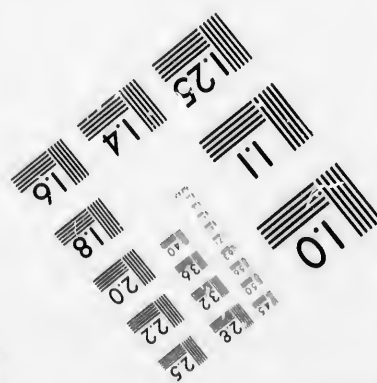
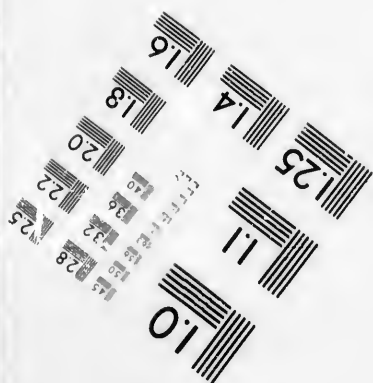
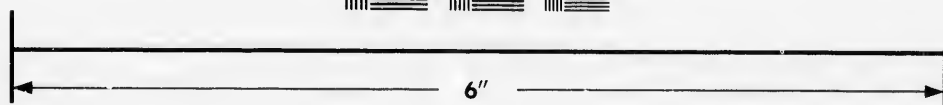
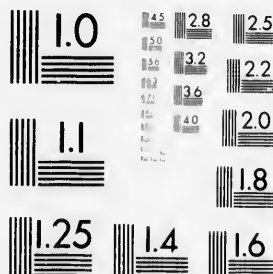


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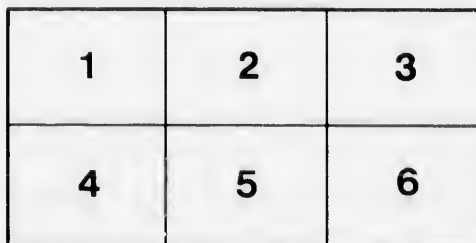
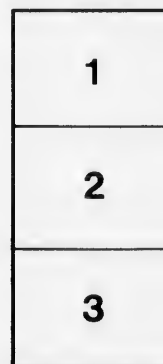
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The Fisheries Treaty.

SPEECH

OF

HON. GEORGE F. HOAR,
OF MASSACHUSETTS,

IN THE SENATE OF THE UNITED STATES,

Tuesday, July 10, 1888.

The Senate having under consideration the Fisheries Treaty in open executive session—

Mr. HOAR said:

Mr. PRESIDENT: I make no apology for entering early upon this discussion. This is the oldest question in our foreign relations. The question of the rights of her fishermen has mingled with the history of Massachusetts from the beginning, as their skill and courage have been from the beginning a chief part of her glory and pride. One of the half dozen most famous passages in English prose is that where, more than a hundred years ago, the greatest of English orators, in his last appeal to save England from the madness of her tyranny, paid his eloquent homage to these husbandmen of the sea. It will never become stale or commonplace to American ears. It is often quoted, but we may well repeat it, since the wit of man can not mend it.

Mr. Edmund Burke said:

As to the wealth which the colonies have drawn from the sea by their fisheries, you had all that matter fully opened at your bar. You surely thought these acquisitions of value, for they seemed even to excite your envy; and yet the spirit by which that enterprising employment has been exercised ought rather, in my opinion, to have raised your esteem and admiration. And pray, sir, what in the world is equal to it? Pass by the other parts and look at the manner in which the people of New England have of late carried on the whale fisheries. While we follow them among the tumbling mountains of ice and behold them penetrating into the frozen recesses of Hudson's Bay and Davis Straits, whilst we are looking for them beneath the Arctic Circle, we hear that they have pierced into the opposite region of polar cold; that they are at the antipodes and engaged under the frozen circle of the south. Erikland Island, which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and resting place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them than the accumulated winter of both the poles. We know that whilst some of them draw the line and strike the harpoon on the coast of Africa, others run the longitude and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries; no climate that is not witness to their toils. Neither the perseverance of Holland nor the activity of France nor the dexterous and firm sagacity of English enterprise ever carried this most perilous mode of hard industry to the extent to which it has been pushed by this recent people—a people who are still, as it were, but in the gristle, and not yet hardened into the bone of manhood. When I contemplate these things, when I know that the colonies in general

owe little or nothing to any care of ours, and that they are not squeezed into this happy form by the constraints of watchful and suspicious government, but that, through a wise and salutary neglect, a generous nature has been suffered to take her own way to perfection: when I reflect upon the effects, when I see how profitable they have been to us, I feel all the pride of power sink, and all presumption in the wisdom of human contrivances melt and die away within me. My rigor relents. I pardon something to the spirit of liberty.

The war of the Revolution, of course, interrupted for a time the fisheries of the American colonies. But the fishermen were not idle. They manned the little navy whose exploits have never yet received from history its due meed of praise. They furnished the ships' companies of Manly and Tucker and Biddle and Abraham Whipple. They helped Paul Jones to strike terror into St. George's Channel. In 1776, the very first year of the Revolutionary war, American privateers captured three hundred and forty-two British vessels. The fisheries came up again after the war. Mr. Jefferson, the first Secretary of State, commended them to the favor of the nation in an elaborate and admirable report. He says that before the war four thousand men and 28,000 tons of shipping were annually employed by Massachusetts in the cod fishery alone, and four thousand men and 24,000 tons of shipping in the whale fishery alone. He shows how the energy of the New England fishermen, aided by their local advantage, had before the war driven France and Spain and Portugal from the northern fisheries, and their rivalry was pressing hard on England herself. After the Revolution, when our fisheries began to revive, England endeavored to allure our fishermen into her dominion by a high system of bounties and an absolute prohibition of foreign fish in her markets. She issued an invitation, re-enforced by high bounties to our fishermen, under the general description of "foreigners who had been employed in the whale fishery," to pass over with their families and vessels to the British dominions, either in America or in Europe.

France took the alarm. "She saw," as Mr. Jefferson says, "the danger of letting four or five thousand seamen, of the best in the world, be transferred to the marine strength of another nation and carry over with them an art which they possessed almost exclusively." Lafayette, the illustrious citizen both of France and America, wrote a letter to dissuade our fishermen from accepting the British proposal, and promised that France would do better for them. The French ministry gave a counter-invitation and offered a bounty of fifty livres, near \$10, a ton on every fishing vessel they would equip.

I have not time to narrate the detail of the contest between England and France for the transfer of our fishermen. We had to contend against bounties in France and England and prohibitory duties in England, for the life of a calling which Mr. Jefferson declares was "too poor a business to be left to itself, even with the nation most advantageously situated." All Senators are familiar with the policy of bounties and duties, at times separate, at times combined, with which we maintained and cherished our fishing industries.

I have seen with deep regret that the President of the United States, or some person upon whose advice he has acted, seems to think that this object, which the far-sighted policy of Great Britain and France thought so desirable for them, of transferring foreign fishermen from their own country to ours, is undesirable. He has hastened to put himself on record by a letter to the collector of Boston, signed with his own name, as intending to use all the powers vested in him by law, even under the most strained construction, to prevent the employment under the American flag of fishermen of foreign origin. I do not think many

precedents can be found of instructions given by the Departments to their subordinates under the signature of the President. I am sure no example can be found in our history, and I think none is likely to occur again, of an Executive straining his powers and departing from the propriety of his station to prevent an accession of skilled seamen to America like that which England and France so eagerly strove to gain at the close of the last century. They look at the thing very differently across the border. When Vice-Admiral Wellesley was in command of the North American fleet, he considered it his duty to call the special attention of the secretary of the admiralty to their danger, from the fact that colonial fishermen in considerable numbers man American vessels. Sir John A. Macdonald declared that—

The Canadian Government view with very serious concern the effect upon our maritime population of such dependence upon American employers. It creates sympathy with foreign sentiments and institutions, and affords opportunities for instilling into the minds of our people ideas and expectations altogether inimical to British connection.

These men, Mr. President, come here to abide. They are not peons or coolies. They are not the property of anybody. They are in the way of nobody. They are not imported to bring down or to keep down the wages of other laborers. On the contrary, they enable the calling in which they find employment to be more widely extended, and to afford occupation for many others, who might not get it without them. The President's shaft is aimed at the wrong mark. Among the best and most valued citizens on the Massachusetts coast, in Gloucester, in Marblehead, in Provincetown, are to be found many of these brave and skillful mariners, whom our policy in regard to our fisheries has attracted from the British provinces to take their lot under the American flag.

There are three sources of information later than the United States census of 1880 from which we can discover the number and the nationality of our fishermen. Massachusetts took a census in 1885 in which these numbers appear in the schedule of population and also in a special report on her fisheries. The United States Fishery Commission have gathered the statistics for 1886.

The Massachusetts fishery report gives 14,676 fishermen engaged in the fishing vessels of Massachusetts. Of these, 11,743 were residents of Massachusetts; 2,933 were non-residents of Massachusetts; and of these non-residents 998 were Americans. Of the whole 14,676 there were 12,741 either having their homes in Massachusetts or American residents in other States.

On the other hand the table of population shows a total of 7,980 fishermen, of whom 5,433 are native or naturalized Americans. Of the aliens 138 are Irishmen. But 1,158 are natives of England or her dependencies other than Ireland.

Professor Baird estimates the number of persons employed in our fisheries in 1880 as 131,426. Of these 101,684 were Americans. The value of the fisheries of the sea, the great rivers, and great lakes was over \$43,000,000. The fisheries of New England engaged 37,043 men. The South Atlantic States engaged 52,418 men; the Middle States, 14,931 men; the Pacific States and Territories, 16,803. (See Appendix D.)

I insert the table (A) at the close of my remarks. I insert also (B) a letter from the Commissioner of Fisheries with his estimate for 1886, and (C) a table from the census of 1880. From these it will seem probable that the truth is somewhere between the Massachusetts population and fisheries census. The proportion of American fisher-

men to foreigners, as it appears in each of them, is sufficient for my purpose. It is safe to say that a large proportion of those not as yet naturalized will be naturalized. They have little attachment left for the British flag. President Cleveland need be under no apprehension. They are, as Sir John A. Macdonald has found out, "in full sympathy with American sentiments and institutions," and have "ideas and expectations altogether inimical to British connection."

As we look back upon the war of 1812, there are some things which the people of New England may well wish had been otherwise. But if there were anything of disloyalty there, it all evaporated in words. A few disloyal phrases of a convention at Hartford, a little grumbling of a governor, what are they to the blaze of resplendent glory that rises from the deeds of her seamen? The men who censure the reluctance of the Federalists of that day to resent the provocation we had received from England do not always make sufficient allowance for the equal insult we were receiving from France. The party who opposed the war with England were eager enough to take arms against France. They were filled with a morbid horror of the power of Napoleon. But it was a horror into which no element of cowardice entered. They thought that in overcoming England we would overcome the last barrier against his universal empire, and that in attacking England we ranged ourselves on the side of universal tyranny against the last hope of constitutional liberty.

We can now see that they were wrong. The American people were inspired by a surer instinct than that of the Federal leaders. The final judgment of history must be that the war of 1812 was a righteous and glorious war. We were compelled to it by the impudent British pretension to search American vessels on the high seas, and take from them every man whom a midshipman should suspect, or pretend to suspect, of being a British subject. We had scarcely a friend anywhere. The haughty nations of Europe sat at their gates, scowling at the little Republic, as the five Norman champions in Scott's immortal story sat at the doors of their tents on the field of Ashby de la Zouche. The little country, not thirty years old, hurled her mortal defiance at the proudest and strongest of them all, as the young Saxon knight struck the shield of Brian de Bois Guilbert with the sharp end of his spear. We began the war after England had crushed the navy of every other power that had contended with her by sea—Holland, Spain, Denmark, France. England never had a naval war in which she was met, ship to ship, with a superiority in discipline, in gunnery, in seamanship, and in success as by us in the war of 1812. This is fully admitted by Maj. Gen. Sir Howard Douglas in his treatise on naval gunnery, the standard English authority, published with the approbation of the Lords Commissioners of the Admiralty. This book was originally published in 1820, five years after the war ended. I have here the fifth edition, the last before the substitution of steam-vessels and iron-clads for the old wooden ships. He says:

The fleets of Europe had been swept from the face of the ocean by the gallant achievements of the British marine.

He goes on to say:

We entered in 1812, with too great confidence, into a war with a marine much more expert than our European enemies.

He then proceeds to draw his instruction for the conduct of naval engagements almost wholly from the sea fights with the Americans in the war of 1812. Look at his index:

Action, Naval: Between the Chesapeake and the Shannon; between the Avon

and the Wasp; between the Frolic and the Wasp; between the Guerriere and the Constitution; between the Hornet and the Peacock; between the Java and the Constitution; between the Macedonia and the United States; between the Phoebe and the Essex; between the President and the Belvidere.

Here are nine naval engagements, the only ones selected by the English author for the instruction of his countrymen. All of them were combats between British and American ships. In all but two of them the Americans were victorious. In one of these, two British ships attacked the American in a neutral port, when she was disabled, and at anchor, one of her top-masts having been carried away in a storm.

It is true we made peace without a formal relinquishment by Great Britain of the obnoxious pretension. But it is also true that it was never heard of again.

The nation issued from the war—
said John Quincy Adams—

with all its rights and liberties unimpaired, preserved as well from the artifices of diplomacy as from the force of preponderating power upon their element, the seas.

The Duke of Wellington has given a testimony still more authoritative and decisive. I have not seen it cited by American historians. After the downfall of Napoleon the duke was urged by the Cabinet to take command in America. He replies in a letter to Lord Liverpool of November 9, 1814. He says:

I do not promise to myself much success there. If we can not obtain a naval supremacy on the lakes, I shall go only to sign a peace which might as well be signed now. You have no right, from the state of the war, to demand any concession of territory from America.

In her contributions, sacrifices, and achievements in this war, Massachusetts may well challenge comparison with any other American State. She raised fourteen thousand men in 1814. She paid \$2,000,000 for bounties. One of her fishing towns, Marblehead, had more than eight hundred men in Dartmoor prison when the war ended. She furnished during those three years more men than any other State. The New England States, which opposed the war, sent more men into the field than the Southern States, which brought on the contest.

You recollect how sailors' rights were won,
Yard locked in yard, hot gun lip kissing gun.

No man ever attributed want of patriotism to John Quincy Adams. Hear what he says of the fishermen:

Where were they during the war? They were upon the ocean and upon the lakes, fighting the battles of their country. Turn back to the records of your Revolution; ask Samuel Tucker, himself one of the number, a living example of the character common to them all, what were the fishermen of New England in the tug of war for independence. Appeal to the heroes of all our naval wars; ask the vanquishers of Algiers and Tripoli; ask the redeemers of your citizens from the chains of servitude, and of your nation from the humiliation of annual tribute to the barbarians of Africa; call on the champions of our last struggles with Britain; ask Hull and Bainbridge; ask Stewart, Porter, and MacDonough what proportion of New England fishermen were the companions of their victories and sealed the proudest of our triumphs with their blood.

We all know how much of the supply of American seamen, to whom all this was due, came from the American merchant marine. But these fisheries were the cradle of Navy and merchant service alike. I could call a hundred witnesses. Let me cite but one.

Admiral Luce, in his excellent address before the United States Naval Institute at Annapolis in 1874, says:

I will yield to no one in my high appreciation of a true American seaman. When found, as he still may be in our service, though in a deplorably small minority, he was one to be proud of and to respect; prompt and fearless, fer-

tle in resources, patient, even cheerful under adversity, of wonderful endurance, intelligent and self-reliant, and withal of unflinching, uncompromising fidelity to his flag. Take him all in all, I maintain that your "true Yankee sailor" has not his equal in the world. * * * It is related on good authority that when the Constitution returned from Holland, after transporting the specie required to pay the last installment of our national debt to that country in 1812, the term of service of her crew had expired, and a few days after her arrival they were discharged. Commodore Hull immediately manned his ship by drawing on the fishermen of the New England coast, and the merchant seamen of Salem, Newburyport, Boston, and vicinity. The response was prompt, and it is alleged that when the Constitution soon after captured the Guerriere, of her four hundred and fifty seamen, only sixty had ever served on board of a man-of-war.

Whatever changes may be made by new methods of intercourse in the relations of nations with each other, it is still true, and will still be true, as when Mr. Webster said it in 1824, that—

High rank among the nations results more than from anything else from that military power which we can cause to be water-borne, and from that extent of commerce which we are able to maintain throughout the world.

It will also still be true, that if America is to have ships of war, or is ever again to take her former rank in peaceful ocean commerce, she must look to her hardy and adventurous fishermen for a large share of the supply of her seamen.

No Senator who has to deal with this immense interest will venture rashly to disregard the authority of the present head of our Navy. I have lately received this letter from Admiral Porter:

[OFFICE OF THE ADMIRAL, Washington, D. C., May 4, 1838.

