishing under that Treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding Articles. In case any question should arise between the Governments of the United States and of Her Britannic Majesty as to the common right of fishing in places not thus designated as reserved, it is agreed that a Commission shall be appointed to designate such places and shall be constituted in the same manner, and have the same powers, duties, and authority as the Commission appointed under the said 1st Article of the Treaty of the 5th of June, 1854.

“ARTICLE XXI.

“It is agreed that, for the term of years mentioned in Article XXXIII of this Treaty, fish oil and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward’s Island, shall be admitted into each country respectively, free of duty.

“ARTICLE XXII.

“Inasmuch as it is asserted by the Government of Her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII of this Treaty are of greater value than those accorded by Articles XIX and XXI of this Treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States, it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this Treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this Treaty; and that any sum of money which the said Commissioners may so award shall be paid by the United States’ Government, in a gross sum, within twelve months after such award shall have been given.

“ARTICLE XXIII.

“The Commissioners referred to in the preceding Article shall be appointed in the following manner, that is to say: One Commissioner shall be named by Her Britannic Majesty, one by the President of the United States, and a third by Her Britannic Majesty and the President of the United States conjointly; and in case

the third Commissioner shall not have been so named within a period of three months from the date when this Article shall take effect, then the third Commissioner shall be named by the Representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

“The Commissioners so named shall meet in the City of Halifax, in the Province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

“Each of the High Contracting Parties shall also name one person to attend the Commission, as its agent, to represent it generally in all matters connected with the Commission.

“ARTICLE XXIV.

“The proceedings shall be conducted in such order as the Commissioners appointed under Articles XXII and XXIII of this Treaty shall determine. They shall be bound to receive such oral or written testimony as either Government may present. If either Party shall offer oral testimony, the other party shall have the right of cross-examination, under such rules as the Commissioners shall prescribe.

“If in the case submitted to the Commissioners either Party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the Commissioners, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Commissioners may require.

“The case on either side shall be closed within a period of six months from the date of the organization of the Commission, and the Commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of a vacancy occurring among the Commissioners under the circumstances contemplated in Article XXIII of this Treaty.

“ARTICLE XXV.

“The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a Secretary and any other necessary officer or officers to assist them in the transaction of the business which may come before them.

“Each of the High Contracting Parties shall pay its own Commissioner and Agent or Counsel: all other expenses shall be defrayed by the two Governments in equal moieties.”

“ARTICLE XXXII.

“It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this Treaty, inclusive, shall extend to the Colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the Colony of Newfoundland in their laws enacted for carrying the foregoing Articles into effect 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 any other Articles of this Treaty.

“ARTICLE XXXIII.

“The foregoing Articles XVIII to XXV, inclusive, and Article XXX, of this Treaty, shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward’s Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said Articles shall remain in force for the period of ten years from the date at which they may come into operation; and further until the expiration of two years after either of the High Contracting Parties shall have given 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 period of ten years, or at any time afterward.”

The Acts necessary to enable these Articles to be carried into effect were passed by the Imperial Parliament of Great Britain on the 6th August, 1872; by the Parliament of Canada on the 14th June, 1872; by the Legislature of Prince Edward Island (which did not at that time form part of the Dominion) on the 29th June, 1872;

and by the United States Congress on the 25th of February, 1873. A Proclamation, dated Washington, 7th June, 1873, fixes the 1st of July of that year as the day on which these Articles should come formally into operation.

Some difficulties have arisen in the case of Newfoundland, it was not until the 28th of March, 1874, that the necessary Act was passed by that Colony; and a Proclamation issued on the 29th of May of the same year fixed the 1st day of June, 1874, as the day on which the Fishery Articles of the Treaty of Washington, so far as they relate to Newfoundland, should come into effect.

In the case of Canada, it was deemed advisable to admit American fishermen to the practical use of the privileges specified in the Treaty in advance of the formal Legislative Acts necessary for that purpose. An official communication to that effect was made early in 1873, and by a Circular from the United States' Treasury Department, dated 1st April, 1873, American fishermen at once availed themselves of the freedom of Canadian inshore waters. This was fitly acknowledged by the United States' Government, as "a liberal and friendly" act on the part of the Dominion Government. A similar concession had been previously made by the Government of Prince Edward Island, who admitted American fishermen to the practical freedom of their waters on the 24th of July, 1871.

The Treaty of Washington having been ratified, it became necessary to take steps for the constitution of the Commission appointed to meet at Halifax, in the manner prescribed by the Treaty, and in the meanwhile, Her Majesty's Government having appointed their Agent to the Commission, he proceeded to Washington, and some negotiations were entered into with a view to substitute an arrangement with respect to reciprocal free trade between Canada and the United States, for the award of the Commissioners as provided under Article XXII of the Treaty—it being always distinctly understood that in case of the failure of such negotiations, the rights of Her Majesty's Government with respect to the appointment of the Commission, should in no way be

prejudiced. These negotiations having led to no result, it became necessary to revert to the terms of the Treaty and to take steps for the constitution of the Commission in the manner prescribed by it.

Having thus stated the circumstances which led to the conclusion of the Fishery Articles of the Treaty of Washington, having recited those Articles, and enumerated the legislative enactments which have been passed for the purpose of rendering them effective; it is submitted that in order to estimate the advantages thereby derived respectively by subjects of the United States and of Great Britain, the following basis is the only one which it is possible to adopt under the terms of the first portion of Article XVIII of the Treaty of Washington, of 1871, viz:—That the value of the privileges granted to each country respectively by Articles XVIII, XIX, and XXI of that Treaty, *which were not enjoyed under the 1st Article of the Convention of the 20th October, 1818*, is that which this Commission is constituted to determine.

Article I of the Convention of the 20th October, 1818, provides that—

“The inhabitants of the United States shall have forever, 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 Joly on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly indefinitely along the coast; without prejudice, however, to any of the exclusive rights of the Hudson’s Bay Company; and that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland hereabove described, and the coast of Labrador; but so soon as the same, or any portion thereof shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portions so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever 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."

Such was the respective position of each country under the Convention of 1818 on matters connected with the Fisheries; and it now remains to state precisely what additional liberties are acquired by each under the Treaty of Washington.

Articles XVIII and XXI of the Treaty of Washington superadd to the privileges conferred upon United States' citizens by the Convention of 1818:—

(1.) "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 the Provinces of Quebec, Nova Scotia, and New Brunswick, and the Colony of Prince Edward Island, and of the several Islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores, and Islands, and also upon the Magdalen Islands, for the purpose of drying their nets or 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 coasts in their occupancy for the same purpose.

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

(2.) "The admission into Canada of "fish oil and fish of all kinds, (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil) being the produce of the Fisheries of the "United States," free of duty.

(3.) The enjoyment of these privileges to continue during a period of 12 years certain.

Similar privileges are granted by Article XXXII in regard to the Colony of Newfoundland.

Articles XIX and XXI confer the following privileges upon British subjects:—

(1.) "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 39th 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 coast 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 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 other fisheries in rivers and mouths of rivers are hereby reserved exclusively for fishermen of the United States."

(2.) The admission into the United States of "fish-oil and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil) being the produce of the fisheries of the Dominion of Canada, or of Prince Edward Island" free of duty.

(3.) The enjoyment of these privileges to continue during a period of 12 years certain.

Article XXXII extends the above-mentioned privileges, so far as they are applicable, to the Colony of Newfoundland.

Upon this basis Great Britain asserts that the privileges specified in Article XVIII of the Treaty of Washington, of 8th May, 1871, exceed in value the privileges specified in Articles XIX and XXI. This assertion is made upon the following grounds, which, for convenience of argument, have been divided into two parts. Part I deals exclusively with the case of the Dominion of Canada. Part II deals exclusively with the case of the Colony of Newfoundland.

PART I.

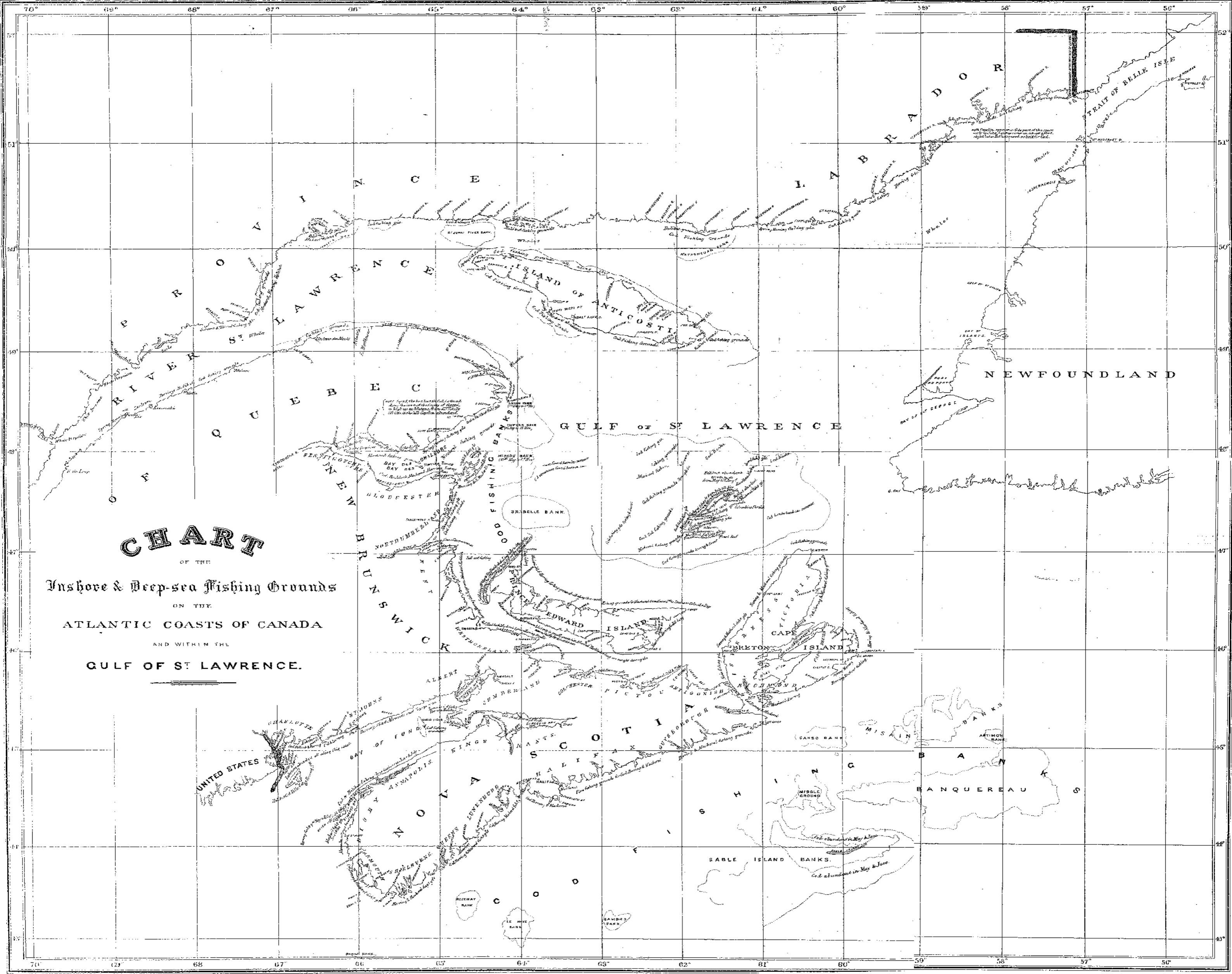
CANADA.