MY DEAR SIR: I have the honor to acknowledge the receipt of your communication of May 4 asking my opinion of the value of our fisheries as a nursery for seamen for the present Navy, which is to be built of iron and propelled by steam.

I beg leave to say that all our fisheries at the present moment are more valuable as nurseries for naval seamen than they ever were before, for our commercial marine has been almost obliterated from the ocean.

In our last war with Great Britain our Navy was largely recruited from Massachusetts fishermen, who made the finest men-of-war's men in the world, which was illustrated by their skill in seamanship and gunnery, which gave us such great success over our opponents.

They not only furnished seamen to the Navy, but manned that immense fleet of privateers that swarmed the ocean, paralyzed the British commerce, and caused a large section of the British people, led by that great political writer, William Cobbett, to demand of the Government that peace should be secured on any terms.

Notwithstanding the overwhelming naval power of Great Britain during the war, with heavy squadrons in every sea, we were indebted to the New England seamen and the brave officers who led them for a success unparalleled in history.

If we had a war to-morrow we must depend almost altogether upon the fishermen of New England to man our naval vessels.

To show the importance of having trained seamen in time of war, I will mention the fact that the regiment of Marblehead fishermen under John Glover were employed to carry Washington's forces across the Delaware when he surprised and captured the Hessians. Without the aid of the fishermen it is doubtful if Washington would have undertaken the perilous enterprise, for the fishermen were the only ones who considered the project feasible.

The ships that will hereafter be built for the Navy will require as good and hardy sailors as have ever been required before, and it is to be regretted that we can not obtain the services of the fishermen in time of peace. Their present calling is more lucrative than any employment they can obtain in the Navy, and there are no sufficient inducements held out to them to enlist in the Government service.

In time of war with a maritime power the occupation of these fishermen would be gone, and they would flock to enlist in the Navy, as they did in the civil war, when the Confederate privateers made their appearance off our coast. The vessels of our Navy may be said at the present time to be manned almost entirely by foreigners who have entered the service not from devotion to the flag. In case war should be suddenly declared against us our ships abroad would be obliged to return home, discharge their crews, and ship American seamen. In a late inspection of the United States ship Trenton the board of inspection reported to me as follows: "The crew is a fair one, considering their want of

knowledge of the English language"—a pretty severe commentary on the class of seamen we enlist in the Navy. It is very desirable that we should adopt some system by which we could obtain enough bona fide American seamen to leaven the crowd of foreigners now on board a United States vessel of war. The crews of our ships of war are generally made up of men from all parts of the world, largely from the Scandinavian race, who do not care what flag they serve under. There are the descendants of the Huns, Goths, and other barbarians who once overran Europe. They enlist in our Navy softened in character, but still free lances as of old. They serve for money, with no sentiment for flag or nationality, and possibly if it came to an action with a ship of their own or a neighboring nation, they would haul down the American flag and hoist that of their own country.

The same qualities required for the seamen of fifty years ago are required for the seamen of vessels of war to-day. The better the seaman the more easily he will learn the improvements in gunnery and seamanship, and the best seamen in the world are those who come from the New England fisheries. They are the strongest, hardest class of men I know of. They are exposed to all weathers and bear the severest tempests. They are seamen all over, and I will merely add that in 1812 the old *Constitution*, whose career is familiar to every American, was manned almost altogether by Massachusetts fishermen.

As to any extra science being required to man our present and projected ships of war, I would remark that the management of a ship is easier than it used to be, but we require the same good seamanship we had in days gone by. With a steam-captain and steam-which twenty men can get a large vessel under way. An officer on deck, a man at the wheel, and one at the lead, with the above number on deck for general purposes, and the ship can go to sea with the rest of the crew in their hammocks. But when the machinery is disabled and the ship must rely on her ponderous yards and sails, we want every man to understand English and be a seaman from the crown of his head to the sole of his foot. The modern guns, it is true, are larger than of old, the machinery to work them is a little more intricate, but a week's good drilling would teach native-born seamen all that is essential, and a ship of war at the end of that period would be ready for inspection by the board of inspection. When the board of inspection finish their examination of a ship, she must go to sea ready to meet any enemy of equal force, so that what happened previous to 1812, when the *Chesapeake* was disgraced by the British ship *Leopard*, can never again occur as long as the board of inspection exists.

If we can in a week drill a mongrel crew so that every man knows his various stations on shipboard, how much easier would it be for us to do the same thing with a crew of New England fishermen, hardy and active in their persons and intelligent beyond any set of foreign seamen.

The question of protection to the New England fisheries and their seamen does not admit of argument, and in my zeal on the subject I may have gone out of my way to prove to you that which you know already.

I inclose you some statistics which, if you have not already got them, will give you the status of our fisheries throughout the United States.

If there is anything bearing on this subject you would like me to hunt up, please let me know, and I will endeavor to obtain it.

The statistics I inclose show at a glance the immense money value of our fisheries and their importance to the country. If it had not been for the fisheries, New England would never have been settled, for on the first landing on those stormy shores it is likely the emigrants would have been forced to go elsewhere but for the quantities of fish, a most fortunate circumstance for the Union, to which New England has added so many true and loyal States.

I have the honor to be, very respectfully, your obedient servant,

DAVID D. PORTELL, *Admiral*.

HON. GEORGE F. HOAR,
United States Senate.

The statistics which were inclosed with the above letter will be found in the appendix to these remarks (D).

Nearly every important maritime power of ancient or modern times has owed the foundation of its commercial prosperity and its naval strength to its fisheries. When these flourished, its strength increased. When these went to decay, the power of the nation had departed. Professor Huxley tells us, that Sidon signifies "a fishing place." Tyre was settled by a colony of fishermen from Sidon. The power of Carthage was built up by the fisheries. Venice was founded by fugitives from the north, who betook themselves to the avocation of fishermen. Genoa, the birthplace of Columbus, laid the foundation of her strength by usurping the fisheries of the Bosphorus. The first wharf in London

was built for the accommodation of fishermen. Amsterdam was originally a village of herring catchers. It was an ancient proverb—

Amsterdam is founded on herring bones, and Dutchmen's bodies are full of pickled herrings.

The naval greatness of England came from the same source. The ancient rule of the church which forbade the eating of meat on Friday is said to have been due to a politic purpose to encourage fisheries. In 1563 the British Parliament, to encourage the building up of a naval marine, passed an act extending this prohibition to two more days of the week. The act declares that—

As well for the maintenance of shipping, the increase of fishermen and marines, and the repairing of port towns, as for the sparing of the flesh victual of the realm, it shall not be lawful to eat meat on Wednesdays and Saturdays unless under a forfeiture of £3 for each offense.

Edmund Winslow, the governor of Plymouth, has recorded that when King James asked the envoy of the pilgrims who went over from Leyden to England to tell him of the place they had fixed upon "what profits might arise in that region," the answer was "fishing."

The fishermen are the only portion of a nation that maintain unimpaired their fighting quality during a long peace. Armies become enervated on a peace establishment. But the daily life of the fisherman is a constant discipline in fearlessness, endurance, and activity. Our fishermen are all we have left on the sea as a resource for a sudden occasion.

If anything further were wanting to show the importance of this occupation to national defense and to national wealth it would be found in British and Canadian testimony. Our free-trade friends talk about the duties on fish. They tell us of the hardship of a tax on so cheap and wholesome a food. Mr. President, we pay \$600,000 a year for West Point and Annapolis. Canada exported from the produce of her fisheries in 1887 a value of \$6,843,388. Of this we took nearly a million and a half. Every dollar of that was a payment to our great rival, to our only possible enemy, towards the support of a naval school to which Annapolis or Greenwich is quite unimportant.

The desire of Canada and Great Britain to contract within the least possible limits the fishing ground to which America shall have access, and to possess themselves without obstruction of the calling which brings to the great American market its supply of fish for food and fish-oils, has a vastly larger purpose than a mere struggle for a profitable industry, important as that may be.

England possesses to-day the great steam fleet of the world. She has, subject to the authority of her Queen, or under her political or commercial control, three hundred and fifty millions of people, a third of the population of the world. She controls the commercial dealings of the inhabitants of 12,495,000 square miles of territory, an area four times as great as that of the Roman empire. She has taken possession of all the great routes of commerce. She steps from island to continent, and from continent to island, from fortress to naval station, and from naval station to fortress. Let me repeat a few sentences which I uttered here last year:

England has not only laid her hands on these enormous countries and the men who inhabit them, but the way she has got control of the great highways, the great roads of commerce, is more wonderful still.

There are four great roads by which the commerce of the world must travel from nation to nation. There are two old roads and two new roads. The old roads are down through the South Atlantic. One

turns eastward by the Cape of Good Hope into the Indian Ocean. One turns westward to the Pacific around Cape Horn. The two meet at least at Cathay or farthest Ind, girdling the globe with their mighty and beneficent chain. At every station, at every step, on both, is the power of England planted.

Half way down the coast of the eastern hemisphere, where Africa juts out into the Atlantic, are the English West African settlements and her colonies of Sierra Leone and the Gold Coast. Just below the equator is Ascension Island, an English colony. Five degrees of latitude further we come to St. Helena, an English fortress, where the great foe of England died a prisoner and an exile. The cape itself, a cape of "good hope" to no commerce but hers, with its excellent harbors of Cape Town and Natal, is one of her most prosperous colonies. Thence, by successive steps, Mauritius, Seychelles, Chagos, Maldive, Ceylon, all British possessions, India is reached. Every other power must pay tribute to her in peace, and must run the gauntlet of her fortresses and naval stations in war.

Would you go westward through the Straits of Magellan or past the stormy Cape Horn? Powers in closest friendship with her hold the continent from the southern line of Brazil, while her own Falkland Islands command and menace the entrance to the strait and the passage round the Cape.

But England has not contented herself with the ancient ways. Her commerce is guarded by a far different statesmanship from that which denies appropriations to build a navy, or to pay for carrying mails on its own vessels, or defend its coasts; far different from that which bullies Mexico and cringes before Canada. She already occupies the high-ways of the future. Commerce hereafter is to seek direct paths though continents must be severed. Here again are two roads, eastward and westward. One through the Mediterranean Sea already cuts Asia and Africa in twain and passes out through the Red Sea to the Indian Ocean. The other, not yet open, is to divide our own continent at Nicaragua or Panama, or to cross it at Tehuantepec.

Whoever shall follow either pathway, except Tehuantepec, must do so at the mercy of England. She holds Gibraltar, the impregnable gateway of the Mediterranean. Half way from Gibraltar to Egypt is her mighty naval station of Malta, which commands both shores of the Mediterranean. Hugging the Asiatic coast is Cypress, her new possession, whose purchase was almost the last act of Lord Beaconsfield. Suez itself she has taken from the improvident hands of France, while at the narrow entrance and exit of the Red Sea she holds Aden and Perim, and beyond, on the way to India, the Island of Socotra. She commands the great eastern pathway of commerce from Europe to India and China almost as absolutely as the river Thames.

Turning to the westward route, our position on the Gulf of Mexico will secure to our three Southern ports convenient access to the canal wherever it may be. But all other commerce must pass the line of sentinels which the foresight of England has already armed and stationed at the entrance to the Gulf. The Bermudas, the Bahamas, the Leeward and Windward Islands, Jamaica, and Trinidad form a complete blockade, while British Honduras lies close to the eastern mouth of the proposed canal of Nicaragua.

Of the forty chief West Indian Islands European powers own all but one, the seat of the black Republic of Hayti and St. Domingo. England herself owns thirteen beside the Bahamas and the Bermudas.

If we ever have a contest with her for a canal at Nicaragua or Panama,

her island of Jamaica stands guard at the entrance of the Caribbean Sea and the Bay of Honduras.

She is now adding to all this the land route across Canada. She is adding this last and strongest link to the chain which is to bind China and Japan to her chariot, girdling the globe anew in the northern latitude where the degrees of longitude and the circles become smaller. She is building a strong fortification at Esquimalt, where Vancouver Island, which the weakness of President Polk surrendered to her, thrusts itself into our territory, while the guns of Halifax threaten us on the east.

At the same time Canada, aided by British wealth, is developing her railroad system with wonderful liberality and wisdom, so that the blood of commerce, even that which comes from our own veins, may feed her mighty arteries.

Here are a few of the enterprises she is just undertaking or accomplishing, either as a government or by corporations under her control. Remember that all this is in addition to her great interoceanic system of communication which the Senator from Maine so well described the other day.

First. An important line of railroad constructed last year, called the Duluth, South Shore and Atlantic, extending from the Gogebic iron range of Lake Superior to the Sault Ste. Marie, has, according to recent advices, been purchased by the Canadian Pacific Railway. It will no doubt become an important feeder to that railway.

Second. A Canadian company has recently completed a bridge across the Sault Ste. Marie.

Third. The Canadian government within the last thirty days has definitely decided upon and arrangements are made for building a ship-canal between Lake Superior and Lake Michigan, on the Canadian side of the strait, and in opposition to the canal at that point on the American side, built and owned by the Government of the United States.

Fourth. A well-defined project exists for building a combined ship canal and ship-railway from Georgian Bay, leading down from Lake Huron to Lake Ontario, near Toronto. The total distance is about 100 miles, of which 40 miles will be a dredged canal at lake level and 60 miles by a ship-railway. The object of this route is to avoid the tortuous and expensive navigation through the St. Clair flats, Lake Erie, and the Welland Canal. It will shorten the distance from the Sault Ste. Marie to Toronto 220 miles.

Fifth. The Canadian Government is engaged in improving the St. Lawrence system from Lake Erie to Montreal, the total cost of which completed will be about \$50,000,000. Below Montreal it has deepened the St. Lawrence River to 25 feet depth, and is continuing the improvement with the intention of deepening it to 27½ and then to 30 feet. It has expended on this work probably over \$3,000,000.

Sixth. The Dominion Government has subsidized, or rather guaranteed, 5 per cent. interest on the cost of construction of the Chignecto ship-railway to be built across the isthmus between Nova Scotia and New Brunswick. The cost of this work is estimated to be over \$4,000,000. There is no doubt that with the successful completion and operation of this ship-railway, the Georgian Bay ship-railway will be at once commenced under the auspices and with the assistance of the Dominion Government.

Let me have permission to read here a few sentences from an able pamphlet by Mr. Bourinot, the accomplished clerk of the Canadian

House of Commons. They contain also the weighty opinion of the Marquis of Lansdowne, late governor-general.

In any plan of imperial defense Canada must henceforth perform an important part. On her Atlantic and Pacific coasts are the finest harbors of the world and enormous deposits of bituminous coal available for steam purposes. Halifax is a strongly fortified port with a large dock-yard; and at Louisbourg—now desolate, but once a famous fortress of the French—could well be established another important station for a naval squadron. Both at these places and in British Columbia can be formed those coaling stations which, as Captain Colomb has pointed out, are essential as strategical positions. The present governor-general of Canada, in a recent speech, referred to the important works that are now in course of construction on the Pacific coast for purposes of defense. "You have here Esquimaux," he said, "a naval station likely to become one of the greatest and most important strongholds of the empire. You have a coal supply sufficient for all the navies of the world. You have a line of railway which is ready to bring that coal up to the harbor of Esquimaux. You will shortly have a graving-dock capable of accommodating all but one or two of Her Majesty's largest ships. You have in short all the conditions requisite for what I believe is spoken of as a *place d'armes*; but until now that *place d'armes* has been inaccessible except by sea. We shall henceforth be able to bring supplies, stores, and material of war by an alternative route, direct, expeditious, and lying for more than half its way over British territory."

An astute statesman, the Marquis of Lansdowne, fully appreciates the Imperial importance of the Canadian Pacific Railway as a means of keeping open the communications between England and her dependencies in the east, and of strengthening the defenses of the empire at large. Possessing, as she does, the great steam-fleet of the world, and the power of increasing it to still larger proportions, she can always maintain a steady and secure communication with China, Japan, Australia, and even with India, and all other countries in which she has important interests at stake. From her depots at Halifax, or other places on the Atlantic coast of the Dominion, she can in four days reach the shores of the Pacific and supply a fleet ordered to protect her interests in the east, should they ever be threatened by Russia or any other power. The fishermen and sailors of the Dominion must prove an element of great strength in the maintenance of the line of communication with England and those countries with which she is politically or commercially identified. They can man the vessels necessary to protect our ports, and otherwise assist in the naval defenses of the empire. A thousand stalwart fishermen from Nova Scotia would aid materially in the defense of British Columbia or any other section of Canada.

Looking, then, at the maritime industries of Canada, from an Imperial as well as a purely commercial standpoint, we can not fail to see how intimately connected they are with the security of the empire. We all know that no country can be truly great that has not a seaboard and does not follow maritime pursuits. Spain sank low in the scale of nations as her maritime power declined with the loss of her great colonies. The prosperity of Italy has increased with the growth of her commerce and shipping, and she need no longer lament the palmy days of Genoa and Venice. We all know why St. Petersburg was built on a marsh, and the history of this century is replete with the evidence of the desire of Russia to establish herself within the Golden Horn. France has fed her navy from the hardy Bretons and Normans who have served a rude apprenticeship on the banks Newfoundland. Canada, as yet with a population of about five million souls, already possesses a marine greater than that of Russia, Germany, Italy, or France. Prosperous as may be hereafter her commerce in manufactures or in agricultural products, it is on her rich fisheries must always rest in a large measure her maritime greatness.

To maintain the communications with the East through Canada, to keep open this imperial highway at both extremities, the sixty thousand fishermen of the Dominion must form an almost indispensable element of greatest strength. They will issue out from Halifax at one extremity of the great continental line, and from Vancouver's Island at the other, forming, in time of war, a perpetual menace to our commerce and to our coasts.

This is no controversy as to the profit of a few thousand men in their business. They could doubtless find profitable employment elsewhere. It is a struggle on the part of Great Britain and Canada to increase their naval strength and diminish ours; to increase the numbers of a naval school whose graduates will be a constant threat to our commerce in time of war, both on the Atlantic and the Pacific.

Now, Mr. President, it was to adjust the relations between these two nations in regard to this great interest, so vital to the strength and so important to the welfare of both, that the Administration solicited the negotiation which has resulted in the present treaty. It has but one avowed object. That is to promote the convenience and define the rights of American fishermen and protect them against unfriendly interference as they pursue their calling. Yet, is it not a little remarkable that there is not to be found throughout the length and breadth of the land, so far as I can hear, a single fisherman who does not deem its provisions an outrage? So far as the expressions of their opinions come to me and to my colleague in our correspondence; so far as we hear from public meetings from the towns where the men interested in the fisheries dwell; so far as we can learn from our colleagues who represent those districts in the other House; so far as the associations of fishermen have taken action; so far as we get the utterance of the press or the conclusions of men who have had to deal officially or under important responsibility with the matter heretofore, there is one concurrent expression of concern, alarm, disapproval, indignation.

Here is the action of the city council of Gloucester, now the chief fishing port of the country. There is no distinction of party in that city on this question. (See Appendix E.)

Here are the preamble and resolutions of the Gloucester Mariners' Association, signed by 144 masters of vessels. You can see something of the political feeling of some of these men from the names they give their vessels. Here is the schooner Senator Morgan, and the schooner Senator Saulsbury, side by side, with the schooner John G. Whittier and the schooner George F. Edmunds. (See Appendix F.)

The New York Board of Trade and Transportation express the views of business men of that city in opposition to negotiation on this subject. (See Appendix G.)

The Secretary of State thinks—

There is not a just and reasonable complaint on the part of our American fishermen for which this treaty does not provide a remedy and promise a safeguard in the future.

How does it happen that no single American fisherman has found it out? Why, Mr. Bayard, when he wrote that letter to his Boston supporters, must have singularly forgotten that he had adjourned the question of remedy for every one of the complaints which he had over and over again in his diplomatic correspondence declared to be just and reasonable to a remote and uncertain future. Here, Mr. President, is the resolution of the Gloucester Board of Trade. (See Appendix H.)

Here are the resolutions of the American Fishery Union. (See Appendix I.)

I leave to Senators from other States to make known the sentiments of their own constituents.

I have seen somewhere the charge that the opposition to this treaty had its origin in the prejudice of party. Never was a calumny more unfounded. The earliest and most earnest voices of remonstrance have come from those eminent Democrats who have had occasion to study this question in times past. Mr. Charles Levi Woodbury, who bears a name that has been a synonym for pure and undiluted Democracy for generations; Mr. Richard S. Spofford, the last Democratic candidate for Congress in the Gloucester district; Mr. Prescott, counsel for the United States at Halifax, in 1878, the most accomplished American writer on our diplomatic history—the American feeling of these men broke away

from their Democracy—or rather, they found no inconsistency between patriotism and Democracy as they had learned it.

Mr. President, the whole Democratic party had fully committed itself to another and very different policy of dealing with this subject. It will be remembered that the President, in his message of December, 1885, made this recommendation:

In the interest of good neighborhood and of the commercial intercourse of adjacent communities, the question of the North American fisheries is one of much importance. Following out the information given by me when the extensory arrangement above described was negotiated, I recommend that the Congress provide for the appointment of a commission in which the Governments of the United States and Great Britain shall be respectively represented, charged with the consideration and settlement, upon a just, equitable, and honorable basis, of the entire question of the fishing rights of the two Governments and their respective citizens on the coast of the United States and British North America.

April 18, 1886, the Senate passed this resolution as a response to the President's recommendation:

Resolved, That in the opinion of the Senate the appointment of a commission in which the Governments of the United States and Great Britain shall be represented, charged with the consideration and settlement of the fishing rights of the two Governments on the coasts of the United States and British North America, ought not to be provided for by Congress.

This was adopted by a vote of 38 to 10, every Republican Senator who voted or was present being in the affirmative and the following Democrats: BROWN, BUTLER, FAIR, GORMAN, HARRIS, McPHERSON, MAXEY, MORGAN, PAYNE.

But this is not all. The President recalled the subject to the attention of Congress in his next annual message, in which he declared that the recommendation of his last message had been "met by an adverse vote in the Senate." Congress thereupon passed the statute of March 3, 1887, entitled "An act authorizing the President of the United States to protect and defend the rights of American fishing vessels," etc. This passed the Senate by an unanimous vote on the yeas and nays, save one. The Democratic House proposed a still more stringent measure of redress, desiring to cut off intercourse with Canada by land as well as by sea. The report of their Committee on Foreign Affairs, as well as the letter of Secretary Manning, which is appended to it, denounces the conduct of Canada as "inhuman," "in violation of treaty obligation," and "uncivilized." The debate showed that Democratic Senators vied with Republican Senators in their expressions of indignation. The Senator from Delaware interposed in the speech of the Senator from Maine a reminder that the Secretary of State had gone as far as that Senator himself in expressions of indignation at the outrages inflicted on our shipping. The declarations of the Secretary of State in his correspondence with our minister at St. James, and the British minister here, the able letters of Mr. Phelps, the doctrines laid down by Mr. Wharton, the present Solicitor of the State Department, in his Digest of International Law; the admirable letter of Secretary Manning to the House of Representatives; the utterances of Democratic Senators, notably the Senator from Alabama, on this floor, are all in contradiction of the principles and the policy of this treaty. If, for this first time in nearly seventy years, party lines have been drawn in our foreign relations, it is done now, at the bidding of the Administration by a total and instant change of front on the part of its supporters.

These votes and this action are a censure in advance of the whole policy of the present negotiation. They announce the policy of the Democratic party in tones that can not be mistaken. A series of insults to

the American flag, a policy of persistent unfriendliness, the refusal of the common international hospitalities had been inaugurated for the purpose of compelling a change in our domestic legislation. It was that for which Congress, without distinction of party and with the nearly unanimous approval of the people without distinction of party, placed in the hands of the President a simple, direct, peaceful, but ample and most effectual means of redress. The Administration in this negotiation has disregarded the authorized expression of the will of the American people, if there can be such authorized expression. We placed in the hands of the President a simple means for a simple purpose. Instead of using that means, the whole American complaint is postponed to a remote and most uncertain future. Neither apology nor compensation, neither indemnity for the past nor security for time to come is proposed. Instead, we have this most extraordinary treaty.

Before calling attention to its terms I wish to make one other observation. That is, that the Administration seems to have consulted nobody. I can not learn that in the progress of this negotiation any representative of the interests to be affected has been admitted to its confidence. When the Washington treaty of 1871 was in progress the Senate was kept in session far into May. Its members on both sides were constantly consulted and kept advised either by the commissioners or the President. When the Ashburton treaty was negotiated, Massachusetts and Maine, the States chiefly interested in the boundaries in dispute, were invited to appoint commissioners, who were constantly in attendance. During this whole negotiation, as during that which preceded the Halifax award and that which preceded the Geneva award, the leading statesmen of Canada were constantly consulted by the representatives of Great Britain. Arbitrators proposed by us were rejected in deference to Canada's objection. One of the British commissioners is understood to have repaired to Canada during the discussion, which was intermitted for that purpose. Yet neither my colleague nor myself, neither of the distinguished Senators from Maine, no representative of a fishing district in the other House, no member of this body, the constitutional adviser of the President and the constitutional depositary with him of the treaty making power, is admitted or consulted in this important matter until the concessions to Canada are all made and the President and Secretary come before the public with the declaration that we have got all by this treaty that we are justly and equitably entitled to demand.

Great Britain and Canada were represented on their part by trained diplomats. The British minister at Washington, like his predecessors, makes diplomacy the business of his life, and, as is well known, occupies a very high place in that profession. The Canadian representative, Mr. Charles Tupper, has made the fishery interests of Canada the study of a lifetime. Our commission, on the other hand, worthy and able as the gentlemen who composed it, was improvised for the occasion. Neither of them probably had any considerable knowledge of the subject in question until his official relation to it began. I do not know of this. It is unfortunately the habit of the United States in the conduct of our foreign intercourse. But it rendered the refusal of the Administration to avail itself of the usual means of information and especially unhappy in its results.

SEN. ANGELL. If the Senate from Massachusetts will permit me, I should like to ask him, what is his opinion of President Angell, who was the commission?

Mr. HOAR. I do not think it is quite proper for the Senator to ask my opinion as to President Angell, but I am very happy to state it. I do not think, however, it is right to ask my opinion. The Senator might ask my opinion of some gentleman whom I do not respect. I respect President Angell very highly, but I am not aware that President Angell—to use the graphic expression of another person—ever saw a mackerel until it came from the gridiron. A gentleman of Michigan—

Mr. PAYNE. He was born in New England.

Mr. HOAR. Suppose he was—

Mr. PAYNE. A native of Rhode Island.

Mr. HOAR. Suppose he is a native of Rhode Island; there are natives of Rhode Island by the hundreds and thousands who have no knowledge of the laws and rights of fisheries. Why did he not consult with gentlemen from Rhode Island who represent that interest? Why did he not consult some representative of the fishing interests in the other House? Why did he not consult some leading representative of the fishing interests in this body?

Mr. PAYNE. Associated with the commission on our part was one of the leading lawyers in the country, Mr. Putnam.

Mr. HOAR. An eminent lawyer, my personal friend, whom I highly value and esteem; but it shows the utter boy's play and utter ignorance of the importance of the rights that are at stake when one of the Senators of the United States, a Democratic member of the Committee on Foreign Relations of this body, when the criticisms are made that when the fishing rights have been surrendered without consulting the men who knew anything about them, gets up and asks me what is my opinion of President Angell.

Mr. PAYNE. I think, if the Senator will permit me, that he has made a very uncharitable and irrational charge upon this commission.

Mr. HOAR. I am making no charge upon the commission.

Mr. PAYNE. Excuse me until I finish my statement. I think it is very uncharitable to make the remark that the commission knew nothing about the question; that President Angell knew nothing about the matter. The idea that a man born in New England, educated in New England, brought up in New England, knows nothing about this matter is very singular.

Mr. HOAR. What I stated was that I was not aware that President Angell ever saw a mackerel until it came from the gridiron.

Mr. PAYNE. I know Mr. Angell to be pre-eminent in science, one of the most distinguished men in the United States, the head of the University of the State of Michigan.

Mr. HOAR. President Angell is all that and a great deal more, but I have never heard that either of the three American commissioners, the Secretary of State, the honored head of the University of Michigan, or the honored leader of the Portland bar had had occasion to inform himself thoroughly in regard to the practical rights and interests of the vocation of the American fishermen.

Mr. PAYNE. One moment more.

The PRESIDENT *pro tempore*. Does the Senator yield further?

Mr. HOAR. I am willing to yield for a correction of a statement.

Mr. PAYNE. I wish to correct the statement the Senator made, that neither one of the gentlemen associated with the Secretary of State had any knowledge of the fisheries question. He overlooked the very prominent fact that Mr. Putnam, who is certainly one of the most

eminent lawyers in New England, had been the attorney in the Dominion courts of these very fishermen in defending their rights; and to say that he knew nothing about the mackerel question is unfair.

Mr. HOAR. Mr. Putnam, it is true, had been employed to defend some criminal cases in the Dominion courts. He was a very competent person. I wonder what would have been thought of Mr. Putnam when he was acting as attorney in defending those cases if he had undertaken to try them without consulting his clients, to get some of his clients' knowledge of the law and the facts.

Mr. PAYNE. I take it that somebody in New England—

Mr. HOAR. I do not yield any further. I take it that when these three men were undertaking to deal with the trained diplomatists of Great Britain and with Sir Charles Tupper, the old minister of fisheries in the Dominion, who had made this subject the study of his lifetime, it was a very indiscreet thing indeed, however eminent in science or in law or in Delaware politics they were, not to avail themselves of the advice, of the assistance, and the suggestions of the representatives of the fishing interests in this body and in the other House.

Mr. GRAY. I do not want to interrupt the Senator if he objects to an interruption; but will the Senator from Massachusetts undertake to say that the negotiators on the American side of this treaty, Mr. Putnam and Mr. Angell, to say nothing of the Secretary of State, were inferior in equipment for the duties that were imposed upon them to Mr. Chamberlain or Sir Lionel Sackville West; that there was anything in the occupations, history, or previous studies of those gentlemen that made them at all inferior in equipment for negotiation to either of the gentlemen whom I have named, one of them certainly not a practical diplomatist, and the other not so eminent that any fair American lawyer should fear to come in competition with him?

Mr. HOAR. I think that the training of a New England lawyer in a commercial city, and the training of a man as professor in a university in the West, and the training of an able and honorable United States Senator from Delaware, however honorable those positions and functions in life may be, did not fit them to cope on terms of equality, either in diplomacy or in special knowledge, with the men whom Great Britain sent on the other side, and I think that the result of that diplomatic attempt on the part of those gentlemen will abundantly satisfy the Senate of that fact.

Mr. GRAY. What special training had Mr. Chamberlain, or what special training had Sir Lionel Sackville West, which rendered them superior to the American negotiators?

Mr. HOAR. I suppose it had been the business of Mr. West to study the question for the last ten years.

Mr. GRAY. And what better selection could have been made in this country, where we have no trained school of diplomatists, than was made?

Mr. HOAR. I would suggest that Mr. WILLIAM P. FRYE, of Maine; Mr. W. H. Trescott; General WILLIAM COGSWELL, of Salem, Mass.; Mr. Fitz J. Babson, of Gloucester, or Mr. Charles Levi Woodbury would have saved us from the disgrace and humiliation of this treaty.

One other matter I ought to advert to. The Committee on Foreign Relations very properly calls attention to the refusal by the President, under the advice of the Secretary of State, to communicate to the Senate confidentially the course of the negotiations and discussions, and the various propositions and arguments arising in the negotiation. The committee deems the refusal contrary to the constitutional relation be-

tween the President and the Senate, and the reverse of the continuous practice on such matters from the beginning of the Government until this time. The Secretary of State alleges as the reason for the refusal—

That the negotiation is intrusted to the discretion of the Executive, and that it could not hopefully be entered on without the guaranty of mutual confidence between the agents.

He implies that his refusal is due to some confidential obligation to the British side of the conference. But Sir Charles Tupper, on the other hand, in his speech of May 10, expresses his—

great surprise that the protocols as published did not give all the proposals made, and the counter-proposals and the replies on both sides.

So it is clear, Mr. President, that this concealment from the Senate of what took place there as preliminary to the treaty is solely of Mr. Bayard's own seeking, and is contrary to the expectation and to the desire of the British commissioners. The suggestion of the confidential character of this communication, and that it is essential in order that such proceedings might be hopefully entered upon, finds no support in the understanding of the other side. Something took place there which Sir Charles Tupper desired and expected to make known to Canada, and which the Administration desires and expects to conceal, not only from the American people, but from the Senate, to whom the Constitution commits the duty of advising in regard to the transaction.

Now, Mr. President, what was the present occasion for a revision of our international relations with Canada? We had, it is true, long-standing differences, growing out of conflicting claims under the treaty of 1818 and in regard to our rights before that treaty. But these claims were not the subject of the present disturbance. The wrongs with which this treaty does not deal are the wrongs which had so excited public indignation. The recent and present subject of American complaint is the attempt on the part of Canada to compel a change in our customs laws, a purely domestic concern, for her benefit, by vexatious and inhospitable treatment of our vessels, in violation of the plain laws of international courtesy. To that complaint it was the duty of the Administration to have addressed itself. The grievances recently suffered by the American vessels whose names have been furnished us by the President in his communications have, I believe, in no instance grown out of their having fished in the territory disputed under the treaty of 1818. There have been but two American vessels seized for fishing outside the 3-mile line since the treaty of 1818. One was the *Washington* in 1843, seized in the Bay of Fundy, and decided by the umpire to whom the two nations submitted the case to be within our rights under that treaty. The other was the case of the *Argus*. The Administration have passed by the American grievance, have got neither indemnity for the past nor security for time to come, have done all that was in their power to do to put future redress out of our reach. They have entered upon a negotiation in regard to matters not instantly pressing, and in dealing with those have yielded nearly all that was of value in the American claim, what clearly belonged to us, and what we had always enjoyed as matter of right, without any adequate or important equivalent.