CHAPTER I.—*Extent and Value of Canadian Fisheries.*

It will probably assist the Commission in arriving at a just estimation of the intrinsic worth of the concurrent fishing privileges accorded to United States' citizens by the Treaty of Washington, to refer briefly to the extent and value of the sea-coast fisheries of the Maritime Provinces of Canada, as evidenced in part by the profitable operations of British fishermen.

The districts within which British subjects carry on fishing on the coasts, and in the bays, harbours and creeks of Canada, extend from the Bay of Fundy to the Gulf of St. Lawrence inclusive. The superficial area of these extensive fishing grounds, as shown on the accompanying map, comprises many thousands of square miles, forming the home of a great variety of the most prolific and valuable of sea-fish, the capture of which contributes in an important degree to British and American commerce, and supplies vast quantities of food to several millions of people. The chief of these fish, in the pursuit of which British subjects and United States' citizens now participate in common, under Treaty arrangements, are mackerel, codfish, herring, halibut, haddock, hake, pollack, and many of the smaller varieties taken principally for bait.

It appears by the subjoined statement (Appendix A) that the produce of these fisheries caught by British subjects has greatly increased during seven years past. Their steady development and increasing wealth, as shown by this Return, proves that a very considerable amount of industry and enterprise is embarked therein, and also that they are capable of still further expansion. This marked improvement in their condition and yield for the period specified in the Table, is an



CHART

OF THE
Inshore & Deep-sea Fishing Grounds
 ON THE
ATLANTIC COASTS OF CANADA
 AND WITHIN THE
GULF OF ST. LAWRENCE.

UNITED STATES

70° 69° 68° 67° 66° 65° 64° 63° 62° 61° 60° 59° 58° 57° 56°

52° 51° 50° 49° 48° 47° 46° 45° 44° 43°

ST. LAWRENCE RIVER
 GULF OF ST. LAWRENCE
 BAY OF FUNDY
 ST. JOHN'S RIVER BANK
 ISLAND OF ANTICOSTI
 BRUNSWICK
 NEWFOUNDLAND
 TRAIT OF BELLE ISLE
 FISHING GROUNDS
 GRAND BANKS
 SABLE ISLAND BANKS
 BANQUEREAU BANKS
 MIDDLE GROUND
 CANADIAN BANK
 MICHIGAN BANK
 ANTIMON BANK
 LE HAVRE BANK
 ROSEWAY BANK
 SABLE ISLAND BANKS
 MIDDLE GROUND
 CANADIAN BANK
 MICHIGAN BANK
 ANTIMON BANK
 LE HAVRE BANK
 ROSEWAY BANK

important circumstance in relation to the present inquiry. It shows that, as an article of commerce and a source of food, their actual productiveness keeps pace with the yearly increasing demands made on them for all the purposes of foreign and domestic trade, and of local consumption. Also, they are now of much greater value than they were during the existence of the Reciprocity Treaty. The admission of American fishermen to concurrent rights under the Treaty of Washington, is therefore, in every respect, highly advantageous to the United States' citizens.

CHAPTER II.—*Advantages derived by United States' Citizens.*

1. *Liberty of fishing in British waters.*

Liberty to prosecute freely the sea fisheries "on the coasts and shores, and in the bays, harbours, and creeks" of Canada, is in itself a very valuable concession to United States' citizens. It concedes the common use of extensive and productive fishing grounds, which are readily accessible to American fishermen, and are advantageously situated as regards their home market. The full value of this important concession can be but imperfectly determined by reference merely to the precise number of vessels and fishermen engaged in the business of fishing in these waters, or to the exact quantity of fish taken therefrom in the course of each successive season. Doubtless the amount of capital thus invested, the employment afforded, the trade and industry thereby promoted, and the necessary food supplied, will be justly regarded by the Commission as forming material elements in the calculation of probable benefits derived by the American nation. But, as it is desirable to refer to such specific data as may fairly establish the equitable foundation and practical character of the present claim, we propose to show, by such evidence as the case admits,—

(1.) The number of United States' fishing vessels frequenting these waters;

(2.) The kinds and quantities of fish it is customary for them to take, and the profits accruing to them thereby;

(3.) The amount of capital embarked in these operations, and other advantages accruing to United States' citizens thereby.

First. The official records of the United States' Government show that in 1868 the "enrolled and licensed" vessels engaged in the cod and mackerel fisheries numbered 2,220; in 1869 there were 1,714 vessels so employed; in 1870 their numbers were 2,292; in 1871 there were 2,426 vessels thus engaged; and in 1872 there were 2,385.

The classification of decked fishing vessels in the United States is confined nominally to the cod and mackerel fisheries, but no doubt includes such vessels as embark also in the herring, halibut, haddock, hake, pollack, and bait fisheries on the coasts of Canada. There are, certainly, fluctuations from year to year in the number of vessels engaged, as well as in the success of their respective voyages, but there is a remarkable concurrence in the statements made by various informants that an average number, ranging between 700 and 1,200, of the United States' vessels have annually resorted to British waters for fishing purposes for many years past.

These vessels are variously occupied on the shores of Canada throughout each season. Some of them resort to the Gulf of St. Lawrence from early spring time to late autumn in pursuit of cod, mackerel, herrings, and halibut. Others frequent the western coast of Nova Scotia and the Bay of Fundy throughout the season. During the existence of the Reciprocity Treaty, when free access was afforded to British waters, it was admitted by an American authority, Mr. E. H. Derby, that about 600 of these vessels fished every year for mackerel alone on the Gulf coasts of Canada; and it is probable that as many more fished along the Atlantic coasts of Canada, and also on the banks and ledges off shore. Captain Scott, R.N., commanding the Marine Police, and Captain Nickerson, of the same force, both state that as many as 1,200 United States' fishing vessels have been known to pass through the Gut of Canso in a single season. Inspector Venning states that,

during the existence of the Reciprocity Treaty the annual number was from 1,200 to 1,500. The Executive Council of Prince Edward Island, in a Minute dated 17th February, 1874, states that 1,000 sail of United States' vessels were engaged in the mackerel fishery alone in the year 1872. The former commander of the Government cruiser *La Canadienne*, in his report for 1865 estimates that there were in that year from 1,050 to 1,200 American vessels engaged exclusively in the mackerel fishery of the Gulf of St. Lawrence. Subsequently, in 1866, the actual number of United States' vessels duly licensed by the Canadian Government, on passing through the Gut of Canso for the inshore mackerel fisheries was 454, as shown by official returns of the local Collectors of Customs. The exact number of other vessels which then refused to take out licenses on the pretext that they intended fishing in outside waters was not, of course, recorded; but we are justified in assuming from the observations of qualified persons, whose oral or written testimony will be offered to the Commission if required, that at least 600 more were also engaged in the mackerel and other fisheries in British waters.

It is stated in the annual report of the United States Secretary of the Treasury for 1871 that "The district of Gloucester is most extensively engaged in this occupation; her cod and mackerel fleet amounting to 548 vessels, 28,569 tons, showing an increase of 97 vessels since June 30th, 1870." The same authority states in the annual report for 1872 that "the tonnage employed in the cod and mackerel fisheries has increased somewhat for the past three years."

Thirty-nine new fishing vessels were built at the port of Gloucester, Massachusetts, alone, in 1874, and about fifty more were to be built in the next following year; and as there are several other important outfitting ports in the same State, besides many others in the States of Maine, New Hampshire, Rhode Island, Connecticut, and New York, it is fair to infer that a corresponding increase in the fishing fleet from these numerous ports will also take place now that the Canadian fisheries are reopened to their vessels. These five

States added 243 schooners to their fishing fleet in 1866, when the inducements to build were less certain. There is therefore good reason to anticipate that in the course of the twelve years stipulated in the present Treaty a still greater impetus will be given to the fishing industry and commerce of the United States. Such a result may be more confidently expected in consequence of the rapid increase of population and extension of settlements, the more numerous markets opened up by railway enterprises, and the growing demand for fish food from the seaboard to replace the failing supplies from inland waters.

The withdrawal of New England tonnage from the whale fishery, in consequence of the rapid decline of that pursuit as a paying adventure, will most likely have the effect of engaging 300 other sail in the more lucrative branches of marine industry. Mr. R. D. Cutts, in an able report to the United States' Government on the political importance and economic conditions of the Fisheries, expresses some apprehension of the imminent failure of the cod and other fisheries on the Grand Banks. Should such ensue, it would probably engage additional tonnage in the in-shore fisheries around the coasts of Canada.

We are therefore warranted in reckoning a yearly average number of vessels as availing themselves of the privileges accorded to United States' citizens by the Treaty of Washington at about 1,000, reserving the right to show the probability of a still larger number being so engaged.

Second.—American fishermen pursue their calling around the islands and in the harbours of the Bay of Fundy, and along parts of the coasts of Nova Scotia and New Brunswick bordering the said Bay; down the south coast of Nova Scotia, and around the Island of Cape Breton; thence through the Strait of Canso, along the northern coast of Nova Scotia and New Brunswick; thence through the Strait of Northumberland, and all around Prince Edward Island, particularly on its western, northern, and eastern coasts, resorting especially to the bays and harbours of the southern shore to transship cargoes and procure supplies; thence into Miramichi Bay, the Bay of

Chaleur, and Gaspé Bay; thence around the Magdalen Islands and Anticosti Island; thence up the south shore of the River St. Lawrence to Father Point, and down the north shore of the River and Gulf of St. Lawrence from Point des Monts to Blanc Sablon Bay. These localities abound with codfish, mackerel, herrings, halibut, haddock, pollack, hake, and a variety of other and smaller fishes used expressly for bait, such as spring-herring, capelin, smelts, sandlaunce, gaspereaux, also such bait as squid and clams. These are the principal descriptions of fish captured by United States' citizens in British waters. They generally frequent the inshores, and are there caught in the largest quantities and of the finest quality, and with greater certainty and facility than elsewhere. A considerable portion of the codfish taken by American fishermen is doubtless caught on the banks and ledges outside, such as Green, Miscou, Bradelle and Orphan Banks; and within Treaty limits around the Magdalen Islands, and on the southern coast of Labrador. Latterly it has been the practice to use cod seines close inshore, and to fish with trawls and lines near the coasts of Nova Scotia, New Brunswick, Quebec and Anticosti: there is also a small portion of the other fishes named taken at various distances from the shore.

A majority of the fishing fleet frequenting British waters, being fitted almost exclusively for the mackerel fishery, that pursuit will be first considered as to the quantity taken by each vessel. In an ordinary voyage or "trip" from an American port to the Gulf fishing grounds and back, without the liberty of resorting freely to the bays, creeks, and harbours, and the inshores generally, to fish, refit, transship, &c., but with only illicit opportunities to use these privileges, the maximum return for each vessel would be about 110 barrels; but being privileged to fish, and to land and refit, and to transfer each fare to steamers or railways in Canada, and afterwards to replenish stores and resume operations, the vessels would return immediately while the fishing is good, to catch a second fare, which is similarly disposed of, and often a third trip is made before the season closes. Captain P. A.

Scott, R.N., of Halifax, Nova Scotia, states that these facilities, combined with freedom of inshore fishing, enable each mackerelman to average about 800 barrels per season, worth 12,100 dollars. Captain D. M. Browne, R.N., of Halifax, makes the same statement. Captain J. A. Tory, of Guysboro, Nova Scotia, states that it is common, with such advantages, for each vessel to catch from 1,000 to 1,500 barrels of mackerel in three trips. Mr. E. H. Derby estimates the catch of vessels "in the mackerel business from 500 to 700 barrels." Mr. William Smith, late Controller of Customs at St. John, New Brunswick, now Deputy Minister of Marine and Fisheries, computes the catch of mackerel by American vessels at 10 barrels per ton. The late Mr. M. H. Perley, Her Majesty's Commissioner under the Treaty of 1854, reports in 1859 having accosted five United States' vessels actively fishing about three miles from Paspebiac, in Chaleur Bay, and several in Miramichi Bay, having upwards of 900 barrels of mackerel each. It appears from a return made by the Collector of Customs at Port Mulgrave, in the Gut of Canso, that among 134 vessels of the American mackerel fleet which were casually spoken at that port, in 1873, the names of which he gives, there were 33 having over 300 barrels a-piece; 55 having over 400 barrels each; 28 having over 500 barrels each; 12 having over 600 barrels each; and 7 having over 700 barrels a-piece. Probably these were not the largest fares secured, as the vessels were reported before the fall fishery (usually the best) had taken place. In the year 1874 164 United States' fishing vessels took, at the east point of Prince Edward Island, 383 barrels per vessel. The catch of mackerel in that season by the Island fishermen, who are few in numbers and fish mostly in open boats and with seines, was altogether inshore, and amounted to 27,317 barrels.

From testimony which we are prepared to lay before the Commission, we may confidently state that at a very moderate computation each American fishing vessel frequenting British waters obtains through the privileges conferred by the Treaty a catch of at least 300 barrels

of mackerel alone, worth 12 dollars per barrel, at each trip,—or a gross value of 3,600 dollars per vessel.

The proportion of codfish taken and forming part of mixed fares would be comparatively small when distributed amongst a large number of vessels fishing principally for mackerel and herrings. It is estimated that vessels fishing for cod, herrings, and other fish during the intervals of mackereling, usually take of herrings 300 barrels; codfish, 100 quintals; halibut, 200 quintals; haddock, pollack, and hake, 100 quintals; and bait fishes (exclusive of herrings, used fresh), 200 dollars' worth; each vessel averaging about 2,000 dollars' worth in all. Many of these vessels, or others of smaller tonnage, are engaged in fishing around the western coasts of Nova Scotia, and in the Bay of Fundy, both before and after their regular voyages to the eastern and Gulf fishing grounds. But the maximum number of vessels and the value of catch reckoned in this claim, for the purpose of stating a basis of computation, without prejudice, however, to whatever addition to the number of vessels engaged and the quantity and value of fish caught may be substantiated in further evidence, does not specifically include the catch of those smaller vessels which are constantly occupied in the inshore fishings of the western coasts of the Maritime Provinces for other kinds besides mackerel. This reservation is necessarily due, if not to the moderation of the claim involved, at all events to the obvious difficulty of ascertaining with exactness the movements and operations of a fleet of foreign vessels, of varied tonnage, numbering between 1,000 and 3,000, besides the many small boats attached, which are continually moving about in different and distant localities, or frequenting throughout each season the countless indentations of a sinuous coast nearly 4,000 miles in lineal extent.

In recapitulation of the above, it is estimated that each United States' fishing vessel will, on a moderate computation, take within British Canadian waters 3,600 dollars' worth of mackerel, and 2,000 dollars' worth of other fish; or a total of 5,600 dollars' worth of fish of all kinds as an

average for each trip. This estimate is, however, made, as stated in the case of the number of vessels engaged, without prejudice to any larger catch per vessel, which we may be able to substantiate in evidence before the Commission.

Third.—The estimated amount of capital embarked in this business by United States' citizens exceeds 7,000,000 dollars. Mr. Lorenzo Sabine, formerly President of the Boston Board of Trade, estimates it at 7,280,000 dollars; another high American authority, Mr. E. H. Derby, reckons it as upwards of 8,000,000 dollars. It employs about 16,000 men afloat, besides many others ashore. That the investment is a profitable one is proved by the annual increase of vessels and men engaging in it, and also the more costly appliances which are provided in these fishing pursuits. If the construction and equipment of vessels for the various fisheries which United States' citizens so persistently follow in British waters was not proved to be highly advantageous, it is reasonable to assume that it would cease to engage a large amount of capital, for the use of which so many other attractive enterprizes exist. It must be concluded, therefore, that the inshore fisheries afford never-failing occupation for men and money preferable to many other lucrative industries.

The advantages resulting to the commerce and supply of United States' citizens generally from the privileges to which American fishermen are admitted by this Treaty are most important. The demand for fish food in all parts of the American Union is yearly increasing, and immense efforts are now being made to supply this want. A population already exceeding 40,000,000, constantly augmenting in numbers by immigration from foreign countries, and where the people consume the products of the sea to a very large extent, requires much more of this kind of food than the failing fisheries of the United States can now produce. Their productive power is no longer equal to the consumptive capacity of the nation. The rapid means of transport, and the improved methods of preservation now available, are fast bringing the inhabitants of the interior practically within easy reach of the seaboard; and fish of all kinds, even

the most inferior descriptions, and qualities not hitherto saleable, are required to supply the public want. The magnitude of the present fish trade of the United States is hardly conceivable from the meagre and partial statements derived from official returns. These Tables publish only the "products of American fisheries received into the Customs districts," which form but a small proportion of the enormous quantities of fish landed from United States' boats and vessels, and much of which is obtained from the sea-coasts of Canada.

We have referred elsewhere to Reports made by American officials regarding the deteriorated condition of the fisheries on the coasts of the New England States. They affirm that owing to such decline "the people are obliged to resort to far-distant regions to obtain the supply which formerly could be secured almost within sight of their homes." The above state of things already renders it necessary for United States' citizens to secure access to Canadian fisheries; and the growing demand for local consumption before mentioned, apart from the requirements of their foreign trade, must tend greatly to increase this necessity.

Were United States' citizens unable to supply such an extensive demand in consequence of being precluded from fishing in British Canadian waters, it would no doubt be supplied through British subjects, who would also catch more fish in their own exclusive waters than if fishing in the same limits concurrently with American fishermen. This consideration, therefore, forms an additional reason for the compensation which we now claim.

2. *Liberty to land for the purposes of drying nets, curing fish, &c.*

The privileges secured to United States' subjects in this respect by the Treaty of Washington are the liberty to land for purposes connected with fishing on the coasts of Labrador, the Magdalen Islands, and the other portions of the seaboard of the Dominion of Canada. As the rights thus secured to United States' fishermen for a period of twelve years vary somewhat in the different localities above named, it will be well to consider them separately.

Under the Convention of 1818, United States' citizens were privileged to fish on certain parts of the coast of Labrador, but were restricted in the liberty of drying and curing fish to unsettled places. Such districts as were then occupied or might subsequently become settled were reserved for the exclusive use of British fishermen, and rights and properties possessed by the Hudson's Bay Company were likewise reserved from common user. Gradual settlement during fifty years past has filled up nearly all available landing places along the southern coast of Labrador, between Blanc Sablon and Mount Joly; and the establishments maintained by the Hudson's Bay Company, whose rights and privileges are now acquired by Canada, have confirmed the exclusive occupancy contemplated by the Convention. Under such altered circumstances United States' fishermen might have been excluded under the terms of the Convention from using these landings, without the free use of which the fisheries cannot be profitably pursued. The fish taken in these waters include herrings, cod fish, and sometimes mackerel, which are seined on the main shore, and among the islands throughout that region, and the famous "Labrador herring," which abounds there.

The Convention of 1818 entitled United States' citizens to fish on the shores of the Magdalen Islands, but denied them the privilege of landing there. Without such permission the practical use of the inshore fisheries was impossible. Although such permission has tacitly existed, as a matter of sufferance, it might at any moment have been withdrawn, and the operations of United States' fishermen in that locality would thus have been rendered ineffectual. The value of these inshore fisheries is great: mackerel, herring, cod, halibut, capelin, and launce abound, and are caught inside of the principal bays and harbours, where they resort to spawn. Between 300 and 400 United States' fishing vessels yearly frequent the waters of this group, and take large quantities of fish, both for curing and bait. A single seine has been known to take at one haul enough of herrings to fill 3,000 barrels. Seining mackerel is similarly productive. During the

spring and summer fishery of the year 1875, when the mackerel were closer inshore than usual, the comparative failure of American fishermen was owing to their being unprepared with suitable hauling nets and small boats, their vessels being unable to approach close enough to the beaches.

In the case of the remaining portions of the seaboard of Canada, the terms of the Convention of 1818 debarred United States' citizens from landing at any part for the pursuit of operations connected with fishing. This privilege is essential to the successful prosecution of both the inshore and deep sea fisheries. By it they would be enabled to prepare their fish in a superior manner in a dry and salubrious climate, as well as more expeditiously, and they would be relieved of a serious embarrassment as regards the disposition of fish offals, by curing on shore the fish which otherwise would have been dressed on board their vessels, and the refuse thrown overboard.

All the advantages above detailed have been secured for a period of twelve years to United States' fishermen. Without them fishing operations on many parts of the coast would be not only unremunerative but impossible; and they may therefore be fairly claimed as an important item in the valuation of the liberties granted to the United States under Article XVIII of the Treaty of Washington.

3. *Transshipping cargoes and obtaining supplies, &c.*

Freedom to transfer cargoes, to outfit vessels, buy supplies, obtain ice, engage sailors, procure bait, and traffic generally in British ports and harbours, or to transact other business ashore, not necessarily connected with fishing pursuits, are secondary privileges which materially enhance the principal concessions to United States' citizens. These advantages are indispensable to the success of foreign fishing on Canadian coasts. Without such facilities, fishing operations, both inside and outside of the inshores, cannot be conducted on an extensive and remunerative scale. Under the Reciprocity Treaty these conveniences proved very important, more particularly as respects obtaining bait and transferring cargoes. The American fishermen then came inshore

everywhere along the coast and caught bait for themselves, instead of requiring, as previously, to buy, and preserve it in ice, saving thereby much time and expense. They also transshipped their fish and returned with their vessels to the fishing ground; thus securing two or three fares in one season. Both of these, therefore, are distinct benefits. There are other indirect advantages attending these privileges; such as carrying on fishing operations nearer the coasts, and thereby avoiding risks to life and property, as well whilst fishing as in voyaging homeward and back; also having always at command a convenient and commodious base of operations. They procure cheap and regular supplies without loss of time, enabling them always to send off their cargoes of fish promptly by rail and steamers to meet the current market demand for domestic consumption or foreign export, instead of being compelled to "beat up" to Gloucester or Boston with each cargo, seldom returning for a second; and it may be remarked that all their freight business in fish from provincial ports is carried on in American bottoms, thus creating a profitable business for United States' citizens.