The law of March 3, 1837, passed with but one dissenting voice in each House, gives the President authority to prohibit the entrance to our ports of the vessels of any foreign power or any port, district, or dependency thereof, or any class of such vessels, when he shall be satisfied that our vessels are unjustly vexed or harassed there. But how must he be hampered and restrained in the exercise of that discretion

by his own public utterances, and those of the Secretary of State made since this treaty was proposed, and by the concessions implied in the instrument itself.

We claim that the refusal to fishing vessels of the ordinary rights of hospitality and commercial privileges is a violation of the law and usages of nations as established in modern times, justifying, not war, but a like refusal in our discretion to any vessel from the offending port or district. Now, here we have a treaty stipulating for certain restricted and conditional privileges to our fishing vessels, therefore clearly recognizing the propriety of withholding them in all other cases. How can the President and Secretary ever hereafter put in force the provisions of the statute of March 3, 1857 in retaliation for conduct whose propriety they have themselves so admitted? The rights of common humanity to our vessels in distress have been withheld in many flagrant instances. This is a grievance for which the cessation of the intercourse in respect to which the complaint arises furnishes abundant remedy. The treaty provides for removal of this grievance to a limited extent and on strict conditions. The President can hardly hereafter make the continuance of these grievances a ground of complaint in the cases he has not provided for.

But the important question is the substance of the treaty itself. If I am right—and if I am wrong the ablest statesmen of America in every generation have been wrong—if I am right this is no mere question of the investment of a few hundred thousand dollars and the employment of a few thousand men; these may be transferred to equal profit elsewhere. It is a question of the strength of the right arm of this nation. It is a question of its power to ward off or to return a blow in any future war. It is a question of that naval strength without which our commerce and our coast cities are alike to be at the mercy of any enemy who may attack them. It enters largely into the question whether as a maritime power we are to be equal, not to Great Britain, but even to Canada. It is a question, not of the price of fish, but of the limits and the efficiency of the American naval school.

The pending negotiation has to do with a good many separate questions. They relate to four principal subjects of difference:

The extent of territory in which the United States possess rights of fishery, including shore rights;

The treatment due to our vessels on the coasts and in the ports of the British North American dependencies;

The claim for indemnity for past grievances in the treatment of our fishermen;

The abandonment of our established protective policy for the benefit of British fishermen.

In regard to each of these, the Secretary of State seems to have dealt with the subject, I will not say in total ignorance, but in total disregard of the American position and the American rights. He says, in his letter to gentlemen in Boston, that "the sole and difficult question to which the treaty relates is that of the fishery rights of one nation in the jurisdictional waters of another." This is the statement of the American case from the British point of view. Mr. Bayard's letter and the utterances of a few other supporters of the treaty are the first and only statements of this character ever heard on this side of the Atlantic south of the Canadian border since the continent was settled. We have always held, and there is abundant British authority to support our claim, that we were joint owners of a great ocean fishery which our fathers had helped to conquer and to acquire, and which had been

granted to Massachusetts by her charter, a property where the fishery was the principal and the shore right the accessory, and that at the Revolution we made a partition of that property; that we did not gain or acquire that right by the treaty of 1783, but simply retained it and had it acknowledged, and that it rests to-day on the same foundation as our title to our independence, or our title to the soil of the State of Maine. The jurisdiction of shore or adjacent waters had nothing to do with it. If I were to undertake to support this view by marshaling all the American authorities, I must speak a week; I must cite every American historian, every American writer on public law, every American diplomatist who has dealt with the subject from John Adams down to Mr. Wharton, the present accomplished law adviser of the Department of State.

The Continental Congress, as early as 1778, declared the ultimatum on which peace should be made with England—

1. Independence;
2. The recognition of our claim to the fisheries;
3. Free navigation of the Mississippi.

They enforced this by the further agreement that every stipulation respecting the fisheries must receive the assent of every State.

John Adams has left it on record that when he went abroad as our representative in 1778, and again when the treaty of 1783 was negotiated, his knowledge of the fisheries and his sense of their importance were what induced him to take the mission. He calls them—

That great source of wealth, that great nursery of seamen, that great means of power.

He declared that unless our claims were fully recognized the States would carry on the war alone. He said:

His country had ordered him to make no peace without clear acknowledgment of the right to the fishery, and by that declaration he would stand.

His letters to William Cranch, to James Lloyd, to Richard Rush, to William Tudor, and William Thomas set forth the whole grounds of our rights as an original part of our national empire. This right was completely acknowledged by the highest English authorities. When the British Parliament passed the act of March, 1775—

To restrain the trade and commerce of the provinces of Massachusetts Bay and New Hampshire and the colonies of Connecticut and Rhode Island and Providence Plantations; and to prohibit such colonies from carrying on any fishery on the banks of Newfoundland, and other places therein mentioned—sixteen peers, among them Lord Camden and Lord Rockingham, protested. Among their reasons they said:

Because the people of New England, besides the natural claim of mankind to the gifts of Providence on their coast, are specially entitled to the fishery by their charters, which have never been declared forfeited.

In the debate on the articles of peace in the House of Lords, Lord Loughborough, the ablest lawyer of his party, said:

The fishery on the shores retained by Britain is in the next article not ceded, but recognized as a right inherent in the Americans, which though no longer British subjects, they are to continue to enjoy unmolested.

This was denied nowhere in the debate.

John Adams took greater satisfaction in his achievement securing our fisheries in the treaty of 1783 than in any other of the great acts of his life. After the treaty of 1783 he had a seal struck with the figures of the pine tree, the deer, and the fish, emblems of the territory and the fisheries secured in 1783. He had it engraved anew in 1815 with the motto, "*Piscemur, venemur, ut olim.*" I have here an impressior

taken from the original seal of 1815. This letter from John Quincy Adams tells its story:

QUINCY, September 3, 1836.

MY DEAR SON: On this day, the anniversary of the definitive treaty of peace of 1783, whereby the independence of the United States of America was recognized, and the anniversary of your own marriage, I give you a seal, the impression upon which was a device of my father, to commemorate the successful assertion of two great interests in the negotiation for the peace, the liberty of the fisheries, and the boundary securing the acquisition of the western lands. The deer, the pine tree, and the fish are the emblems representing those interests.

The seal which my father had engraved in 1783 was without the motto. He gave it in his lifetime to your deceased brother John, to whose family it belongs. That which I now give to you I had engraved by his direction at London in 1815, shortly after the conclusion of the treaty of peace at Ghent, on the 24th of December, 1814, at the negotiation of which the same interests, the fisheries, and the boundary had been deeply involved. The motto, *Pisces, venemur, ut olim*, is from Horace.

I request you, should the blessing of Heaven preserve the life of your son Charles Francis, and make him worthy of your approbation, to give it at your own time to him as a token of remembrance of my father, who gave it to me, and of yours.

JOHN QUINCY ADAMS.

My son, CHARLES FRANCIS ADAMS.

The negotiations of 1815 and 1818 were under the control of as dauntless and uncompromising a spirit, and one quite as alive to the value of the fisheries and the dishonor of abandoning them as that of John Adams himself. If John Quincy Adams, the senior envoy at Ghent, and the Secretary of State in 1818, had consented to a treaty bearing the construction which is now claimed he never could have gone home to face his father. When the war of 1812 ended, Great Britain set up the preposterous claim that the war had abrogated all treaties, and that with the treaty of 1783 our rights in the fisheries were gone. There was alarm in New England; but it was quieted by the knowledge that John Quincy Adams was one of our representatives. It was well said at that time that, as

John Adams saved the fisheries once, his son would a second time.

When some one expressed a fear that the other commissioners would not stand by his son, the old man wrote in 1814, that—

Bayard, Russell, Clay, or even Gallatin would cede the fee-simple of the United States as soon as they would cede the fisheries.

When England made the claim at Ghent that the war had abrogated the treaty of 1783, and that our fishery rights both at sea and on shore came from that treaty and had fallen with it, our commissioners answered that our right to the fisheries stood on the same foundation as our right to our independence or to our territory, and that this right was not affected by the war, and that they were instructed not to bring the same into discussion. Mr. Adams, in his letters in reply to Jonathan Russell, shows that this claim is not only supported by Vattel, but is established by abundant British authorities. One of the British commissioners has left on record his opinion that the failure by Great Britain to reject this claim in the treaty amounts to an assent to it. Mr. Adams distinctly declares that our right was not the creation of the treaty of 1783.

It was the possessory use of the right at any time theretofore as British subjects, and the acknowledgment by Great Britain of its continuance in the people of the United States after the treaty of separation.

The letter of instruction to our commissioners at Ghent says:

Information has been received that it is probable that a demand will be made to surrender our right to the fisheries. Should it be made, you will, of course, treat it as it deserves. If insisted on your negotiations will cease.

Our commissioners notified those of Great Britain that they were not authorized to discuss these rights. The treaty was concluded without mentioning them. Mr. Adams declared four years after the convention of 1818:

Our doctrine was sound in itself, and maintainable on the most enlarged, humane, and generous principles of international law. * * * Since that the principle asserted by the American plenipotentiaries at Ghent has been still asserted and maintained through the long and arduous negotiation with Great Britain, and has passed the ordeal of minds of no inferior ability. It has terminated in a new and satisfactory arrangement of the great interest connected with it, and in the substantial admission of the principle asserted by the American plenipotentiaries. * * * This principle is yet important to great interests and to the future welfare of the country.

He states in a terse and weighty sentence the whole controversy:

They considered it a British grant; we considered it a British acknowledgment.

Mr. President, it is obvious that if the war of 1812 abrogated our fishery rights a new war will abrogate the treaty of 1846 and give us Vancouver's Island and fifty-four forty.

We were only insisting upon a doctrine many times asserted by eminent British authorities, and by the great continental writers on the law of nations. Vattel says:

Although a nation may appropriate to itself a fishery upon its own coast and within its own jurisdiction, yet if it has once acknowledged the common right of other nations to come and fish there, it can no longer exclude them from it; it has left that fishery in its primitive freedom, at least with respect to those who have been in possession of it.

He cites the herring fishery on the coast of England as being common to them with other nations, because they had not appropriated it to themselves from the beginning.

It is clear, then, Mr. President, that we had and have everything that was assigned to us in the partition of 1783, everything that England then acknowledged to be ours that we did not renounce in 1818.

That treaty leaves the deep-sea and bank fisheries untouched, as not capable of being questioned. It then expressly affirms the right of the United States to take fish on the whole western coast of Newfoundland and on the southern coast as far eastward as the Rameau Islands; also on the coast of Labrador from Mount Joli northward indefinitely; also on the Magdalen Islands; also to dry and cure fish on the unsettled portions of said coast. We had before no right to dry and cure fish in Newfoundland; but we had the right to take fish on the whole shores of the British possessions in North America. We renounced in 1818 the right to take fish on the coast of Nova Scotia and on the eastern shore of Newfoundland and the shore at the mouth of the St. Lawrence westward from Mount Joli, and gained the shore rights on a considerable strip of Newfoundland. There is, as far as I know, no claim anywhere that the right to dry fish on these shores or to take them within 3 marine miles, renounced in 1818, was of any considerable importance. But the treaty of 1818 is censured for two reasons:

First, because in the clause in which the United States "renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbors of his Britannic Majesty's dominions in America, not included within the above-mentioned limits," the use of the words "bays" has left it open for England to claim that we are excluded from all territory within 3 miles from any body of water included between headlands, whatever may be its size.

Second, that in enumerating certain privileges to be thenceforth enjoyed by our fishermen, it impliedly renounced all others.

A small part of this criticism is well founded. The use of the general term "bays," taken literally and without regard to the subject-matter of the negotiation, would have excluded us from substantially all the shore fisheries, even those conceded to us by the other express language of the treaty. It would shut us out from the whole Gulf of St. Lawrence itself. That is certainly a bay. It is not a "bay" included within the above-mentioned limits; but the above-mentioned limits, nearly all of them, are included within it. If you except Labrador, north of the Straits of Belle Isle, there is not a league of the territory within which our shore rights are reserved which is not within the Gulf of St. Lawrence, which all, I believe, was formerly included in the name *Baie des Chaleurs*. This is all Mr. Webster and Mr. Everett have conceded. All their criticism on the treaty of 1818 was uttered before the award of 1853. The language of the treaty gave Great Britain a pretext for raising a difficulty. But, as I shall presently show, it is a pretext which she never herself has seriously undertaken to enforce, and which, but for the defenders of this treaty, never would have had a place of dignity in this discussion.

The other criticism upon the treaty of 1818 is absolutely without force. Senators talk as if the negotiators of the treaty of 1818 had, in some way, renounced or abandoned or failed to obtain a provision for suitable hospitalities for our fishermen in Canadian ports, and this has made all the trouble. This is another mistake. Prior to 1818 no American vessel, whether employed in fishing or commerce, had the right to enter a British-American port for any purpose whatever. They could fish on the fishing-grounds where the inhabitants of both countries used to fish. They could go on the shore to dry fish. But they could not enter a harbor, unless it were a place used for fishing. They could buy nothing or sell nothing. They could not reit or ship a crew or go into the interior or go home by land. Now everything stipulated in their behalf in the treaty of 1818 was a clear gain. It favored the fisherman so far above all vessels whatever. It enabled him to get his bearings and shelter and water and fuel. The policy of England, which to all other commerce was as fœcious as that of the cannibal of the south seas, relaxed toward the fishermen almost to the dim and faint courtesy of her savage Highlander.

"Stranger, what dost thou require?"

"Rest, and a guide, and food, and fire."

The treaty of 1818 was a Democratic measure. The commissioners were Albert Gallatin, Jefferson's Secretary of the Treasury, and Richard Rush, the friend, disciple, and eulogist of Calhoun. The President was James Monroe. The Secretary was John Quincy Adams, who had been with Gallatin at Ghent. He was little likely to surrender any right of a New England fisherman. If you had dissected his brave and stout heart you would have found fisheries written on it.

John Quincy Adams sounded a clarion of triumph when the treaty of 1818 was concluded. The great object of his father's life, save independence, the object without which his father believed that independence itself could not be maintained—the great object of his own public service, until those later days when he stood almost alone for the right of petition against a hostile House of Representatives, had been secured.

The British pretension that the war had destroyed our fishing rights had been abandoned. Important privileges had been gained for the fishermen which were allowed to no other persons whatever. Shore

rights on part of the continent had been abandoned, but others on the island of Newfoundland had been secured in their stead.

We have gained by the convention of 1818—

he says—

an adjustment of the contest preserving our whole principle. The convention restricts the liberties in some small degree, but it enlarges them probably in a degree not less useful. It has secured the whole coast fishery of every part of the British dominions, except within 3 marine miles of the shores, with the liberty of using all the harbors for shelter, for repairing damages, and for obtaining wood and water. It has secured the whole participation in the Labrador fisheries; the most important part of the whole, and of which it was at Ghent peculiarly the intention of the British Government at all events to deprive us.

The convention has also secured to us the right of drying and curing the fish on a part of the island of Newfoundland, which had not been enjoyed under the treaty of 1783; it has narrowed down the pretensions of exclusive territorial jurisdiction with reference to those fisheries to 3 marine miles from the shores. Upon the whole, I consider this interest as secured by the convention of 1818 in a manner as advantageous as it had been by the treaty of 1783.—*Adams to Russell*, page 211.

You see, therefore, Mr. President, that the second criticism of the treaty of 1818 wholly disappears. Fishermen who brave the perils of the seas to supply food for mankind are the favorites of public law everywhere. It is a strange argument that because in 1818 the diplomacy of America gained for her fishermen an advantage by which they were excepted from Great Britain's tyrannous and barbarous policy of non-intercourse with her colonies, they should have no part in the humane and liberal policies of later times.

The first criticism on the treaty of 1818, if you deal only with the words and phrases of a single clause, has a little more foundation. But it disappears when you look at the whole instrument. The purpose of the clause was to move back the line of the fisheries 3 miles. When they spoke of drying and curing fish "in the bays, creeks, or harbors" they were using differing phrases to describe the little inlets of the shore. The Gulf of St. Lawrence, then all included in common parlance in the name "The Bay of Chaleurs," was not included in the limits where the privilege of drying fish was admitted, but itself included within its own limits all those parts of the coast excepting only that part of Labrador north of the Straits of Belle Isle. The treaty expressly admits us to the Magdalen Islands, to the coast of Labrador east of Mount Joli, and to the south and west coast of Newfoundland. The British pretension would involve the absurdity that we may, under the treaty, take and dry fish on those coasts, but can not do it in the waters which surround them.

Further, the treaty speaks of the unsettled bays, harbors, and creeks, showing that it was a description of a shore line that it was making.

Further, it reserves the right to enter the bays, harbors, etc., where we are excluded from fishing, for purposes of shelter. How absurd to suppose that they were thinking of the Bay of Fundy, of the Bay of Chaleurs, of the Gulf of St. Lawrence, when they spoke of an entry for the purpose of shelter. A ship outside of one of these in a storm would of course keep the open sea.

But the historic evidence is equally decisive. Mr. Rush has left on record his testimony that this clause of renunciation was drawn by him and inserted at the request of the American commissioners, in order that the whole transaction might appear as an assertion of the original American rights as acknowledged in 1783, which could only be lost or limited by express release. The British plenipotentiaries did not desire it. Mr. Rush declares that neither he nor Mr. Gallatin would have signed the treaty if it excluded us from any waters but

those within 3 miles of the coast. Mr. Adams had had prepared most carefully a statement of our fisheries for the use of the negotiators of 1815 from competent merchants engaged in the business. He also had a letter from James Lloyd, then Senator from Massachusetts, and one of the most accomplished statesmen of that day. Mr. Lloyd's letter is a most admirable and valuable summary of the history and condition of the fishing interests of Massachusetts, which then included Maine. Whatever may be the case now, these bays were then, as they may be again, the most valuable part of our fishing grounds. Mr. Lloyd says:

The shores, the creeks, the inlets of the Bay of Fundy, the Bay of Chaleurs and the Gulf of St. Lawrence, the Straits of Belle Isle, and the coast of Labrador appear to have been designed by the God of nature as the great ovarium of fish—the inexhaustible repository of this species of food, not only for the supply of the American but of the European continent. At the proper season, to catch them in endless abundance, little more of effort is needed than to bait the hook and pull the line, and occasionally even this is not necessary. In clear weather, near the shores, myriads are visible, and the strand is at times almost literally paved with them.

He further says—

That on a Sunday the New England fishermen swarmed like flies upon the shore.

He says—

The provincials, in 1807 or 1808, stationed a watchman near the Straits of Canso to count the number of American vessels which passed those straits on this employment, who returned 938 as the number actually ascertained by him to have passed, and doubtless many others, during the night, or in a storm, or thick weather, escaped his observation.

For twenty-five years, as Mr. Rush declares—and he was minister to England for seven—as Mr. Marcy, the Secretary of State, declares, and as Mr. Stevenson, our minister to England, declared in a letter to the English secretary for foreign affairs, without denial, no serious claim was made that we had no right in the great bays more than 6 miles wide. We have exercised that right from that day to this. In 1843, at the instigation of the colonial authorities, Great Britain seized two of our fishing vessels, one, the *Washington*, for fishing in the Bay of Fundy, the other, the *Argus*, for fishing on St. Anne's Bank, on the northern coast of Cape Breton. Both vessels were in a large bay more than 6 miles wide; both were more than 3 miles from the shore, and both were in waters whose shores on both sides were in British jurisdiction. It is true, one of the outer headlands of the Bay of Fundy is in Maine, if you treat the coast on the mainland as forming the headland, and not the British island of St. Menan, which lies just off that coast. But the Bay of Fundy borders on Maine but for a few miles, on the most liberal estimate. The ship was far in the bay, 10 miles from Annapolis, where the shores were British on both sides, and had been for more than 60 miles inward from the open sea. These cases were submitted to arbitration in 1853. The British Government in the mean time had ordered that no further seizures should be made in waters more than 3 miles from the shore. The case was referred by the two Governments to arbitration. The umpire decided in favor of the American claim. This is his language:

The question turns, so far as relates to the treaty stipulations, on the meaning given to the word "bays" in the treaty of 1783. By that treaty the Americans had no right to dry and cure fish on the shores and bays of Newfoundland, but they had that right on the shores, coasts, bays, harbors, and creeks of Nova Scotia, and as they must land to cure fish on the shores, bays, and creeks, they were evidently admitted to the shores of the bays, etc. By the treaty of 1818 the same right is granted to cure fish on the coasts, bays, etc., of Newfoundland. But the Americans relinquished that right and the right to fish within

3 miles of the coasts, bays, etc., of Nova Scotia. Taking it for granted that the framers of the treaty intended that the word "bay" or "bays" should have the same meaning in all cases, and no mention being made of headlands, there appears no doubt that the Washington, in fishing 10 miles from the shore, violated no stipulation of the treaty.

It was urged on behalf of the British Government that by "coasts," "bays," etc., is understood an imaginary line drawn along the coast from headland to headland and that the jurisdiction of Her Majesty extends 3 marine miles outside of this line, thus closing all the bays on the coast or shore, and that great body of water called the Bay of Fundy, against Americans and others, making the latter a British bay. This doctrine of the headlands is new and has received a proper limit in the convention between France and Great Britain of 2d August, 1839, in which "It is agreed that the distance of 3 miles, fixed as the general limit for the exclusive right of fishery upon the coasts of the two countries, shall, with respect to bays the mouths of which do not exceed 10 miles in width, be measured from a straight line drawn from headland to headland."

The Bay of Fundy is from 65 to 75 miles wide, and 130 to 140 miles long; it has several bays on its coast; thus the word "bay," as applied to this great body of water, has the same meaning as that applied to the Bay of Biscay, the Bay of Bengal, over which no nation can have the right to assume sovereignty. One of the headlands of the Bay of Fundy is in the United States, and ships bound to Passamaquoddy must sail through a large space of it. The islands of Grand Menan (British) and Little Menan (American) are situated nearly on a line from headland to headland. These islands, as represented in all geographical maps, are situated in the Atlantic Ocean. The conclusion is, therefore, in my mind, irresistible that the Bay of Fundy is not a British bay, nor a bay within the meaning of the word as used in the treaties of 1783 and 1818.

The owners of the Washington, or their legal representatives are, therefore, entitled to compensation; and are hereby awarded, not the amount of their claim (which is excessive), but the sum of \$3,000, due on the 15th of January, 1855.

I am amazed that so good a lawyer as the Senator from Delaware should have worked himself into the belief that this does not decide the whole question. Mr. Bates gives his decision, and puts it exclusively on the ground that bays in 1818 mean the same thing as in 1783, a description of the shore line, and that a vessel "ten miles from shore violates no stipulation of the treaty." This is stated by him as the ground of his decision. It settled not only the Bay of Fundy, but the whole contention between the two Governments. Then he goes on to speak of some special arguments of Great Britain; first, the headland theory. He rejects that as new, and having a proper limit in the convention lately made with France. He adds that the Bay of Fundy has one of its headlands American, and is not a bay within the meaning of the word as used in the treaties of 1783 and 1818. Now, it will be seen that although the fact is mentioned that one of the outer headlands of the Bay of Fundy is in the United States, the decision is not put on that ground, but expressly on the ground that the Bay of Fundy is not a bay within the meaning of the treaty, that "bay, creek, harbor, and coast," where we were to dry fish by the treaty of 1783, meant the shore line, and that the words had the same meaning in 1818, and that a vessel 10 miles from the shore is not within the treaty at all.

The same decision is made in the case of the Argus. No opinion was there given, because the principle of the opinion in the case of the Washington covered it.

Mr. GRAY. Mr. President, if the Senator from Massachusetts will allow me—I do not intend to interject in his speech any portion of the debate we had some time ago on the occasion of my discussion of this point—but I am quite willing, as long as he has recited the whole of the opinion of Mr. Bates, that it should be submitted to the Senate for its judgment as to the ground upon which that decision was made. Notwithstanding the Senator's exegesis and at the risk of his questioning my ability as a lawyer, I yet can not see why a careful reading of that opinion will not justify the conclusion to which I came originally

with my study of that question, that the ground upon which that opinion is based is that the Bay of Fundy, so called, is not a bay at all within the meaning of the treaty of 1818, and that the language of the umpire, Mr. Bates, in connecting that opinion with that illative conjunction "therefore," fully justifies the conclusion at which I have arrived.

But if the Senator will pardon me, while I am on my feet I wish to correct what is of course not an intentional mistake in the statement of the case of the *Argus*. He speaks of the *Argus* as having been seized in the Bay of St. Anne. I call his attention to the evidence in the case of the captain and crew, that she was seized not within the Bay of St. Anne but upon St. Anne's Bank, which is quite another situation and far outside of the limits of these waters which are properly called the Bay of St. Anne.

Mr. HOAR. I had intended to make that correction myself, but inadvertently as I passed it I said "St. Anne's Bay." It is unimportant however, as affects the principle. St. Anne's Bank is within a line from headland to headland, but it is outside of the body of what I spoke of, which has been named St. Anne's Bay; so that the giving us damages for that was a rejection simply of the British headland theory.

We have it then settled by the history of the original transaction, settled by subsequent practice, settled by a fair construction of the whole language of the treaty, and especially settled by a solemn adjudication binding upon both nations, that the treaty of 1818 only withdrew our fishery rights 3 miles from the shore.

Now, Mr. President, the difficulties of the last three years have nothing to do with the question of the true limits of our fishing-ground. They relate solely to an inhospitable and vexatious abuse of our vessels for the purpose of compelling us to alter our domestic arrangements as to duties on imports.

Now, what an unwise, blundering, timid, un-American diplomacy is that which, when one hundred and fifty American ships cry out to their Government for redress of vexatious treatment in British harbors, for denial of ordinary hospitalities, for oppressive use of legal authority, to turn wholly away from their injury and suffer Great Britain to discuss over again the interpretation of the treaty of 1818 as to fishing limits, and take down from her walls the rusty, disused weapons of seventy years ago and brandish them again in our faces! What statesmanship, what patriotism is it for President and Secretary and Democratic Senators to set themselves with one voice to arguing the British case!

They tell us we ought to negotiate. We have negotiated, and are content with the results. They tell us we ought to arbitrate. We have arbitrated, and have two judgments in our favor. What treaty is likely to be better for us than the treaty of 1818. What arbitration more likely to result in our favor than the arbitrament of 1853? The spirit which caused the attack on our fishing vessels at Fortune Bay the first time we attempted to exercise there our rights after the Halifax award, the spirit which has dealt with these one hundred and fifteen cases of American vessels seeking hospitality, will never be altered until our markets are given up to Canadian fishermen and our own fishermen are driven from their trade. That spirit will find as many opportunities for its exercise under the new treaty as under the old.

Our complaint of Mr. Cleveland is not that he negotiated, but that he refused to negotiate in regard to the American grievance. That he puts off to a more convenient season. He negotiates where we need

no negotiation, and leaves our condition worse than he finds it. Our demand for redress, which is a fit subject for negotiation, the gravity of which he has again and again admitted, he wholly ignores or postpones. He has done the things he ought not to have done and has left undone the things he ought to have done.

In the year 1886, according to the information laid before us by the Executive, 700 American fishing vessels, and in 1887, 1,362 American fishing vessels were boarded and called to account by British officials in British-American waters or ports. According to the minority of the Committee on Foreign Relations, nearly 400 vessels have been involved in seizures or other interferences. More than 150 of these have complained to our Government. One hundred and fifteen of them have been the subject of diplomatic complaint to Great Britain on the part of our Executive. These were no light or frivolous complaints. The Secretary of State in his diplomatic correspondence with England, where, if anywhere, the language of caution and moderation is appropriate, denounces the acts of the British authorities as "outrageous," as "brutal," "inhospitable," "inhuman." The President indorses the action of the Secretary and desires to have the evidence taken and preserved *in perpetuum rei memoriam*, that demand for redress may be enforced against England. Secretary Manning declares that:

The Dominion of Canada brutally excludes American fishermen from Canadian ports—

and says that he—

hopes there never will be such passionate spite displayed by the officers of this Government as has during the last summer been exhibited in the Dominion of Canada toward well-meaning American fishermen.

These are not sentimental grievances. Voyages broken up, vessels condemned on frivolous pretexts, the common decencies of hospitality denied, refusal even to replace the food that had been given to their own perishing seamen; a Canadian she-wolf would have had more gratitude to the man who had succored her young; the American flag hauled down from an American mast head by a Canadian officer. Why, in the old days here would have been matter for a hundred wars.

Mr. Bayard promised the owners of the David J. Adams, in his letter of June 30, 1886, that—

Reparation for all losses unlawfully caused by foreign authority will be the subject of international presentation and demand.

And now we are quietly told, in the corner of a report, that these claims have not been considered, as some demands are made against us for interfering with seal fisheries in the North Pacific, and both subjects are adjourned to a future time. It is not too much to say that, while this Administration shall exist there will neither be redress nor hope nor expectation of redress for any outrage committed by Great Britain upon an American anywhere.

For the insult to our flag we get no apology from Great Britain. We are informed by the British minister that the Canadian Government regrets it. But we have no diplomatic or international relations with Canada. She is to us but a bureau or department. The act should either be disavowed and punished by Great Britain, or Great Britain must be held responsible.

We get no indemnity for the past. Is there any security for the future?

There is nothing in the instrument very difficult of comprehension. There are nominally sixteen articles in it. There are really but five

that are absolute. There is one other that takes effect if we repeal our duty on fish.

First. It provides new limits for our right of fishing near Canadian shores. The first nine articles deal with this one subject.

Second. It provides in two articles for the treatment of American fishing vessels entering Canadian harbors for shelter, repairs, wood, or water.

Third. It gives to "fishing vessels of Canada and Newfoundland on the Atlantic coast of the United States all the privileges reserved and secured by this treaty to United States vessels in the aforesaid waters of Canada and Newfoundland."

Fourth. It agrees that every United States fishing vessel shall conspicuously exhibit its number on each bow.

Fifth. It provides for the trial and punishment of the United States vessels unlawfully fishing or preparing to fish, or otherwise violating the laws of Great Britain, Canada, or Newfoundland "relating to the right of fishery in such waters, bays, creeks, or harbors."

Sixth. It provides that when we admit their fish-oil, whale-oil, seal-oil, and fish of all kinds free of duty, we may enter their ports, etc., to purchase provisions and supplies, to ship crews, and transship cargoes.

As to each of these matters the treaty leaves us worse than it found us.

It does not afford redress of grievances.

It does not provide against the recurrence of causes of complaint in future.

It concedes valuable rights which ought not to be surrendered.

It gains no valuable rights which we do not now possess.

It negotiates in regard to matters which, under the special circumstances, should not be the subject of negotiation.

It fails to negotiate and bring into settlement matters which peremptorily demand settlement.

It gets much less than it is worth for what it proposes to give, and much less than Canada had already shown her willingness to pay.

It leaves us in much worse attitude for future negotiation.

It shows an utter want of appreciation for the national value of our fisheries and the respects in which they are important. It shows an utter insensibility to the national honor, dignity, and character.

The whole tone and temper of the negotiation is feeble, spiritless, ignoble, and timid.

I have already spoken of the failure of the Executive to obtain or even to demand redress of grievances and insults. The President and Secretary had committed themselves; they had in their diplomatic correspondence committed the nation to the assertion that our fishermen and the nation itself had been outraged by these proceedings. Both Houses of Congress had united in an expression to the same effect. This does not rest on American authority alone. Mr. Davies, of Prince Edward Island, I believe an eminent, I know a very able member of the Canadian Parliament, who followed Sir Charles Tupper in the recent debate, and who will not be charged with not taking the side of Canada to the extreme, said in that debate:

They were not satisfied with putting a construction upon the treaty and then carrying out that construction in a firm and reasonable way, but they were determined that the customs laws of this country should be dragged in to harass, to irritate, to worry, and drive to desperation the American fishermen, as it did drive them to desperation.

Now, what occasion was there to reopen the old dispute as to the

meaning of the word "bays" in the treaty of 1818? That had nothing to do with the vexations to which our vessels were subjected. We had, as has been seen, two judgments which settled the question in our favor. The matter was substantially at rest. There had been a little Canadian talk on the subject, but Great Britain had given it up. This is thoroughly admitted by both sides in the colloquy lately had in the Parliament of Canada between Sir Charles Tupper and the Hon. Peter Mitchell, lately minister of marine and fisheries, under Sir John Macdonald, and the highest authority in Canada on this subject, unless we except Sir Charles Tupper himself.

Sir CHARLES TUPPER. I can only say that nobody knows better than my honorable friend that Great Britain induced him to recall his regulations and instructions, after he had issued them, and restricted his jurisdiction to within 3 miles of the shore.

Mr. MITCHELL. And why? Because Great Britain could control the government of this country, and I had to do it; that is why.

Sir CHARLES TUPPER. There was also a dispatch from Lord Granville. Now, under the pressure of this, as my honorable friend has stated, he changed his instructions in reference to the 10 miles and put in 6 miles, and forbade his officers to interfere with the American fishermen, not as in the first instructions he gave, if they were within 3 miles of the mouth of the bay, but only if they were within 3 miles of the shore, and he says:

"Until further instructed, therefore, you will not interfere with any American fisherman unless found within 3 miles of the shore, or within 3 miles of a line drawn across the mouth of a bay or creek, which, though in parts more than 6 miles wide is less than 6 geographical miles in width at its mouth. In the case of any other bay, as Bale des Chaleurs, for example"—

The very bay he excluded them from was more than 10 miles wide—

"you will not interfere with any United States fishing vessel, or boat, or any American fishermen, unless they are found within 3 miles of the shore."

Mr. MITCHELL. Under positive instructions from England, against my representations and everything else.