The advantages above described of being able to make second and third full fares, undoubtedly, in most instances, doubles the catch which can be made in British Canadian waters by a vessel during one season, and it therefore may be reasonably estimated that it enables United States' fishermen to double their profits.

4. *Formation of fishing establishments.*

The privilege of establishing permanent fishing stations on the shores of Canadian bays, creeks, and harbours, akin to that of landing to dry and cure fish, is of material advantage to United States' citizens. Before the Treaty the common practice with American vessels was to take away their cargoes of codfish in a green state and to dry them at home. Those codfish caught on the banks off-shore are usually fine, well-conditioned fish, but, being cured in bulk instead of being cured or packed ashore, are of inferior value. Apart from the fishing facilities and business conveniences thus afforded to Americans for prosecuting both the deep-sea

and inshore fisheries, there are climatic advantages connected with this privilege of a peculiar nature, which attach to it a special value. It is a fact universally known and undisputed, that codfish, for example, cured on our coasts, command a much higher price in foreign markets than those cured in the United States. This is due in a great measure to the dryness and salubrity of the climate and the proximity of the fishing grounds. Permanent curing establishments ashore also enable the fishermen to obtain more frequent "fares," and the dealers to carry on the business of curing and shipping on a much more extensive and economic scale, than if their operations were conducted afloat. There are further advantages derivable from permanent establishments ashore, such as the accumulation of stock and fresh fish preserved in snow or ice, and others kept in frozen and fresh state by artificial freezing; also, the preservation of fish in cans hermetically sealed. The great saving of cost and of substance, and the rapid preparation of a more saleable, more portable, and more nutritive article of food, which commend these improved methods of treating edible fishes to general adoption, will, undoubtedly, induce enterprising dealers to avail themselves very extensively of the remarkable opportunities which free access, and an assured footing on Canadian coasts, are calculated to afford. The broad effect of these increased facilities is to be found in the abundant and increasing supply to the American public of cheap and wholesome fish, which supply would certainly diminish or fail without the advantages secured by the Treaty of Washington.

5. *Convenience of reciprocal free market.*

A reciprocal free market for any needful commodity, such as fish, entering extensively into daily consumption by rich and poor, is so manifest an advantage to everybody concerned, the producer, the freighter, the seller and consumer alike, that the remission of Canadian duties on American-caught fish imported into Canada, cannot, in our opinion, form a very material element for consideration. The benefits conferred by a cheap and abundant supply of food are

evident, especially to countries where, as in the United States and Canada, the chief necessities of life are expensive, and it is so desirable to cheapen the means of living to the working classes.

6. Participation in improvements resulting from the Fisheries Protection Service of Canada.

In addition to the statutory enactments protecting the Canadian Fisheries against foreigners, and regulating participation in them by the United States' citizens, under Treaty stipulations, the Provincial Governments have for many years past applied an organized system of municipal protection and restriction designed to preserve them from injury and to render them more productive. A marked increase in their produce during the last decade attests the gratifying results of these measures.

A large number of fishery officers is employed by the Government of the Dominion in the Maritime States at an annual cost of about 75,000 dollars. This staff is actively engaged, under an organized system controlled by the Department of Marine and Fisheries, in fostering and superintending fish culture in the rivers and estuaries. Regulations are enforced for the protection of these nurseries, and considerable expense has been incurred in adapting and improving the streams for the reproduction of river fish.

The intimate connection between a thriving condition of river and estuary fishings and an abundant supply in the neighbouring deep-sea fisheries has not, perhaps, as yet been sufficiently appreciated. It is, however, obvious that the supply of bait fishes thus produced attracts the deep-sea fish in large numbers. Their resort is consequently nearer inshore than formerly, and the catch of the fishermen who have the privilege of inshore fishing is proportionately increased, whilst they pursue their operations in safer waters, and within easier reach of supplies. In addition to the measures above described for the increase of the fisheries, special care has been devoted to the protection of the spawning grounds of sea fishes, and the inshores now swarm with valuable fish of all kinds, which, owing to the

expense incurred by the Canadian Government, are now abundant in places hitherto almost deserted.

It will also be necessary for the proper maintenance of these improvements and for the preservation of order in the fishing grounds, as well in the interest of the United States as of the Canadian fishermen, to supplement the existing Fisheries Service by an additional number of officers and men, which will probably entail an increase of at least 100,000 dollars on the present expenditure.

In all these important advantages produced by the restrictions and taxation imposed on Canadians, United States' fishermen will now share to the fullest extent, without having as yet in any way contributed towards their cost: it may then fairly be claimed that a portion of the award to be demanded of the United States' Government shall be in consideration of their participation in the fruits of additional expenditure borne by Canadians to the annual extent, as shown above, of nearly 200,000 dollars.

Summary.

The privileges secured to United States' citizens under Article XVIII of the Treaty of Washington, which have been above described particularly and in detail, may be summarized as follows:—

1. The liberty of fishing in all inshore waters of the Dominion; the value of which is shown by the kinds, quantity, and value of the fish annually taken by United States' fishermen in those waters, as well as by the number of vessels, hands, and capital employed.

2. The liberty to land for the purpose of drying nets and curing fish, a privilege essential to the successful prosecution of fishing operations.

3. Access to the shores for purposes of bait, supply, &c., including the all-important advantage of transferring cargoes, which enables American fishermen to double their profits by securing two or more full fares during one season.

4. Participation in the improvements resulting

from the Fisheries Service maintained by the Government of the Dominion.

The above privileges may be considered as susceptible of an approximate money valuation, which it is respectfully submitted should be assessed as well with reference to the quantity and value of fish taken, and the fishing vessels and fishermen employed, as to other collateral advantages enjoyed by United States' citizens.

It has been stated in the preceding portions of this Chapter that an average number of at least 1,000 United States' vessels annually frequent British Canadian waters. The gross catch of each vessel per trip has been estimated at 5,600 dollars, a considerable proportion of which is net profit, resulting from the privileges conferred by the Treaty.

These privileges profitably employ men and materials representing in industrial capital several millions of dollars; the industries to the advancement of which they conduce, support domestic trade and foreign commerce of great extent and increasing value; they also serve to make a necessary and healthful article of food plentiful and cheap for the American nation. It is not merely the value of "raw material" in fish taken out of British Canadian waters which constitutes a fair basis of compensation; the right of this fishery was an exclusive privilege, the sole use of which was highly prized, and for the common enjoyment of which we demand equivalents to be measured by our just estimation of its worth; we enhance the main concession on this point by according kindred liberties and indispensable facilities, all of which are direct advantages; and, in order to illustrate the assessable value of the grant, we adduce certain data relating to the number of United States' fishing vessels more immediately interested, and the gross quantity and value of their catch in British Canadian waters.

In addition to the advantages above recited the attention of the Commissioners is respectfully drawn to the great importance attaching to the beneficial consequences to the United States of honorably acquiring for their fishermen full freedom to pursue their adventurous calling.

without incurring constant risks, and exposing themselves and their fellow countrymen to the inevitable reproach of wilfully trespassing on the rightful domain of friendly neighbours. Paramount, however, to this consideration is the avoidance of irritating disputes, calculated to disquiet the public mind of a spirited and enterprising people, and liable always to become a cause of mutual anxiety and embarrassment.

It was repeatedly stated by the American members of the Joint High Commission at Washington, in discussing proposals regarding the Canadian fisheries, "that the United States desired to secure their enjoyment, not for their commercial or intrinsic value, but for the purpose of removing a source of irritation." This commendable desire evidently was reciprocated by the British Commissioners in assenting to the proposition that the matter of disagreement as regards a money equivalent "should be referred to an impartial Commission." It should not be lost sight of that an offer for the reciprocal free admission of coal, salt, fish, and lumber, had previously been made by the United States' Commissioners, "entirely in the interest of a peaceful settlement," but was declined by the British Commissioners as inadequate. It is now shown that the contention of the British Commissioners regarding the "great value" of these fisheries was well founded, and that the privileges subsequently accorded by the Treaty of Washington as in part compensatory are of no appreciable value.

It must be admitted, therefore, that the concessions made by Great Britain in the interests of American fishermen, quite irrespective of their commercial value, are indeed extremely valuable to the United States. Probably, it will be said that in this respect, there is an international gain. But it seems impossible for British subjects, if unmolested in their rights and privileges, to occasion any such irritation as the United States' Commissioners expressed their anxiety to avoid. The provocation would be confined entirely to foreign intruders seeking their own gains at the cost and injury of British fishermen, thereby, perhaps, involving both nations in serious difficulties and incalculable

expense. The duty (with it attendant cost) of guarding against any such vexations on the part of United States' citizens, devolves solely on the American Government. If, to avoid the onerous responsibility of fulfilling it, and at the same time to secure for the inhabitants and trade of the country the concurrent use of these valuable privileges, the Government of the United States requires to pay fair equivalents, it certainly cannot be expected that Great Britain would abate the just estimation placed on them because of a mere assertion by the United States as beneficiary "that their value is over-estimated," or that any further measure of concession is due to international amity. Great Britain claims to have fully reciprocated the desire expressed by the United States' Commissioners; and being in possession of proprietary rights of special importance and value to herself, the mutual enjoyment of which was voluntarily sought on behalf of United States' citizens, we are justified in asking the present Commission to consider these circumstances in determining the matter thus referred to equitable assessment under the present Treaty.

CHAPTER III.—*Advantages derived by British Subjects.*

1. *Liberty of fishing in United States' waters and other privileges connected therewith.*

The privileges granted to British subjects by Article XIX of the Treaty of Washington are the same right of fishing and landing for purposes connected with fishing in United States' waters, north of the 39th parallel of north latitude, as are granted to United States' citizens in British North American waters. It may at the outset be stated that this Concession is absolutely valueless.