Sir CHARLES TUPPER. I think I have satisfied my honorable friend that, as far as Her Majesty's Government were concerned, while they maintained the abstract right under the treaty, they were unwilling to raise the question of bays, and the result is, as my honorable friend knows, that for the last thirty-four years, certainly since 1854—and I will not go further back than 1854—there has been no practical interference with American fishing vessels unless they were within 3 miles of the shore, in bays or elsewhere.

See how completely these gentlemen both admit the practical refusal of Great Britain for the last forty years to countenance this absurd claim. Now, what did you want to open it for?

But in one respect these gentlemen are wrong. They are wrong in stating that Great Britain maintained a different view for the first forty years. I have shown from the evidence of Mr. Rush that this construction of that treaty was never heard of for the first twenty-five years, from 1818 to 1843, when the Washington was seized.

Now, our Administration begin this treaty by nine articles, in which they give up substantially this entire contention. There are, it is true, some trends or bends of the coast from which the preposterous headland theory, which Mr. Bates, the umpire, says was never before heard of, might exclude us. But I do not now recall a single body of water which appears on the map to have the name of a bay, except the Bay of Fundy and St. George's Bay, to which we are hereafter to have admission if the treaty be ratified. Even St. Anne's Bay the treaty shuts against us.

Can the Senator think of any single body of water except the Bay of Fundy and the St. George's Bay, in which we have admission, which bears the name of "bay?"

Mr. GRAY. I can point you out some that have no geographical name.

Mr. HOAR. You do not recall the name?

Mr. GRAY. I think I can point you out some.

Mr. HOAR. It is said that the delimited waters have little value as fishing grounds. A report of the Committee on Foreign Relations made January 19, 1887, is cited, which expresses the opinion that the right to take fish within 3 miles of the shore is of no practical value to American fishermen; that purse-seines can not be safely or profitably used near the shore; that the schools of mackerel are almost always found more than 3 miles from land, either in great bays and gulfs or out at sea. Suppose this all to be true to-day, it does not follow that our rights are of no value. The committee are speaking only of the present use of a right to go within 3 miles of land. They expressly except great bays and gulfs. But the habit of these fish to resort to particular localities, which has changed once, may change again. Mr. Lloyd, in his letter of 1815, says:

The shores, creeks, and outlets of the Bay of Fundy, the Bay of Chaleur, the Gulf of St. Lawrence, and the straits of Belle Isle are the great ovarium of fish. In clear weather, near the shores, myriads are visible, and the strand is almost literally paved with them.

This fish, which have changed their places of resort before, may change again. Artificial propagation, which depends for its importance on the unerring habit of the fish to return to the place where it was hatched, may stock these shores and inlets anew with a supply as abundant as of old. Whatever the committee may have said, or whatever fishermen may have said, as to the present value of these bays and inlets under the conditions now existing, or for a few years past or to come, neither the highest American nor the highest Canadian authorities believe the rights we yield by this treaty to be of small importance. President Arthur, in his message of December, 1883, says:

I suggest that Congress create a commission to consider the general question of our rights in the fisheries, and the means of opening to our citizens, under just and enduring conditions, *the richly-stocked fishing waters of British North America.*

When the President wrote these words we had everything beyond dispute except what Great Britain claims we renounced by the treaty of 1818.

Now, what thinks Canada? Sir Charles Tupper, in his speech in which he reports the proceedings of the negotiators, says:

There was one subject on which I was glad to find that the American plenipotentiaries and myself were entirely as one. They expressed no wish to acquire the right to fish in the jurisdictional waters of Canada. With that expression of opinion on their part I heartily concurred. I believe, sir, it would have been difficult to obtain any possible treaty that would repay Canada for having her *inestimable fishing grounds thrown open again to United States fishermen.*

Mr. Davies answers him:

I agree that the inshore fisheries of Canada are the most valuable possession she has to-day.

Note this remarkable assertion. Mr. Bayard writes to Boston that—

The sole and difficult question was of the fishery rights of one country in the jurisdictional waters of another.

Yet Mr. Bayard, according to Sir Charles Tupper, did not express the slightest wish to have that question decided in our favor.

No, Mr. President, the surrender of these ancient fishing rights, which the valor of our fathers won for us and the diplomacy of our fathers secured for us, can not be palliated by the feeble excuse that they are

of little worth. Great Britain makes no contention for trifles. These many thousand square miles of fishing ground have been, are, and will hereafter be of vast importance both to our fisheries and to our naval school, as none know better than the astute men who represented Great Britain and Canada.

Note the remarkable assertion of Sir Charles Tupper in this statement, made on his responsibility in the Canadian Parliament, that they were not even asked by the American commissioners to treat with us on the subject which Mr. Bayard declared was the sole and difficult question which existed between the two Governments, and the American rights were all surrendered.

Nor can this surrender be justified on the ground that it renounces any cause of contention or makes it easier for the fisherman to know whether he is within the prohibited limits. The present limit is 3 miles from the shore. That can be judged easily by a practiced eye. The judgment is aided by a thousand landmarks and seamarks. But under the treaty, with the exception of six of the twelve bays that are named, the line of exclusion is 3 miles seaward from an imaginary line drawn across the water where the bay is 10 miles wide. Who can tell, in the night, in the fog, in the storm, when he is 3 miles from an imaginary line drawn 10 miles through the water? Do not you think the fishermen will get over the line sometimes, even innocently, when they are after a school of mackerel? If you get over the line and are caught fishing or preparing to fish, your vessel, appurtenances, cargo, and supplies are gone.

Mr. GRAY. The line of exclusion of which the Senator speaks is to exclude American fishing vessels from fishing within—

Mr. HOAR. Or preparing to fish.

Mr. GRAY. Or preparing to fish. I do not know that the Senator's eloquent phrase in regard to vessels being unable to discern that line at midnight or in a storm is very applicable. I do not know that a vessel can undertake to fish at midnight or in a storm or is very particular about the line where it may be. The line, as I understand it, is to mark the limit of the right of fishing or preparing to fish. I am speaking of the Senator's language about midnight and the storm.

Mr. HOAR. Did the Senator ever hear of a fog?

Mr. GRAY. Oh, yes, and have seen them.

Mr. HOAR. Does the Senator suppose that anybody would fish in a fog?

Mr. GRAY. But take the case the Senator mentioned.

Mr. HOAR. Take the case of a storm at night and the line then being seen.

Take this stipulation in connection with the provision of the Canadian law, which I shall speak of again, and which now stands, and is hereafter to stand, in spite of this treaty: Revised Statutes of Canada, chapter 94, section 10, of fishing by foreign vessels:

If a dispute arises as to whether any seizure has or has not been legally made, or as to whether the person who seized was or was not authorized to seize under this act, oral evidence may be taken, and the burden of proving the illegality of the seizure shall lie upon the owner or claimant.

Now look at section 15:

If, on any information or suit brought to trial under this act, judgment is given for the claimant, and the court or judge certifies that there was probable cause for seizure, the claimant shall not be entitled to costs, and the person who made the seizure shall not be liable to any indictment or suit on account thereof; and if any suit or prosecution is brought against any person on account of any seiz-

ure under this act and judgment is given against him, and the court or judge certifies that there was probable cause for the seizure, the plaintiff, besides the thing seized, or its value, shall not recover more than 4 cents damages, and shall not recover any costs, and the defendant shall not be fined more than 20 cents.

The voyage may be broken up; the fisherman may be absolutely innocent; the cargo may be spoiled; the ship may be lost while in charge of the men who seized it; yet if, on this oral testimony, the man who made the seizure, on his complaint, can get a judge to certify that he was misled by somebody else, or by mistake of fact or place, so that he had probable cause, no suit whatever will lie against him; and if the suit be first brought against him by the owner, there shall be no costs, and 4 cents damages. The testimony is to be oral. Senators know something of the evidence in admiralty suits even at their best. I am afraid Captain Quigley, of the Canadian schooner *Terror*, will find little difficulty in persuading his sailors to think and to testify that every American vessel he shall board hereafter is within the prohibited line.

Edward Everett told me that he was once sitting at midnight on the deck of the *Scotia* as she passed Cape Race, on a stormy and dark night. He asked Captain Judkins how near he supposed himself to be to Cape Race. The captain answered, "Within 5 or 6 miles." A little while afterwards Mr. Everett asked him how near he could tell his actual position with certainty. The captain answered, "Within 8 or 10 miles."

Another section provides that three-quarters of what the vessel and cargo sell for, which is fishing or preparing to fish within the limits, may be distributed among the sailors. Oral evidence may be taken. The sailors on board the Canadian vessel which makes the seizure are bribed, if I may use so gross a term, by three-quarters of the value of the thing seized, and the burden of proof is put upon the owner of the vessel which has been seized, and that is a thing which does not seem to have entered Mr. Bayard's head.

Now, Mr. President, everybody is familiar with the evidence which is got in admiralty causes from sailors—

Mr. GRAY. I only want to say, if the Senator from Massachusetts will indulge me—and I do not wish to interrupt him unnecessarily—that the provision of the Canadian law which places the burden of proof upon the vessel seized to disprove her contravention of that provision, harsh as it seems, and undoubtedly is, is the counterpart of the laws of the United States in regard to customs seizures, and the laws of the United States are quite as rigorous, and they place in so many words the burden of proof upon the vessel seized to disprove the contravention of customs regulations or laws. But however that may be, I call the attention of the Senator from Massachusetts to the clause in the treaty which, for the first time in our diplomacy, undertakes by treaty stipulation to limit the scope of the municipal law of another country in its effects and operations upon our fishermen.

Mr. HOAR. We differ altogether in our point of view. I utterly deny that the customs laws throughout this country contain any provisions which are like that; but the Senator from Delaware, if he will give me his attention for one moment, I think will see the very great difference between the two cases.

We have the right to impose on vessels that import merchandise into this country the obligation of showing that when they come in they are in compliance with our law. They are within our jurisdiction, and, reasonable or unreasonable, they have no cause of complaint. But here

is the fisherman of the United States exercising his right on the high seas, or his right where he is as much within the exercise of his own property as the Canadian is in his own dwelling. And now to say that a little Canadian vessel may seize an American who is in the exercise of his own public right, secured to him by the law of nations and by special treaty, a right which he got for Great Britain in the first place, and that she shall hold over his head the obligation to have his vessel confiscated—and there is another provision of that law which provides that if the judge says there is probable cause for the seizure there shall be only 4 cents damages and 20 cents costs for the recovery—to say that that should be done when a Canadian court, on the evidence of a lot of sailors who are to have three-quarters of the thing in dispute as a bribe, shall certify that there was probable cause for seizure! I can not believe that, upon reflection, my honorable and patriotic friend from Delaware will stand here and advocate or justify such a condition of things.

Mr. GRAY. I did not attempt, if the Senator will allow me, to advocate or justify anything. I merely wanted to point out the fact that barbarous as it may seem—and I think a great deal about our customs laws is barbarous—

Mr. HOAR. This is no customs law.

Mr. GRAY. I know it is not; but it is a law which does undertake to place upon the vessel seized just that barbarous and unnatural rule that the party seized shall have the burden placed upon him to disprove the allegation.

Mr. HOAR. Does not my honorable friend see that we are talking about the condition of an American fisherman, prosecuting his fishing right on the high seas? Suppose a little Canadian fellow comes along and takes a vessel worth \$20,000 or \$30,000 and says, "You were not on the high seas, but you were a rod over 3 miles from this 10-mile line drawn from headland to headland. I take you into Canada." And there those sailors are to have three-quarters of that sum distributed among them. To claim that the man was a few rods one way or the other from this line, what has that to do with the American customs laws?

Mr. GRAY. Nothing, except that it is a mode of enforcing the law.

Mr. HOAR. A man coming to an American port submits himself to American authority and American jurisdiction and American law.

I would not speak with disrespect of the Canadian courts. I have known personally some of their jurists. There are others who stand in high and deserved repute among the great lights of jurisprudence. But I do not know what local tribunals may be charged with the administration and interpretation of this law. Our Canadian friends will pardon me if I must, in this instance, judge of their jurisprudence by their legislation. The Canadian judge must be expected to interpret their laws in the spirit which inspired them, and to carry out the purpose for which they were confessedly enacted. That purpose was, as Mr. Davies declared in the Parliament of Canada, "that the customs laws of this country shall be dragged in to harass, to irritate, to worry, and drive to desperation the American fishermen, as it did drive them to desperation." That Mr. Davies is high authority will appear from a sketch of his career, which I take from Appleton's Biographical Dictionary and append to these remarks. (See Appendix J.)

Mr. GRAY. Will the Senator allow me to read, while I have the book in my hand, five lines from our Revised Statutes, which support the assertion I have made.

Mr. HOAR. Yes, sir.

Mr. GRAY. I read from section 909 of the Revised Statutes, which says:

In suits or informations brought, where any seizure is made pursuant to any act providing for or regulating the collection of duties on imports or tonnage, if the property is claimed by any person, the burden of proof shall lie upon such claimant: *Provided*, That probable cause is shown for such prosecution, to be judged of by the court.

Mr. HOAR. That is, the burden of proving the property.

Mr. GRAY. But putting the burden of proof on the "claimant" the Senator of course knows is quite technical.

Mr. HOAR. I can not understand how a lawyer of such eminence as my honorable friend, of the patriotic purpose and candor which we know he possesses, should in the zeal of his defense of this extraordinary performance satisfy himself that there is any resemblance between a United States statute, which says that where a man claims property the burden of proof shall be on him, and a statute which says that when property in my possession is seized—it may be on the high seas—the burden of proof is put upon me to prove that that seizure was illegal. I can not see, myself, any possible resemblance between the two.

Mr. GRAY. If the Senator will pardon me, it is not very relevant, but at the same time it is a question of accuracy. This provision of the Revised Statutes does just that thing, and where there is a seizure made and there is a claimant (which is a technical word for a man who is a defendant in a proceeding *in rem*), the burden of proof is on him as to everything that is charged, not only as to the ownership of the property, but as to the infraction of the customs laws.

Mr. HOAR. Does the Senator mean to say that if I could seize a British vessel in the port of New York I could hold on to that vessel?

Mr. GRAY. So far as the charge made was for the infraction of the laws as to customs duties.

Mr. HOAR. I am constrained to say that I do not believe it.

Mr. GRAY. The statute says so. I do not say so.

Mr. HOAR. I do not believe the statute meant any such thing. If it did, there is no possible resemblance between seizing the vessel of another nation when it is in its own right, in its own place, and a vessel going into the port of another country and submitting it—

Mr. GRAY. It is a barbarous rule of evidence, but it is the rule.

Mr. HOAR. There is no possible resemblance between the two cases.

These first nine articles of the treaty, then, instead of surrendering a thing of no value in the interest of peace, surrender what is of great value in the interest of discord. The purpose of Canada to drive our fishermen from the sea and to compel us to open our markets to support theirs, will remain unchanged, or will be stimulated to new efforts by this achievement. A hundred seizures, a hundred vexations, a hundred quarrels will arise where one has arisen before. If dishonor to our flag, if vexation, brutality, inhospitality, outrage, have produced for her this harvest, what motive will she have for other conduct hereafter? She has tried already, to her entire satisfaction, what virtue there is in stones. She will not be likely to resort to words or grass hereafter.

Within the past three weeks the news comes of the American ship Bridgewater, a vessel of 1,557 tons, which put into Shelburne, Nova Scotia, in distress for repairs, having encountered a heavy gale. She had sailed from St. John, New Brunswick, for Liverpool with a cargo of deals. The owners of the cargo, foreseeing a long detention, transferred it to another ship. The owner of the vessel offered it at auc-

tion to see if he could sell it, but got no bids. On this the Canadian customs officer seized it as an importation, demanded 25 per cent. duty, and held it for eighty-one days. The Government then decided that the seizure was illegal. The collector then proposed to release the ship on condition that the owner would withdraw his protest, and release the officer who made the seizure and the Government from all claim for damages. This the owner indignantly refused. The ship was then released without condition. The minister of justice gave the opinion that the owner had no claim against the seizing officer, and the Government refused to entertain his demand for redress. The owner lost his charter-party and his voyage, and thinks he was damaged full \$20,000.

134 MACON STREET, BROOKLYN, June 5, 1888.

DEAR SIR: I thank you for your valued favor of yesterday's date.

When Mr. Rowell, the minister of customs of Canada, handed me his letter, which you have in print, declining to entertain my claim for compensation, I remarked, after carefully reading it, "It is unfortunate you confess to the violation of law, but deny the redress. The matter will now go to the State Department, it being a governmental rather than a personal matter." Mr. Rowell replied, with a smile, "You will get nothing there. Of all the claims which have been lodged there against the government, we have not been called upon to pay one; we simply heard nothing more about them." At the time I thought both this and his letter were intended to favor me with a compromise, the deputy minister of justice having, a moment before, in the ante-room, put me in a position to make such offer.

I can not see how Mr. Bayard can be indifferent to this. Not to ask for an explanation and remedy for the pecuniary injury would simply be a confession that in treaty laws, in which our Government are a party to, we have no rights which even dependencies are bound to respect. The State Department must have received the papers Friday morning, but as yet I am without acknowledgment.