That the several kinds of sea fishes formerly abundant on the north-eastern sea-coasts of the United States have not merely become very scarce, but are in some localities almost extinct, is an unquestionable fact. An exhaustive investigation into the causes of their decline was commenced in 1871 by Professor Baird, the Chief of the United States' Fisheries Commis-

sion, and is still in progress. This eminently thorough and scientific investigator reports, substantially, that the failing supply of edible coast fishes is mainly due to over-netting and incessant fishing by other means. These causes, joined to continuous havoc made by predaceous fishes, have considerably exhausted the coast fisheries along the southern and north-eastern sea-board of the United States. The Fishery Commissioners of the States of Massachusetts and Maine, in their reports for 1872, endorse the official statements of the Federal Commissioner. They add that the sea fishes on the coasts of New England have "almost entirely disappeared," and that "the people are obliged to resort to far distant regions to obtain the supply which formerly could be secured almost within sight of their homes." The following extracts from Professor Baird's report, published in 1873, are conclusive:—

"In view of the facts adduced in reference to the shore fisheries, there can be no hesitation in accepting the statement that there has been an enormous diminution in their number, although this had already occurred, to a considerable degree, with some species, by the beginning of the present century."

"The testimony everywhere, with scarcely an exception, both from line-men and trappers, was that the whole business of fishing was pretty nearly at an end, and that it would scarcely pay parties to attempt to continue the work on a large scale in 1873."

When the above statements are fairly considered, and when we also consider that the only remedy for this state of decline is to diminish the numbers and restrict the catchment powers of fishing engines in use, it is highly improbable that any foreigner will resort to these waters for fishing purposes.

In a geographical sense, the fishery grounds thus formally opened to British subjects comprise about 2,000 square miles, distant and unproductive, and which, for these and other reasons, are practically unavailable to the British fisherman. It is shown above that the best United States' authorities concur in opinion that these fisheries are rapidly becoming exhausted,

affording scarcely remunerative employment for American fishermen, who are themselves obliged every season to abandon these grounds, and resort in large numbers to the more productive waters of Canada. It is as impossible to conceive in theory that British fishermen should forsake their own abundant waters to undertake a long and arduous voyage to these distant and unremunerative fisheries, as it is an undisputed matter of fact that they do not, and in all probability never will, do so.

A similar concession embodied in the Reciprocity Treaty of 1854, which embraced three degrees more in a southerly direction, extending along the coasts of Delaware, Maryland, Virginia, and part of North Carolina to the thirty-sixth parallel of north latitude, proved during the twelve years it existed of no practical value whatsoever, not a single British fisherman having utilized it.

The question of bait must now be considered, as some importance may, perhaps, be attached by the United States to the supposed advantages derived in this respect by British subjects. It might appear at first sight that the privilege of resorting to the inshores of the Eastern States to procure bait for mackerel fishing was of practical use. Menhaden are said to be found only in United States' waters, and are used extensively in the mackerel fishing, which is often successfully pursued with this description of bait, especially by its use for feeding and attracting the shoals. It is, however, by no means indispensable; other fish baits, plentiful in British waters, are quite as successfully used in this particular kind of fishing business, and very generally in other branches, both of deep-sea and inshore fishing, as, for example, fresh herrings, alewives, capelin, sandlaunce, smelts, squids, clams, and other small fishes caught chiefly with seines close inshore. British fishermen can thus find sufficient bait at home; and can purchase from American dealers any quantities they require much cheaper than by making voyages to United States' waters in order to catch it for themselves. It is a remarkable fact that for six years past, American fishermen have bought from Canadians more

herring bait alone than all the menhaden bait imported into Canada during the same period. The menhaden bait itself can also be bred and restored to places in the Bay of Fundy, on the western coast of Nova Scotia, where it existed up to the time of its local extermination.

It is notorious that the supply both of food and bait fishes has become alarmingly scarce along the United States' coasts. At Gloucester alone some thirty vessels are engaged during about six months in each year catching menhaden for bait. They sell about 100,000 dollars worth annually, and, by catching them immoderately in nets and weirs for supplying bait and to furnish the oil mills, they are rapidly exterminating them. The Massachusetts Fishery Commissioners, in their report for 1872, state that "It takes many hands working in many ways to catch bait enough for our fishing fleet, which may easily be understood when it is remembered that each George's man takes fifteen or twenty barrels for a trip; and that each mackereler lays in from 75 to 120 barrels, or even more than that." One of the principal modes for the capture of bait and other fishes on the New England Coast is by fixed traps or pounds on the shore. By means of these, herrings, alewives, and menhaden are caught as bait for the sea fishery, besides merchantable fish for the markets, and the coarser kinds for the supply of the oil factories. There are upwards of sixty of these factories now in operation on the New England Coast. The capital invested in them approaches 3,000,000 dollars. They employ 1,197 men; 383 sailing vessels, and 29 steamers, besides numerous other boats. The fish material which they consume yearly is enormous, computed at about 1,191,100 barrels, requiring whole fishes to the number of about 300,000,000. These modes of fishing for menhaden and other bait are furthermore such as to preclude strangers from participating in them without exceeding the terms of the Treaty; and even without this difficulty, it must be apparent that such extensive native enterprises would bar the competition and suffice to ensure the virtual exclusion of foreigners.

The attention of the Commissioners is therefore respectfully drawn to the following points:—

1. The “sea fishery” is distant and unproductive.

2. The inshores are occupied to the fullest possible extent, and the supply, especially in the matter of bait, is rapidly becoming exhausted.

3. British fishermen have not, either during the Reciprocity Treaty or the Treaty of Washington, availed themselves of the freedom of fishing in United States’ waters.

A careful consideration of these points will, we believe, lead to the conviction that in this respect no advantage whatever accrues to British subjects.

2. *Customs remissions by United States in favour of Canada.*

The privilege of a free market in the United States for the produce of the fisheries of the Dominion of Canada, excepting fish of the inland lakes and tributary rivers, and fish preserved in oil, remains to be considered. It forms the only appreciable concession afforded by the Treaty for the right of free fishery in British waters, and the collateral advantages derived by United States’ citizens. We have already adverted in paragraph 5 of chapter 2 of this Case to the mutual benefit of a reciprocal free market for fish. This is so clearly an advantage to all concerned, and particularly to the nation comprising the largest number of fishermen, traders, and consumers, that it cannot be contended that in this respect any advantage is conceded to Canada which is not participated in by the United States.

Conclusion.

For these and other reasons Her Majesty’s Government, for the concession of these privileges in respect of the Dominion of Canada, claim, over and above the value of any advantages conferred on British subjects under the Fishery Articles of the Treaty of Washington, a gross sum of 20,000,000 dollars, to be paid in accordance with the terms of the Treaty.

PART II.

NEWFOUNDLAND.

CHAPTER I.

Introduction and Description of Newfoundland Fisheries.

It has been already submitted, on page 15 of the Introductory portion of this case that the following basis is the only one which it is possible to adopt under the terms of the first part of Article XVIII of the Treaty of Washington, 1871, namely, that the value of the privileges granted to each country respectively by Articles XVIII, XIX and XXI of that Treaty, *which were not enjoyed under the 1st Article of the Convention of the 20th of October, 1818*, is that which this Commission is constituted to determine.

The position occupied by Newfoundland, in regard to the right of fishing enjoyed by the United States' citizens on her coasts is, however, in many points distinct from that of Canada, and it is desirable to state precisely how the case stands.

By Article I of the Convention of 1818 the inhabitants of the United States acquired "for ever 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, and also on the coasts, bays, harbours and creeks from Mount Joly on the southern coast of Labrador, to and through the Straits of Belle-Isle, and thence northwardly indefinitely along the coast, and the 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, hereabove described, and the coast of Labrador; but so soon as the same, or any part thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portions so settled without

previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground; and the United States' renounced 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 Majesty's Dominions in America not included within the above-mentioned limits; provided, however, that the United States' 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 shall be necessary to prevent their taking, drying or curing fish therein or in any other matter whatever abusing the privileges hereby reserved to them."

In addition to the privileges so enjoyed under the Convention of 1818, Articles XVIII and XXI of the Treaty of Washington granted to United States' citizens:—

(1.) The liberty to take fish of every kind except shell-fish, on the remaining portion of the coast of Newfoundland, with liberty to land on the said coast 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 said purpose: the salmon and shad fisheries and all other fisheries in rivers and mouths of rivers being reserved exclusively for British fishermen.



(2.) The admission into Newfoundland of fish oil and fish of all kinds, except fish of the inland lakes and rivers falling into them, and except fish preserved in oil, being the produce of fisheries of the United States, free of duty.

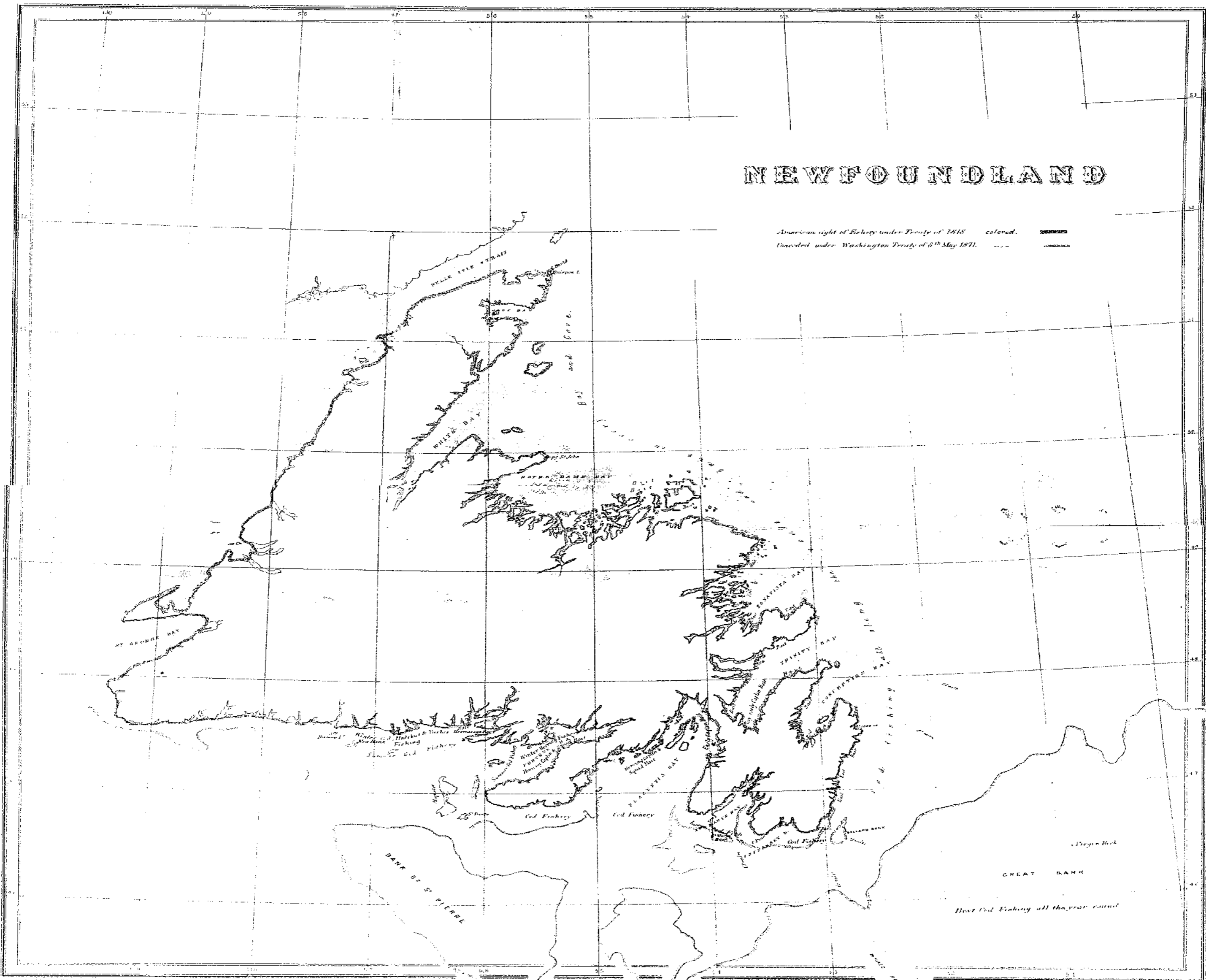
The enjoyment of these privileges to continue for the period of twelve years certain.