Very truly, yours,

JOHN H. ALLEN.

Hon. WILLIAM COGSWELL,
House of Representatives, Washington, D. C.

Mr. GRAY. What is the date of the letter?

Mr. HOAR. June 5, 1888.

Mr. GRAY. What connection has that with the State Department?

Mr. HOAR. The purpose of reading this letter is not to comment on the failure of the State Department to do something about this.

Mr. GRAY. It does not allege it.

Mr. HOAR. No, it does not allege it. It is to call the attention of the Senate to the fact that the Canadian minister of customs smiled in the face of the injured citizen and told him that they never heard anything more from the American administration about these claims which the American administration over and over again had denounced as outrageous and brutal and inhuman.

When Mr. Seward made a speech from a balcony in 1866 and asked his audience what he should say to the Emperor of France, a voice in the crowd cried out, "Tell him to get out of Mexico!" The Emperor got out of Mexico pretty rapidly when Mr. Seward gave him the intimation. When General Grant asked his countrymen who had suffered from the Alabama to leave their bill for collection with him, England sent her commissioners here with an apology and paid the bill. When Mr. Adams was told by Earl Russell that the law officers of the Crown found no law to prevent the going out of the rams, Mr. Adams quietly answered, "It is superfluous to observe to your lordship that this is war." The rams were stopped in an hour. When Salisbury, the present prime minister, was told by Mr. Evarts that the Fortune Bay affair would be treated as abrogation of the treaty, he reversed the decision and paid

the bill. There was Republican diplomacy. The weakest Canadian official laughs in the face of an American complainant when he thinks of Grover Cleveland and Mr. Bayard.

The Senator from Alabama told us the other day how he thought the South would look at this business. He said, if I correctly understood him, that the masters of these fishing vessels were holders and importers of slaves. He said the fishermen were a small per cent. of the population of the country. He said, too, as I understood him, that if the issue were presented to the people of the South whether we should have free fish or a war with England, they would prefer free fish. He now says, in reply to the Senator from Maine, that what he said was this:

I admonished that side of the Chamber, and I respectfully do it again, that if you present to the people of the United States going to war with Great Britain against the question of letting in fish free of duty, you have a dangerous issue before you; that is all.

What an utterance is that! American vessels by the hundred seized, insulted, harassed, vexed, dishonored. The American flag hauled down from an American masthead. American mariners in foreign ports subjected to treatment which our Democratic Secretary declares is "outrageous," "brutal," "inhuman," "inhospitable." All this is done to bully us to put fish on our free-list, that the fishery marine and the naval strength of our rival may grow, and our fishing marine and naval nursery may dwindle and decay. And when the Senate of the United States is considering what to do about it the Senator from Alabama tells us these sailors of ours are few in number, and that "a question between putting fish on the free-list and war with Great Britain is a very dangerous issue." Are we China, that opium is to be forced into our markets at the point of British bayonets or the mouth of British cannon?

The solid South is represented in this body by 34 votes. They are all Democrats save one. His seat is soon to be filled by a Democratic successor. Of that 34, 29 have inserted in the official catalogue of the Senate as their title to honorable remembrance, a statement of distinguished service in an attempt to destroy their country and bring its proud flag in dishonor to the dust. They are fond of telling us that all that is changed now. They say that if the country shall ever be in peril again, if the flag shall be menaced anew, whether it be foreign levy or domestic malice, it shall find no readier or braver defenders than among the men who stood in arms against it. I, for one, have never questioned their sincerity. I do not question it now.

I know, as the people of the North know, that there was courage in the stout hearts which maintained that conflict for those four long years. I do not believe that the men of the noble Southern stock, who displayed, even when in the wrong, the courage, the affection for home and State, the aptness for command, the constancy, the capacity for great affection and generous emotion, the readiness to encounter poverty and death and exile, which won the admiration of mankind, when the flag of the country which has forgiven them and restored them and trusted them is insulted and dishonored, will be quite content to take their tone from the Secretary of State or the Senator from Alabama.

There is no occasion for a note of war. Firmness and strength and calmness and dignity and understanding and maintaining our own just rights are much more likely to keep peace than the supplicating and yielding diplomacy of the present Administration.

But the President expresses his peculiar satisfaction with the ninth article.

Nothing in this treaty shall interrupt or affect the free navigation of the Strait of Canso by the fishing vessels of the United States.

He says:

The uninterrupted navigation of the Strait of Canso is expressly and for the first time affirmed.

The treaty does not say that. It says:

Nothing in this treaty shall interrupt or affect the free navigation by fishing vessels.

If there be any implication, it is that other vessels can not go there, if Canada objects. But this is an ancient way from the open sea to the Gulf of St. Lawrence, where our right is as unquestioned as it is to the Gulf of Mexico. Who ever denied it? Sir Charles Tupper utterly repudiates the President's notion. He says that was nothing new.

We provided simply that nothing in this treaty should interrupt the free navigation of the Straits of Canso, as previously enjoyed by fishing vessels, to which we confined it.

This was put in by the Canadians themselves, because they had delimited Chedabucto Bay. I suppose President Cleveland's next move will be to surrender our right to visit two-thirds of the Mediterranean, and then claim great credit that he has saved the right to go through the Straits of Gibraltar.

But the tenth and eleventh articles, which stipulate what United States fishing vessels may or may not do in the ports, bays, and harbors of Canada and Newfoundland are those on which Mr. Cleveland specially plumes himself.

I will append these articles to my remarks. [See Appendix K.] They provide that our fishing vessels when they enter bays or harbors where they can not go to fish, shall conform to harbor regulations common to them and those of Canada;

That they need not report, enter, or clear when they go in for shelter or repairs, except when they stay more than twenty-four hours or communicate with the shore;

They shall not be liable for compulsory pilotage;

Nor, when they are there for either of the four permitted objects, for harbor or like dues;

When they go in under stress of weather they may transship, reload, or sell their fish, subject to duty, when this is necessary as incident to repairs, and may replenish lost or damaged supplies and provisions;

In case of death or sickness shall have needful facilities;

May have license to buy provisions and supplies for their homeward voyage;

And may be accorded on all occasions such facilities for casual or needful provisions and supplies as are ordinarily granted to trading vessels.

Now, unless I am mistaken, every one of these things is and has been for nearly sixty years granted to Canadian fishing vessels in Massachusetts and Maine in recognition of the obligations of common decency, or international courtesy.

This is the first treaty in our history, unless made with some half-savage chief, or in regard to ports closed to general commerce, where there has been an attempt to stipulate for the civilities of life. It is a treaty which, for the first time, recognizes the doctrine that fishermen are to be dealt with as an inferior and less favored class, to whom may

be rightfully and properly denied, with our consent, the courtesies and privileges extended to all other commerce.

The treaty of 1818 limited, it is true, the rights of our fishermen in British North America to shelter, repair, wood and water. But that was an exception in their favor. That was an assertion of the doctrine of international law, that fishermen, who provide food for mankind, are the favorites of that law. Some writers, some treaties, I think, declare that they shall not be disturbed in their occupation even in war. Yet now, because, in the day of our weakness, when every American port in British dominions was hermetically sealed against all our ships, the diplomacy of John Quincy Adams and Albert Gallatin gained for our fishermen privileges denied to all others, the present Administration submits to put them in a situation of marked inferiority to all others. I confess I do not think it quite consistent with a proper self-respect to be negotiating with my neighbor just how far he shall and how far he shall not behave to me like a gentleman.

The objection to these articles is not merely the trifling nature of the concessions they gain, but it is their clear implication that we have no ground of rational complaint if the things they do not concede shall hereafter be denied to us. The vessel of commerce, under the modern law of nations, is welcomed and made at home. It is subjected to no other restriction than that of making proof of its character and friendly purpose, a reasonable contribution to port expenses, and compliance with the customs laws of the country where it finds hospitality. It comes and goes at its pleasure. It is a grossly unfriendly act to deny it hospitality, freedom of intercourse, protection, equal access to the courts if any man do it a wrong, fair, prompt, equal, impartial trial if it be charged with doing a wrong to any man.

I refuse my assent to this treaty, if for no other reason, because it declares and implies that the Massachusetts fisherman, with the full consent of his own Government, is hereafter to be exempt from this humane and beneficent principle. Whatever of the decencies of life are for him or for the flag which floats over him do not come as of right and in honor. They are to be doled out and measured out and begged for, and bargained for, and paid for. I have been told that it is an offense among the dwellers in the mountain regions of the South if the host does not invite the guest to take the whisky bottle into his own hand. "He allowed me, sir," was the description I once heard of that kind of hospitality. Yet, the American mariner is hereafter to get cold water and shelter on such terms only at the will of petty Canadian officials.

Mr. Bayard says if we will look at complaints which we have heard from our fishermen we shall find that none of them can happen again under this treaty. I am amazed that he can say so. I shall speak of that presently. But one of the causes of complaint is that when our fishermen go in for shelter the Canadian officials do not leave it to their discretion to say when the storm is over, and they can safely depart, but order them off into the storm frequently before it is over. The skipper of the fishing vessel is apt to be tolerably weatherwise. He knows the signs off Labrador, or in the Gulf of St. Lawrence, or in the Bay of Fundy quite as well as a lieutenant on any British cruiser or any petty port official. He is in hurry enough to get back to his fishing; but he is not permitted to be the judge, when he gets in for shelter in a storm, how long the safety of his vessel requires him to stay. This is one of the most frequent causes of trouble, and is left wholly without remedy in the treaty.

I have a letter from the Hon. James Gifford, known personally to me as a highly respectable citizen of Provincetown, Mass., and late collector of that port, in which he says:

The other matter against which there is indignant protest, namely, the ordering American fishing vessels to sea by officers of Dominion cruisers is in derogation of the dignity, rights, and interests of master, crew, owners, and the country they represent. Captains knowing better than any other persons can know the condition of their vessel, sails, spars, and rigging, and as well able to judge of the weather as are others, esteem themselves the best judges of when to go to sea, and regard this interference by foreign officers as a gross indignity to themselves and to the flag under which they sail. In no other country is this outrage perpetrated upon captains of American vessels. This arbitrary interference with the prerogatives, responsibilities, and duties of our masters, is not only keenly felt, but their vessels and crews are thereby exposed to serious peril and disaster. The following incident illustrates this fact:

Capt. Samuel T. Hatch, of this place, master of the schooner *Stowell Sherman*, in August, 1886, while fishing off the north coast of Prince Edward Island, in company with forty-five other American fishermen, was compelled by a northeast blow to seek shelter in the small, narrow harbor of Casumpeque. This harbor is also barred by a dangerous shoal across its mouth that takes up vessels, especially those of considerable draught, and particularly when the sea is running high. After lying there twenty-four hours, the commander of the cruiser *Howlett* entered the harbor and ordered the entire fleet off at once. Although the water had somewhat moderated and the wind had changed, the weather continued too rough to fish, and the easterly gale of the previous days caused the sea still to break on the bar at the entrance to the harbor, thus rendering it very hazardous for vessels to attempt the passage out. The commander of the *Howlett* was respectfully requested to delay the execution of his order, which he peremptorily refused to do.

Captain Graham, of the schooner *A. R. Crittenden*, of Gloucester, remonstrated protesting that he was in charge of a valuable vessel and cargo and for which he was responsible; that there was great danger of stranding his vessel should he then try to go out, and, if permitted to remain, he would sail as soon as the weather would safely permit. To this the Dominion officer replied that he did not care how valuable his vessel and cargo were, he should leave the harbor immediately. The entire fleet thereupon hoisted their cables and hoisted sail, preparatory to getting under way. Schooner *Fanny Sperling*, being the first to make the trial to leave port, was soon stranded.

The commander of the *Howlett*, alarmed at the result of his order, went to her assistance, called upon the crews of the other American fishermen for aid, and revoked his order to sail. But for the timely aid thus rendered by the combined crews of the fleet the *Fanny Sperling* would have become a total wreck—a fate that would probably have been shared by many of her companions had not the insolent order of the Dominion officer been canceled. To subject the safety of the vessels and crews of our fishermen to the caprice and insolence of petty Dominion officers is a grievance that ought not longer to be tolerated, by or without a treaty. Yet I do not see in the pending treaty any modification even of this domineering assumption of despotic authority over our fishermen. Hence, if there were no other reason, I should be opposed to its ratification.

Very respectfully,

JAMES GIFFORD.

This is not a solitary instance. In the Secretary of State's list of American vessels seized, retained, or warned off from Canadian ports during 1886 there are sixteen vessels in a single year warned off when in port for shelter. Professor Baird's additional list contains a considerable additional number. (See Appendix L.)

I may as well complete what I have to say here of Mr. Secretary Bayard's singular delusion, that if you take the grievances complained of, one by one, you will find the treaty provides against their recurrence. Here is another most irritating annoyance which has escaped his attention, for which he has seened for us no remedy whatever.

PROVINCETOWN, MASS., May 21, 1888.

DEAR SIR: Representative R. T. DAVIS, having informed me of your intention to address the Senate on the merits of the fisheries treaty, I venture to call your attention to two matters of importance involved, which I have not seen elsewhere discussed.

One is the seizure and fine of vessels for the landing of one or more of their crews prior to reporting the vessel at the custom-house, and the other is the or-

during our fishing vessels to sea, regardless of the judgment of the master as to the unsuitableness of the weather or condition of the vessel.

As to the former, provision is made in the treaty, under article 10, for continuance of this unwarrantable and annoying practice. This article provides that "vessels remaining more than twenty-four hours * * * or communicating with the shore," etc., must report at the custom-house, thereby furnishing a basis for perpetuating the seizures and fines complained of.

Its adoption by the Senate would be an indorsement not only of the mulcting our vessels in the sum of \$200, but also of imposing a restriction elsewhere unknown in our commercial relations. The mere landing of a vessel's crew, they taking no goods nor effects from the vessel, is not even in Canada made an offense, except when done by American fishermen; this prohibition to land prior to reporting is not applied to Dominion fishing, coasting, nor merchant vessels, as you will perceive by inclosed affidavit of Capt. John Newman, an intelligent and truthful gentleman. His statement can be verified by any number of American masters who frequented Dominion ports prior to 1885. Crews from foreign countries having been certified by local health officers as exempt from contagious diseases are free to land at any port in the United States where they may happen to enter. I am informed that this is the practice at Liverpool, England, and at all other foreign ports.

Schooners Pearl Nelson, of Provincetown, and Everett Steele, of Gloucester, were seized and fined \$200 each, under circumstances that exhibit the wantonness and arbitrary nature of the transactions, as may be seen on pages 52 and 55 of Executive Document No. 19, December 8, 1886. The authorities at Ottawa attempted to justify these seizures by citing the provisions of sections 25 and 180, 46 Victoria, chapter 12, quoted in said Executive Document No. 19.

I think, however, you will agree with me that there is not a sentence or word, even by implication, in either of these citations that makes the landing of a vessel's crew prior to reporting a violation of law. The continuance of seizures, therefore, of our vessels on the pretext indicated ought not to be assented to.

Very respectfully,

JAMES GIFFORD.

Personally appeared before me, James Gifford, a notary public, at the port of Provincetown, in the State of Massachusetts, this 12th day of March, 1887, John Newman, of Shediac, in the Province of New Brunswick, Dominion of Canada, who, being by me duly sworn, deposes and says that he has been master of vessels belonging to ports in said Dominion for ten years last past; that during that period he has frequently reported and entered the vessels under his command at numerous customs-houses in such ports, but that in no instance has he been required by a customs officer therein to make report or entry of his vessel and cargo prior to allowing his crew to land; that it has been his invariable practice for his crews to land at any port in the Dominion of Canada on arrival of his vessel, without question of any customs officer as to whether or not he had previously reported to the customs office; that the last port at which he thus permitted his crew to land was at Richibucto, New Brunswick; that during the period named he never heard from a customs officer, or other person in the aforesaid Dominion, he had violated any revenue law or customs regulation by so doing.

[SEAL.]

JOHN NEWMAN,
JAMES GIFFORD,
Notary Public.

The causes of grievance in these cases may be classified, as follows :

1. Indignity suffered by detention and search and by being warned off.
2. The ordering of vessels out of harbors when Canadian officials deem there is no necessity for shelter.
3. Onerous customs laws and the exaction of fees and dues.
4. Refusal to sell necessary provisions and supplies.
5. Unjust local laws regulating seizures and trials.

These causes are not removed by the treaty. On the contrary the following causes for dissatisfaction on the part of the American fishermen, and opportunities for unreasonable conduct on the part of the Canadian authorities would still exist under the pending treaty.

1. Canadians could search all American vessels within the 3-mile limit; could question the masters on oath; could seize their vessels on a mere pretext, and could put them to the proof of the illegality of the seizure.

2. The Canadians could order away vessels that had taken refuge in their ports whenever they cared to do so.

3. The right to unload and transship is incident only to repairs.

4. The only exemption given from burdensome harbor and customs laws is in case of shelter, or repairs, or the purchase of wood or water in a place not a port of entry.