In return for the privileges so granted to United States' citizens, British subjects acquired under the same Treaty:—

1. Similar rights of fishing and landing on United States' coasts north of the 39th parallel of north latitude; and,

NEWFOUNDLAND

American right of Fishery under Treaty of 1818 colored. 
Granted under Washington Treaty of 8th May 1871. 



2. The admission into the United States of fish oil and fish of all kinds, except fish preserved in oil, being the produce of the fisheries of Newfoundland, free of duty.

These privileges also are to continue for a period of twelve years certain.

A reference to the accompanying map will show that the coast, the entire freedom of which for fishing purposes has thus been acquired by the United States for a period of twelve years, embraces that portion extending from the Rameau Islands on the south-west coast of the Island eastward and northwardly, to the Quirpon Islands. This coast contains an area of upwards of 11,000 square miles, including admittedly the most valuable cod fisheries in the world. Fish of other descriptions, namely, herring, capelin, and squid, which are by far the best bait for the successful prosecution of the cod fisheries, can be taken in unlimited quantities close inshore along the whole coast, whilst in some parts are turbot, halibut, and lance.

The subjoined Tables (Appendix B) of the exports of fish from Newfoundland for the past seven years will show the enormous and increasing value of these fisheries; and the Census Returns also annexed (Appendix C) afford the clearest evidence that the catch is very large in proportion to the number of men, vessels, and boats engaged in fishing operations on the coasts of Newfoundland which have been thrown open to United States' citizens under the Treaty of Washington.

In addition to the value, as shown above, of the inshore fisheries, the proximity of the Bank Fisheries to the Coast of Newfoundland forms a very important element in the present inquiry. These fisheries are situated at distances varying from 35 to 200 miles from the coast of Newfoundland, and are productive in the highest degree. Although they are open to vessels of all nations, their successful prosecution depends almost entirely in securing a commodious and proximate basis of operations. Bait, which can be most conveniently obtained in the inshore waters of Newfoundland, is indispensable, and the supply of capelin, squid, and herring is there inexhaustible for this purpose.

With reference to the importance which has from earliest times been attached to the value of the fisheries of Newfoundland, it is to be observed that a great portion of the Articles in the Treaties of 1783 and 1818 between Great Britain and the United States is devoted to careful stipulations respecting their enjoyment; and it will not escape the observation of the Commissioners that the privileges granted to United States' fishermen in those Treaties were always limited in extent, and did not confer the entire freedom for fishing operations which is now accorded by the Treaty of Washington, even on those portions of the coast which were then thrown open to them. Thus, whilst according the privilege of fishing on certain portions of the coast, the Treaty of 1783 denied the right of landing to dry and cure on the shore, and the result was that, so far as concerned dried cod-fish, the concession to the United States was of little or no advantage to them. It was indispensable to the production of a superior article of dried cod-fish that there should be a speedy landing and curing in a suitable climate. The climate of the United States is not adapted for this purpose, whilst that of Newfoundland is peculiarly suitable. This fact is evidenced by the United States having never competed with Newfoundland in foreign markets in the article of dried cod-fish, whilst they were debarred from landing on Newfoundland shores. Again, it is necessary for the prosecution of the fisheries, with reasonable prospects of lucrative results, that the fishermen should be in proximity to their curing and drying establishments.

The Treaty of 1783 was annulled by the war of 1812 and the stipulations of Article I of the Convention of 1818, quoted in *extenso* on page 4 of this case, made important modifications in the privileges heretofore enjoyed by United States' fishermen. Although they had, under this Convention, the liberty of drying and curing fish upon the southern coast of Newfoundland from the Rameau Island to Cape Ray, it was confined to the unsettled bays, harbours, and creeks within these limits, and, it being provided that so soon as any portion thereof should be settled, the

liberty should cease, the fishermen of the United States have been prevented, by the coast becoming generally settled, from availing themselves of the liberty so conceded. Previously, therefore, to the Treaty of Washington, United States' fishermen did not interfere with the Newfoundland fishermen as regards the article of dried codfish, although they prosecuted the herring fishery at Bonne Bay and Bay of Islands on the western coast.

The question of the privileges of fishing on certain portions of the Newfoundland shores enjoyed by French fishermen does not come within the scope of this Commission, yet a passing allusion may be made to it. These privileges consist in the freedom of the inshore fisheries from Cape Ray northwardly to Quirpon Islands, and from thence to Cape John, on parallel 50° of north latitude; and the value attached to this right by the French Government is attested by their solicitude in maintaining it, and by the amount of French capital embarked in the prosecution of these fisheries. This affords another proof of the productiveness of the waters of the island.

CHAPTER II.

Advantages derived by United States' Citizens.

It will not be a matter of surprise that there should be an absence of exact statistical information when the facts are taken into consideration that, until the Washington Treaty, this vast extent of fishery was exclusively used by the people of Newfoundland—sparsely scattered over a long range of coast, for the most part in small settlements, between the majority of which the only means of communication is by water, and where, up to the present time, there was no special object in collecting statistical details. It is proposed, however, to show, by such evidence as will, it is believed, satisfy the Commissioners, the nature and value of the privileges accorded

to the citizens of the United States under the Treaty of Washington. These may be conveniently divided into three heads, as follows :—

- I. The entire freedom of the inshore fisheries.
- II. The privilege of procuring bait, refitting, drying, transshipping, and procuring supplies.
- III. The advantage of a free market in Newfoundland for fish and fish oil.

The privileges granted in return to British subjects will be treated subsequently, and consist of—

1. The liberty of prosecuting fishing operations in United States' waters north of the 39th parallel of north latitude; and
2. The advantages of a free market in the United States for fish and fish oil.

I. The Entire Freedom of the Inshore Fisheries.

Newfoundland, from that part of its coast now thrown open to United States' fishermen, yearly extracts, at the lowest estimate, 5,000,000 dollars' worth of fish and fish oil, and when the value of fish used for bait and local consumption for food and agricultural purposes, of which there are no returns, is taken into account, the total may be fairly stated at 6,000,000 dollars annually.

It may possibly be contended on the part of the United States that their fishermen have not in the past availed themselves of the Newfoundland inshore fisheries, with but few exceptions, and that they would and do resort to the coasts of that island only for the purpose of procuring bait for the Bank Fishery. This may up to the present time, to some extent, be true as regards cod-fish, but not as regards herring, turbot, and halibut. It is not at all probable that, possessing as they now do the right to take herring and capelin for themselves on all parts of the Newfoundland coasts, they will continue to purchase as heretofore, and they will thus prevent the local fishermen, especially those of Fortune Bay, from engaging in a very lucrative employment which formerly occupied them during a portion of the winter season for the supply of the United States' market.

The words of the Treaty of Washington, in dealing with the question of compensation, make no allusion to what use the United States may or do make of the privileges granted them, but simply state that, inasmuch as it is asserted by Her Majesty's Government that the privileges accorded to the citizens of the United States under Article XVIII are of greater value than those accorded by Articles XIX and XXI to the subjects of Her Britannic Majesty, and this is not admitted by the United States, it is further agreed that a Commission shall be appointed, having regard to the privileges accorded by the United States to Her Britannic Majesty's subjects in Articles Nos. XIX and XXI, the amount of any compensation to be paid by the Government of the United States to that of Her Majesty in return for the privileges accorded to the United States under Article XVIII.

It is asserted, on the part of Her Majesty's Government, that the actual use which may be made of this privilege at the present moment is not so much in question as the actual value of it to those who may, if they will, use it. It is possible, and even probable, that United States' fishermen may at any moment avail themselves of the privilege of fishing in Newfoundland inshore waters to a much larger extent than they do at present; but even if they should not do so it would not relieve them from the obligation of making the just payment for a right which they have acquired subject to the condition of making that payment. The case may be not inaptly illustrated by the somewhat analogous one of a tenancy of shooting or fishing privileges; it is not because the tenant fails to exercise the rights which he has acquired by virtue of his lease that the proprietor should be debarred from the recovery of his rent.

There is a marked contrast, to the advantage of the United States' citizens, between the privilege of access to fisheries the most valuable and productive in the world, and the barren right accorded to the inhabitants of Newfoundland of fishing in the exhausted and preoccupied waters of the United States north of the 30th parallel of north latitude, in which there is no field for

lucrative operations even if British subjects desired to resort to them ; and there are strong grounds for believing that year by year, as United States' fishermen resort in greater numbers to the coasts of Newfoundland for the purpose of procuring bait and supplies, they will become more intimately acquainted with the resources of the inshore fisheries and their unlimited capacity for extension and development. As a matter of fact, United States' vessels have, since the Washington Treaty came into operation, been successfully engaged in these fisheries ; and it is but reasonable to anticipate that, as the advantages to be derived from them become more widely known, larger numbers of United States' fishermen will engage in them.

A participation by fishermen of the United States in the freedom of these waters must, notwithstanding their wonderfully reproductive capacity, tell materially on the local catch, and, while affording to the United States' fishermen a profitable employment, must seriously interfere with local success. The extra amount of bait also which is required for the supply of the United States' demand for the Bank Fishery must have the effect of diminishing the supply of cod for the inshores, as it is well known that the presence of that fish is caused by the attraction offered by a large quantity of bait fishes, and as this quantity diminishes the cod will resort in fewer number to the coast. The effect of this diminution may not in all probability be apparent for some years to come, and whilst United States' fishermen will have the liberty of enjoying the fisheries for several years in their present teeming and remunerative state, the effects of over-fishing may, after their right to participate in them has lapsed, become seriously prejudicial to the interests of the local fishermen.

II. *The Privilege of procuring Bait and Supplies, Refitting, Drying, Transshipping, &c.*

Apart from the immense value to United States' fishermen of participation in the Newfoundland inshore fisheries must be estimated the important privilege of procuring bait for the

prosecution of the bank and deep-sea fisheries, which are capable of unlimited expansion. With Newfoundland as a basis of operations, the right of procuring bait, refitting their vessels, drying and curing fish, procuring ice in abundance for the preservation of bait, liberty of transshipping their cargoes, &c., an almost continuous prosecution of the Bank Fishery is secured to them. By means of these advantages United States' fishermen have acquired, by the Treaty of Washington, all the requisite facilities for increasing their fishing operations to such an extent as to enable them to supply the demand for fish food in the United States' markets, and largely to furnish the other fish markets of the world, and thereby exercise a competition which must inevitably prejudice Newfoundland exporters. It must be remembered, in contrast with the foregoing, that United States fishing craft before the conclusion of the Treaty of Washington could only avail themselves of the coast of Newfoundland for obtaining a supply of wood and water, for shelter, and for necessary repairs in case of accident, *and for no other purpose whatever*; they therefore prosecuted the Bank Fishery under great disadvantages, notwithstanding which, owing to the failure of the United States' local fisheries and the consequent necessity of providing new fishing grounds, the Bank Fisheries have developed into a lucrative source of employment to the fishermen of the United States. That this position is appreciated by those actively engaged in the Bank Fisheries is attested by the statements of competent witnesses, whose evidence will be laid before the Commission.

It is impossible to offer more convincing testimony as to the value to United States' fishermen of securing the right to use the coast of Newfoundland as a basis of operations for the Bank Fisheries than is contained in the declaration of of one who has been for six years so occupied, sailing from the ports of Salem and Gloucester, in Massachusetts, and who declares that it is of the greatest importance to United States' fishermen to procure from Newfoundland the bait necessary for those fisheries, and that such benefits can hardly be over-estimated; that there will be

during the season of 1876 upwards of 200 United States' vessels in Fortune Bay for bait, and that there will be upwards of 300 vessels from the United States engaged in the Grand Bank Fishery; that owing to the great advantage of being able to run into Newfoundland for bait of different kinds they are enabled to make four trips during the season; that the capelin, which may be considered as a bait peculiar to Newfoundland, is the best which can be used for this fishery, and that a vessel would probably be enabled to make two trips during the capelin season, which extends over a period of about six weeks. The same experienced deponent is of opinion that the Bank Fisheries are capable of immense expansion and development, and that the privilege of getting bait on the coast of Newfoundland is indispensable for the accomplishment of this object.

As an instance of the demand for bait supplies derived from the Newfoundland inshore fisheries it may be useful to state that the average amount of this article consumed by the French fishermen, who only prosecute the Bank Fisheries during a period of about six months of the year, is from 120,000 to 160,000 dollars annually. The herring, capelin, and squid, amply meet these requirements and are supplied by the people of Fortune and Placentia Bays, the produce of the Islands of St. Pierre and Miquelon being insufficient to meet the demand.

It is evident from the above considerations that not only are the United States' fishermen almost entirely dependent on the bait supply from Newfoundland, now open to them for the successful prosecution of the Bank Fisheries, but also that they are enabled, through the privileges conceded to them by the Treaty of Washington, to largely increase the number of their trips, and thus considerably augment the profits of the enterprise. This substantial advantage is secured at the risk, as before-mentioned, of hereafter depleting the bait supplies of the Newfoundland inshores, and it is but just that a substantial equivalent should be paid by those who profit thereby.

We are therefore warranted in submitting to the Commissioners that not only should the

present actual advantages derived on this head by United States' fishermen be taken into consideration, but also the probable effect of the concessions made in their favour. The inevitable consequence of these concessions will be to attract a larger amount of United States' capital and enterprise following the profits already made in this direction, and the effect will be to inflict an injury on the local fishermen, both by the increased demand on their sources of supply and by competition with them in their trade with foreign markets.

III.—*The advantage of a Free Market for Fish and Fish Oil in Newfoundland.*

It might at first sight appear from the return of fish exports from the United States to Newfoundland, that this privilege was of little or no value; indeed, the duties when collected on this article were of insignificant amount. There is, however, an important benefit conferred by it on United States' fishermen engaged in the Bank Fisheries. In fishing on the banks and deep-sea, heretofore large quantities of small fish were thrown overboard as comparatively useless, when large fish, suitable for the United States' market, could be obtained in abundance; this practice was highly prejudicial to the fishing grounds.

Under the Washington Treaty, two objects are attained; first, a market for the small fish at remunerative prices in Newfoundland; and secondly, the preservation of the fishing grounds.

It is evident that, although at the present time United States' fishermen have been in enjoyment of the privileges conferred by the Treaty of Washington only for a short period, and may not have availed themselves to the full extent of this privilege, the actual profits derived thereby, and which, in certain instances, will be substantiated before the Commissioners by the evidence of competent witnesses, will be more fully appreciated during the remaining years of the existence of the right, and this item must form a part of the claim of Newfoundland against the United States.

CHAPTER III.

Advantages derived by British Subjects.

Having now stated the advantages derived by United States' fishermen under the operation of the Treaty of Washington, it remains to estimate the value of the privileges granted thereby in return to the people of Newfoundland.

In the first place, the value of the right of fishing on the United States' coast conceded to them must be considered. This consists in the liberty of fishing operations, with certain exceptions already set forth, on that part of the United States' coast north of the 39th parallel of north latitude.

The arguments on this head contained in section 1 of chapter 3, in the "Case" of Canada, will, it is believed, have satisfied the Commissioners that no possible benefit can be derived by the fishermen of Newfoundland in this respect. Indeed, all that has been said with regard to Canada applies with even greater force to the more distant Colony of Newfoundland. Evidence has, however, been collected, and will be laid before the Commissioners, if required, to prove that no fishermen from Newfoundland resort to United States' waters for fishing operations.

Second, and finally, the remission of the duty by the United States on Newfoundland exports of fish and fish oil, must be taken into account, and this, no doubt, will be viewed as the most important item of set-off to the privileges conferred on United States' citizens.

This privilege is, however, reciprocal, and enables the people of the United States to dispose of their fish in Newfoundland markets. When the comparatively small export of Newfoundland fish and fish-oil to the United States is taken into consideration, the amount of duty remitted thereon is so insignificant that it could not, under any circumstances, be entertained as an offset for a participation in the privileges accorded under Article XVIII of the Treaty of Washington.

The Tables annexed (Appendix D) will show not only the small amount of exports of this

article from Newfoundland to the United States, but also the large and increasing trade with other countries. Even if a prohibitory duty were imposed in the United States on exports of fish from Newfoundland, it would be a matter of small moment to that Colony, which would readily find a profitable market for the small quantities of fish which would otherwise be exported in that direction.

Again, upon an article so largely consumed as fish is in the United States, a remission of duty must be admitted to be a benefit to the community remitting the duty, as in reality it relieves the consumer, while it affords no additional remuneration to the shipper; and this, as a matter of fact, has been particularly the case as regards Newfoundland fish shipments to the United States.

The opening up of the fishing-grounds in Newfoundland, and their bait supply to United States' enterprise, enables the people of that country to meet the demand for fish food in their markets; already an appreciable falling off has taken place in the exports to that country of Newfoundland caught fish (which has always been very limited), and which, it may not unreasonably be supposed, will soon cease, owing to the extension of United States' fishing enterprise.

Conclusion.

It has thus been shown that under the Treaty of Washington there has been conceded to the United States,—

First, the privilege of an equal participation in a fishery vast in area, teeming with fish, continuously increasing in productiveness, and now yielding to operatives, very limited, in number when considered with reference to the field of labour, the large annual return of upwards of 6,000,000 dollars, of which 20 per cent. may be estimated as net profit, or 1,200,000 dollars.

It is believed that the claim on the part of Newfoundland in respect of this portion of the privileges acquired by United States' citizens under the Treaty of Washington will be confined to the most moderate dimensions when estimated

at one-tenth of this amount, namely, 120,000 dollars per annum, or, for the twelve years of the operation of the Treaty, a total sum of 1,440,000 dollars.

Secondly, there has also been conceded to the United States the enormous privilege of the use of the Newfoundland coast as a basis for the prosecution of those valuable fisheries in the deep sea on the banks of that Island capable of unlimited development, and which development must necessarily take place to supply the demand of extended and extending markets. That the United States are alive to the importance of this fact, and appreciate the great value of this privilege, is evidenced by the number of valuable fishing-vessels already engaged in this branch of the fisheries.

We are warranted in assuming the number at present so engaged as at least 300 sail, and that each vessel will annually take, at a moderate estimate, fish to the value of 10,000 dollars. The gross annual catch made by United States' fishermen in this branch of their operations cannot therefore be valued at less than 3,000,000 dollars, and of this at least 20 per cent., or 600,000 dollars per annum, may fairly be reckoned as net profit; of this profit Newfoundland is justified in claiming one-fifth as due to her for the great advantages derived by United States' fishermen under the Treaty of Washington of securing Newfoundland as a basis of operations and a source of bait supply indispensable to the successful prosecution of the Bank Fisheries. An annual sum of 120,000 dollars is thus arrived at, which, for the twelve years of the operation of the Treaty, would amount to 1,440,000 dollars, which is the sum claimed by Her Majesty's Government on behalf of Newfoundland in this respect.

In conclusion, for the concession of the privileges shown above, Her Majesty's Government claim in respect of the Colony of Newfoundland over and above any alleged advantages conferred on British subjects under the Fishery Articles of the Treaty of Washington, a gross sum of

2,880,000 dollars, to be paid in accordance with the terms of the Treaty.

SUMMARY.

In Part I of this Case the claim of Her Majesty's Government in respect of the Dominion of Canada, has been stated at a sum of 20,000,000 dollars; their claim in respect of the Colony of Newfoundland has been stated in Part II at a sum of 2,880,000 dollars; or a gross total of 22,880,000 dollars,—which is the amount which they submit should be paid to them by the Government of the United States, under the provisions of Article XXII of the Treaty of Washington of the 8th of May, 1871.

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FISHERY COMMISSION UNDER THE TREATY OF WASHINGTON OF MAY 8, 1871.

Appendix to Case of Her Majesty's Government.

APPENDIX (A).

TABLE of the Aggregate Quantities and Values of Fish, the Produce of Canadian Fisheries, in the Provinces of Nova Scotia, New Brunswick, and Quebec, from 1869 to 1875, and in Prince Edward Island, since its Entry into Confederation in 1874.

Compiled from Departmental Fishery Reports for the above-named Years.

Kind of Fish.	1869.		1870.		1871.		1872.		1873.		1874.		1875.		Total.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.		
Codfish	510,986	1,690,441 00	572,672	2,217,777 00	671,457	2,573,271 00	894,411	3,490,199 00	880,834	3,763,617 75	797,847	3,509,019 25	748,755	3,256,877 53	3,780,810	20,484,188 53
Herring	999,921	1,077,608 00	242,690	944,181 00	372,824	1,301,943 00	277,918	1,118,785 00	307,945	1,193,410 00	598,089	1,835,607 00	306,958	1,260,002 64	2,111,795	8,121,480 64
" (smoked)	169,879	42,219 50	73,745	112,337 25	12,435	18,433 75	606,705	161,677 00	521,086	130,871 50	464,309	118,558 25	612,000	160,500 00	2,479,059	712,881 25
" fresh.	...	...	1,600	6,400 00	...	...	...	...	...	...	20	109 00	...	...	1,600	6,400 00
Mackerel	51,011	530,110 00	92,183	1,092,638 00	140,805	1,849,682 00	119,439	1,665,110 00	160,404	1,604,040 00	181,098	1,589,551 00	128,034	1,230,645 00	840,122	8,987,676 00
"	2,086	8,844 00	...	...	24,228	3,634 00	38,660	4,042 00	21,050	3,167 00	59,000	8,850 00	39,990	6,997 00	177,936	25,680 00
"	1,572	6,860 00	1,747	7,895 00	3,813	11,439 00	1,190	3,868 00	10,842	1,626 30	80,460	12,069 00	21,400	3,210 00	163,202	22,865 50
"	...	...	75,000	12,000 00	75,000	4,600 00	40,000	4,800 00	1,992,725	113,663 56	241	1,205 00	...	...	4,414	23,651 00
"	1,061	6,846 00	1,764	10,354 00	2,868	28,000 00	5,497	97,455 00	468	2,200 00	312	1,872 00	...	...	13,600	12,000 00
"	8,767	26,301 00	660	1,680 00	1,050	3,150 00	19,931	59,703 00	663,436	39,748 10	689,275	35,350 50	673,016	20,930 00	1,824,725	63,392 00
"	1,410	4,835 00	380	996 00	20,180	60,540 00	37,443	112,326 00	25,733	88,725 00	34,255	84,892 50	35,771	125,098 50	112,475	391,613 00
"	900	2,000 00	...	...	...	...	89,214	267,613 00	44,321	155,123 60	42,853	149,953 00	16,686	68,397 50	193,072	471,453 50
"	7,662	100,320 00	12,613	201,653 50	7,075	80,073 00	8,205	139,580 00	7,723	134,912 00	7,362	130,344 00	6,026	87,694 00	66,252	2,000 00
"	19,341	19,341 00	900,375	123,505 00	2,017,464	302,622 00	1,648,593	192,949 00	2,670,469	322,223 65	2,501,246	321,957 70	1,766,894	236,046 50	11,339,001	1,506,404 15
"	868	3,652 00	2,200	550 00	540	135 00	...	...	125,785	21,106 60	187,320	20,598 00	67,880	8,689 00	323,725	51,071 50
"	784,790	196,067 50	575,517	132,779 00	100,991	25,247 00	600,709	84,108 00	1,300,984	324,346 00	1,040,006	493,146 00	674,538	144,353 43	5,687,323	1,390,974 83
"	1,464	1,465 00	345	2,345 00	200	2,000 00	497	3,766 00	99	990 00	1,073 00	1,073 00	369	2,073 00	1,501	13,721 00
"	11,032	31,053 00	39,342	187,347 00	28,970	1,738 00	34,708	10,988 53	183,147	10,988 53	112,816	6,768 90	117,120	442,052	30,322 91	109,513 50
"	6,166	18,664 00	11,497	94,102 00	16,863	84,702 00	6,038	104,154 00	43,767	149,724 00	55,850	196,405 00	46,363	161,846 50	565,787	864,374 00
"	75,601	5,435 00	16,249	1,694 90	20,369	2,635 90	19,960	55,004 00	7,508	60,064 00	12,343	98,786 00	13,992	115,161 00	67,734	498,649 00
"	513	4,523 00	1,060	8,480 00	3,000	6,000 00	3,000	1,968 00	19,694	1,968 00	68,873	6,687 30	134,992	13,499 20	357,738	33,000 00
"	108,985	10,985 00	185,035	18,503 50	137,188	6,009 00	8,960	182,320 00	5,959	53,901 00	3,520	31,680 00	2,978	20,748 00	86,860	845,813 00
"	27,139	148,264 00	92,513	383,795 07	119,539	18,718 50	108,459	16,053 00	160,643	16,053 00	374,187	37,418 70	266,619	26,661 30	1,360,854	133,993 10
"	500	3,000 00	20,176	1,910 00	143,731	343,968 90	1,095	4,653 00	426,947	25,616 82	439,423	26,305 38	132,786	7,607 16	1,167,062	69,423 38
"	68	7,440 00	820	3,980 00	350	1,750 00	2,920	12,410 00	...	...	...	...	...	...	62	7,440 00
"	600	1,800 00	43,000	186,000 00	485,100	19,108 00	2,920	12,410 00	810,399	48,623 94	1,166,350	69,381 00	1,451,580	67,094 80	3,963,429	224,206 74
"	3,904	1,569 00	1,120,000	54,038 30	13,160	39,460 00	24,820	74,400 00	27,238	81,861 00	14,518	42,772 00	11,710	35,107 00	1,120,000	401,463 50
"	7,400	8,767 00	551	2,204 00	61,192	56,084 00	1,113	4,453 00	778	3,112 00	20,363	101,765 00	33,407	117,035 00	7,500	256,214 00

Kinds of Fish.	1869.		1870.		1871.		1872.		1873.		1874.		1875.		Total.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
Ling	3,022	15,110 00	71	356 00	16	80 00	27	135 00	8	40 00	4	91 50	33	65 00	3,220	16,100 00
Wings	...	...	...	...	...	...	...	...	...	...	...	...	...	...	950	10,750 00
Waddi	...	...	...	...	...	...	...	...	...	...	...	...	...	...	9,650	4,137 50
Trout speckled	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1,500 00	1,200 00
Sturgeon	369	1,845 00	219	1,095 00	311	1,565 00	2,040	10,200 00	381	1,905 00	559	4,473 00	11,000	1,000 00	21,000	23,304 00
Bar bad whitefish	327	655 66	6,359	12,718 00	4,356	8,712 00	3,161	6,322 00	24,756	49,512 00	11,360	22,750 00	8,775	7,470 00	64,054	108,109 66
Sardines	10,736	53,662 50	6,871	34,365 00	1,649	8,245 00	1,781	8,956 00	370	4,510 00	903	4,510 00	1,037	5,185 00	23,856	119,282 50
Pike	...	...	...	...	...	...	...	...	...	...	...	...	...	...	261	2,610 00
Pickeral	...	...	...	...	...	...	...	...	...	...	...	...	...	...	304	3,040 00
Tom cod	...	...	...	...	...	...	...	...	...	...	...	...	...	...	20,400	20,400 00
Small fish	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2,563	2,563 00
Maskinonge	...	...	...	...	...	...	...	...	...	...	...	...	...	...	850	1,700 00
Seals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	24,369	146,214 00
Tunny	2	10 00	40,381	249,886 00	9,042	54,252 00	8,655	51,930 00	12,816	76,896 00	...	...	...	...	108,502	651,012 00
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	104	1,696 00
...	61,100	15,275 00	591,500	92,975 00	1,180,000	282,900 00	3,565,863	882,683 00	4,864,998	1,214,749 50	8,047,957	2,011,989 25	6,514,380	1,658,659 00	24,775,498	6,138,880 75
Lobsters	...	...	...	...	...	...	...	...	...	...	...	...	...	...	452	452 00
Cod tongues and sounds	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1,443	1,443 00
Fish-roes	287	2,009 00	185	945 00	935	9,197 00	7,433	59,081 00	6,275	43,925 00	2,204	10,502 00	2,613	18,291 00	19,282	135,066 00
Pumice	443	5,816 00	230	1,380 00	2,198	92,652 00	...	...	...	...	...	...	...	...	3,495	34,340 00
Fish gunno	458	9,060 00	970	3,700 00	300	18,800 00	...	...	...	...	...	...	...	...	2,953	36,760 00
" for manure	41,642	10,410 50	32,480	8,122 50	14,272	3,593 00	38,083	11,070 00	30,561	9,852 50	3,742	56,130 00	995	14,925 00	6,279	91,192 50
Sea-fish (fresh)	...	...	...	...	...	...	...	...	...	...	...	...	...	...	205,063	55,856 25
" (other kinds)	...	...	...	...	...	...	...	...	...	...	...	...	...	...	181	7,157 00
Fish used fresh	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2,200	110 00
Seal oil	53,311	43,048 80	89,762	71,509 60	18,525	146,700 00	45,116	36,892 80	58,545	46,916 90	64,095	27,047 50	98,709	40,354 50	419,663	269,869 20
Whale oil	373	339 40	24,200	10,300 00	18,000	14,400 00	16,937	13,549 60	400	13,296 00	16,650	13,296 00	23,781	18,224 80	99,311	79,148 80
Porpoise oil	2,029	1,217 40	12,568	1,768 80	9,123	1,061 00	1,075	537 50	143	71 00	17	13 60	2,667	2,133 60	10,901	6,742 90
Cod oil	108,018	51,909 00	119,682	59,548 50	160,055	80,027 50	186,539	68,264 50	91,627	45,813 00	97,709	48,854 50	118,469	56,734 50	821,400	410,749 50
Oils	33,460	21,761 25	298,558	134,771 00	417,662	251,490 00	496,134	323,487 00	523,340	340,171 00	349,793	225,852 20	390,526	253,743 65	2,509,741	1,561,266 10
...	...	4,186,333 65	...	6,313,409 72	...	7,379,675 85	...	9,302,483 05	...	10,254,312 44	...	11,235,618 70	...	9,897,191 29	...	68,568,014 61

APPENDIX (B).

RETURN showing the Quantities and Values of the undermentioned Articles exported from Ports between Rameau Islands to Cape Race and thence North to Twillingate inclusive, for the Years 1868, 1869, 1870, 1871, 1872, 1873, and 1874.

Years.	Dried Codfish.		Green Codfish.		Herrings.		Cod Oil.		Refined Cod Oil.		Cod Roes.		Cod Sounds and Tongues.	
	Quintals.	Values.	Quintals.	Values.	Barrels.	Values.	Tons.	Values.	Tons.	Values.	Barrels.	Values.	Packages.	Values.
1868	829,340	Dollars. 2,902,890	..	Dollars. ..	50,557	Dollars. 151,671	2,754	Dollars. 385,560	224	Dollars. 36,000	1,084	Dollars. 2,168	500	Dollars. 500
1869	791,339	3,165,356	1,518	3,036	46,340	139,020	3,967	634,720	324	81,000	844	3,376	382	382
1870	915,396	3,478,504	1,331	2,129	43,837	118,359	3,441	509,268	413	107,380	1,081	4,324	279	279
1871	928,016	3,526,460	19	30	61,462	147,508	4,767	629,244	299	61,235	1,395	5,685	125	125
1872	847,337	3,389,348	48	48	40,162	120,486	3,852	539,280	221	44,200	857	6,856	66	66
1873	983,193	3,539,494	18	27	33,632	70,536	3,681	515,340	321	64,200	856	2,968	115	115
1874	1,183,020	4,495,760	6	9	33,625	90,273	2,734	437,440	221	50,918	1,126	3,378	138	138
Total	6,477,641	24,497,812	2,940	5,279	311,615	887,853	25,196	3,630,832	2,023	444,933	7,743	28,355	1,623	1,623
Average	925,377	3,499,687	420	754	44,516	119,693	3,599	521,550	289	63,562	1,106	4,051	282	282