5. Provisions can be purchased only for the homeward voyage.

6. Only by free fish can Americans purchase commercial privileges.

7. All the injustice of the fishing laws remains. The burden of proof is still on the defendant, and he is denied his remedy for illegal seizures.

Mr. Putnam says in his defense of the treaty that—

The words "preparing to fish," in statute 38 George III, have been the cause of many troubles, and are susceptible of a variety of constructions.

But they are now introduced into the treaty itself, which consents that our vessels may be condemned, the penalty not to exceed the forfeiture of the entire ship and its contents, for preparing to fish.

Mr. GRAY. "Preparing to fish therein."

Mr. HOAR. Yes; "preparing to fish therein." I hope the Senator will not interrupt me at this point. What I say is that the words of the Canadian statute and the words of the treaty are identical, and I am talking about Mr. Bayard's claim, that none of the prior difficulties will be heard of again if this treaty takes effect, and Mr. Putnam says that the words "preparing to fish" have been the cause of many troubles, and are susceptible of a variety of constructions.

Mr. GRAY. The Senator will allow me to suggest to him that even though the Canadian statute undertakes to punish by forfeiture of the vessel the preparing to fish by an American vessel in Canadian waters, whether that fishing for which they are preparing is within the inhibited territory or without it, the treaty confines the right of punishing for preparing to fish within, not preparing to fish without.

Mr. HOAR. I do not so understand it.

Mr. GRAY. That is a very important point.

Mr. HOAR. The word "therein" may as well be claimed to qualify the words "preparing to fish" as to qualify the word "fish." But I do not want to dwell on that. That is not my point.

Mr. GRAY. It only shows that there is an important difference.

Mr. HOAR. I am talking about the question whether this treaty will remove the cause of trouble, and I say that your treaty which introduces this language is just as liable to cause the troubles which my honorable friend now suggests arose under the old Canadian statute.

Mr. GRAY. How can it, may I ask the Senator from Massachusetts, when the old difficulty was that an American fishing vessel that went within the 3-mile limit and was charged with preparing to fish within that limit in waters outside of it was within the purview of the Canadian law, while under this treaty it is expressly stipulated that the only offense for which the vessel can be seized is preparing within any Canadian waters to fish therein?

Mr. HOAR. The treaty does not say so. The treaty says the entire vessel and its contents may be condemned if found fishing or preparing to fish therein, and Canada will claim unquestionably, no matter where you are going to fish, if you are preparing to fish you are violating her law.

Mr. GRAY. That is a very flat contradiction. I only refer to the language of the treaty.

Mr. HOAR. I do not wish to be at all discourteous to the Senator, but I think the Senator misunderstands the treaty.

Mr. GRAY. That may be.

Mr. HOAR. If the Senator and I differ, Canada and the United States may well differ, and if Canada and the United States differ, you have not got rid of your trouble.

These words not only bind our Government to permit their citizens to be searched or punished for no offense, but only when the Canadian authorities shall think they are preparing to commit one; but they flatly contradict Mr. Bayard's allegation that the recurrence of past causes of trouble is prevented for the future.

Mr. Putnam goes on to say that there were four subjects of dispute between 1856 and 1884:

1. Great bays.

2. The headland theory.

3. Whether the provincial officers would drive out our vessels from provincial bays and harbors when, in the judgment of the authorities, they did not in fact need shelter or repairs.

4. The vexatious legislation which denies our citizens remedy in the case of transgression and the like.

I have shown that under the treaty there will be more occasion for trouble than before. The third cause of trouble the treaty does not touch. The fourth I shall show in a moment it helps very slightly.

Mr. GRAY. Will the Senator from Massachusetts allow me?

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts yield to the Senator from Delaware?

Mr. HOAR. Certainly.

Mr. GRAY. Let me call the Senators attention to the language of Article XIV of the treaty? I understood the Senator from Colorado [Mr. TELLER] to say in his seat that there was no such language in the treaty. In stipulating what acts may be punished by the Canadian law, Article XIV says:

And for preparing in such waters—

That is in Canadian waters—

to unlawfully fish therein, penalties shall be fixed by the court, not to exceed those for unlawfully fishing.

That is the language in Article XIV of this treaty, and I submit to the Senator and to the Senate that it does not seem susceptible of any other construction than that which I have given it.

Mr. HOAR. Mr. President, I think the Senator from Delaware is right as to the words "and for preparing in such waters to unlawfully fish therein;" but my point must remain, however, that the offense of preparation to fish is still left subject to the question of what is preparation to fish.

I do not find in these two articles or anywhere in the treaty any justification for the President's claim that "it is framed in a spirit of liberal equity and reciprocal benefits," or that "it will be satisfactory to those of our fishermen engaged in the deep-sea fisheries," or that it gives the "privilege on all occasions of purchasing such casual and needful provisions and supplies as are ordinarily granted to trading vessels."

On the contrary, this instrument adopts and recognizes to the fullest extent the pretension that the rights of our fishing vessels are measured by the convention of 1818, unaffected by the subsequent changes in the customs of nations or the commercial arrangements of 1830. It

declares and admits in substance that because they were favorites of the law of nations then they are under its ban now; because they were better off than all other men then, the only Americans not outlawed in British ports on this continent, they are to be worse off than all mankind now.

There is nothing in this instrument which permits an American fisherman to go into a Canadian port, harbor, or bay for any purpose not set forth in the treaty of 1818.

Provided, however—

Says that treaty—

that the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever.

That treaty, reaffirmed in this one by a hundred implications, opens the only narrow and inhospitable doorway by which the American fisherman can get in. If he has gone in for shelter, under stress of weather or other casualty, he can then and then only—

Unload, reload, transship, or sell his fish, subject to customs regulation, if it be necessary as an incident to repairs, and may replenish outfits, provisions, or supplies damaged or lost by disaster.

It is then only that he can get facilities in case of death or sickness, and then only that he can get supplies for his homeward voyage.

They talk about the matter of compulsory pilotage and harbor dues. Massachusetts and Maine do not require Canadian fishing vessels to take a pilot. Their skippers know the coast as well as any pilot. They have no passengers. Their cargo is their own property. Canada can only maintain the requirement of compulsory pilotage for purposes of vexation and not for purposes of public security. She does not require it of her own fishermen. The dollar-and-a-half harbor due is unimportant except as a vexation. Sir Charles Tupper very frankly says in his speech as to this concession:

The fact is that although there appears to be a considerable concession in that, it does not amount to much.

He had just said substantially the same thing as to pilotage:

That the play was not worth the candle.

He says also in regard to the concessions of Article XI, on which the President lays such stress, that the transshipment concession was a wise and judicious concession to make. He asks what would be thought of Canada if she denied it. He says that—

In making it we were only acting from the dictates of humanity and from a due regard to the credit and reputation of our country all over the world.

He also clearly implies that he deems the President's notion that the privileges of deep-sea fishermen are extended by the last clause of Article XI altogether wrong, and that it applies only to vessels coming in under stress of weather and for the homeward voyage. This is also affirmed by the representatives of the government in the debates in the Canadian senate. Indeed Article XV shows that until fish is made free in the United States her vessels can enter only for the purposes specified in the treaty of 1818.

As the delimitation articles absolutely surrender what was decided in our favor in the cases of the *Washington* and the *Argus*, so Article X and Article XIV surrender what was conceded in the *Fortune Bay* matter to the spirited diplomacy of Mr. Evarts. Article X says our fishermen "shall conform to harbor regulations common to them and the fishing vessels of Canada." Article XIV says: "For any other violation of the laws of Great Britain, Canada, or Newfoundland, relating to the

right of fishery in such bays, creeks, or harbors, penalties shall be fixed by the court."

They tried once before to subject us to their Sunday laws and their laws fixing a close season and their laws regulating the size of nets. This was under the treaty of 1871. Mr. Evarts remonstrated. Lord Salisbury asserted their right to compel us to submit to their laws, and said the law officers of the Crown had no doubt about it. Mr. Evarts told them he should treat it as an abrogation of the treaty, and President Hayes sent a message to Congress advising the restoration of the duty on fish. Great Britain instantly yielded and paid \$80,000 damages. Now you would throw away all this without the slightest equivalent. Hereafter, under your brilliant diplomacy, Great Britain and Canada and Newfoundland are to make the laws under which we are to exercise our treaty rights.

Mr. GRAY. With the Senator's indulgence, I want to call his attention to a fact that appears in the correspondence, which I can not lay my hands upon now, in regard to the Fortune Bay outrage, so-called, that Great Britain did not yield the principle for which she contended, but consented to pay an indemnity, because, whatever might be her right to impose those laws upon American fishermen, she conceded that they could not be enforced by a mob.

Mr. HOAR. That was a distinction without a difference. Great Britain agreed for a consideration that we might go into her bays to catch fish. We went there to catch fish, and we violated, as she said, her Sunday law, the law about the close season, and the law about the size of the nets. Mr. Evarts remonstrated, and Lord Salisbury replied that he had consulted the law officers of the Crown, and he and they were of opinion that England had granted us the right to fish subject to the right which her dependencies had—the right to make their laws to govern and regulate its exercise.

Thereupon Mr. Evarts spoke with some indignation of the doctrine that they could take away by legislation what they had given us by treaty. Then Lord Salisbury said that while that might not be true of future legislation, at least of the past legislation which existed at the time of the treaty it must be true. Thereupon Mr. Evarts observed that if they had sold us a valuable fishery right without notifying us that it was under mortgage or other lien or incumbrance, it was an unusual transaction. Lord Salisbury replied in substance that he did not desire to hear anything more about the subject. Then Mr. Evarts recommended President Hayes to send a message to Congress inviting the revocation of the treaty and treating the English contention as a rejection of the treaty. Then Sir Edward Thornton came to Mr. Evarts in a day after the thing was done and wanted to know why he did not give notice of this step. Mr. Evarts said he did not consider himself bound to do it, and Sir Edward Thornton then inquired of Mr. Evarts if he was willing further to treat it as an open question, England having said she would not. Mr. Evarts said certainly. Thereupon England came in and paid \$80,000 damages, and we have not heard of that English pretension from that day to this.

Mr. GRAY. Upon the ground I have stated.

Mr. HOAR. If the Senator thinks that is the ground to be got out of it, all right, that is the story.

I will not dwell upon Article XII, which, literally construed, gives to Canada and Newfoundland the same ownership in common in the waters of our whole Atlantic coast which the valor of our fathers acquired, and which were acknowledged in 1783 and in 1818 in the waters

of Canada and Newfoundland so far as they are reserved or secured by this treaty. The British argument is much stronger, in my judgment, for this construction of Article XII than for the claims to which Mr. Bayard and his associates have so tamely submitted.

Nor will I dwell on the thirteenth article, regarded by our fishermen as so obnoxious and degrading. It requires every fishing vessel of the United States, whether she means to go near Canada or not, to wear a number conspicuously exhibited on each bow, a requirement not applied to England's own fishermen, strongly suggestive of tickets of leave and prison regulations.

The fourteenth article is equally remarkable for what it declares Canada shall not do hereafter, and for what it impliedly consents Canada may hereafter continue to do. Nobody, I suppose, expects that until we grant free fish, and free trade to Canadian products, there will be any change in the spirit, temper, policy, or purpose of Canada. What we have to complain of is that Canada has so framed her customs laws and her fishing laws as to subject our vessels to a series of seizures, confiscations, penalties, interruptions, and outrages. This malice she has deliberately enacted into law. Any of twenty officials, some of them of the pettiest order, may seize an American ship and cargo. The burden is put upon the owner of the vessel to show that these seizures were illegal. If the local judge shall certify there was probable cause for the seizure, we get no costs, and only 4 cents damages. This is the existing Canadian law, untouched, unrepealed, unaffected by this treaty.

Extracts from the Canadian statute respecting fishing by foreign vessels are given in the appendix to these remarks (M).

[It will be seen that by these laws any petty customs or naval officer or justice of the peace may seize an American ship and cargo, although that ship may be in the exercise of its rights and outside the 3-mile line; may take it to any port in Canada; may put it on trial wherever he please to detain it; may compel it to prove its innocence; shall be exempted from paying either damages or costs, if the court certify there was probable cause for seizure; may convict it or establish probable cause on the evidence of the Canadian sailors, who may receive three-fourths of the sum for which the ship and cargo are sold, if condemned; and that the suit by the owner can only be brought one month after notice left at the last and usual place of abode of the captor, which may be in Great Britain; and can not be brought at all more than three months after the seizure; so that there are only two months in all within which such suit may be brought, even if the owner die, or be sick, or insane, or be at a distance.]

You have full knowledge of these things. You have complained of them. You have declared that they were put by Canada on her statute-book to harass your fishermen and drive them to madness. You have denounced them as an outrage. And now, when you make your treaty, you put in it a few of the commonplaces of common right, and leave these outrages to continue. Worse than this. You declare that this treaty contains all that you can reasonably ask. You not only leave this Canadian legislation on her statute-book, but the President and his Secretary indorse it, and estop us, so far as they can, from ever complaining of it again. You have contented yourself with so much. As to the rest, you must forever after hold your peace. This is what you call conciliation.

Concillate? It jost means be klieked,
No metter how they phrase an' tone it;
It means that we're to set down lickered,
Thet we're poor shotes an' glad to own it.

They have put into Article XIV a few stipulations for those common decencies of a fair trial, to which all mankind are entitled as of common right. But they accompany even these with the provision that the penalty for unlawfully fishing, however innocent or accidental, however the skipper may have mistaken his position, or however doubtful or conflicting the evidence, may extend to the forfeiture of the vessel and everything on board. The penalty for preparing to fish may be fixed by the court and shall be no greater than for fishing. The judgment of forfeiture (no lesser judgment) shall be reviewed by the governor-general. But if he approve the finding, it is quite doubtful if there be power vested in him to lessen the penalty. The unreppealed Canadian statute still makes the forfeiture for unlawful fishing absolute in all cases. But the second clause of Article XIV provides—

That the proceedings shall be summary and inexpensive as practicable;

The trial shall be at the place of detention (not the place of seizure or near it);

Security for costs shall not be required except when bail is offered. (They will have in their possession the whole ship and cargo);

Reasonable bail shall be accepted;

There shall be proper appeals;

These shall be available to the defense only. (That is, the defendant shall not be twice put in jeopardy).

I should like to ask Senators on the other side if there be one of these provisions, which to deny to a foreign sailor in her ports, without a treaty, in this close of the nineteenth century, would not make Canada a stench in the nostrils of mankind.

There is not one of them that has been denied in a United States court since the country was settled. If the least of these privileges were denied to a British ship-owner in the courts of Boston we should hear from the British foreign office; or rather, we should not wait to hear from the British foreign office; we should remedy the grievance under the prompt and eager stimulant of our own public opinion.

It is quite significant that the British plenipotentiaries did not ask us to put into the treaty any stipulation that we would give them the like justice in our courts. Nobody ever dreamed that it was possible for the United States to refuse to a foreigner in our ports as inexpensive a trial as practicable, a trial in the vicinage, exemption from security for costs when we hold his property, reasonable bail, and proper appeals. Every Senator on the other side of the Chamber would deem it a national insult to ask us for a promise in a treaty to observe the common decencies of judicial proceedings.

Mr. President, as I was saying just now, if we were to treat ten British ships in Boston as they have treated a hundred in Canada, we should hear an expression of anger from Downing street to which that which followed the seizure of *Mason and Slidell* would be tame. John Bull would not have much to say about postponement to some future time of a demand for redress. How long do you think he would submit to the law which gave 4 cents costs and 20 cents fine as the remedy for the illegal seizure of a vessel and cargo and put the burden of proof on the party whose vessel was taken from him to show that the seizure was illegal?

Hear what Chief-Justice Cockburn in his work on *Nationality* lays down as the law of nations, recognized in Great Britain:

In respect of personal rights, the alien, so long as he remains on British soil, is in the same position as the Queen's subjects. The courts of this country

are open to him as against foreigners in respect of wrongs for causes of action arising within the jurisdiction, and in respect of breach of contract for causes of action arising either in this country or abroad, as against the British subjects, in respect of any cause of action wheresoever arising.—*Cockburn on Nationality*, page 149.

This matter was well summed up almost thirty years ago by a very wise young writer on international law, one Hosea Biglow. I wish he had a single spark of his ancient spirit now:

 Ef I turned mad dogs loose, John,
 On your front parlor stairs,
 Would it jest meet your vlews, John,
 To wait an' sue their helrs?
Ole Uncle S., sez he, "I guess,
 I on'y guess," sez he,
"Thet ef Vattel on his toes fell
 'Twould kind of rile J. B.,
 As well as you and me."

 Who made the law thet hurts, John,
 Heads I win, ditto tails?
"J. B." was on his shirts, John,
 Unless my memory fails.
Ole Uncle S., says he, "I guess,
 (I am good at that)," sez he,
"That sauce for goose ain't jest the juice
 For ganders with J. B.,
 No more then you and me."

 When your rights was our wrongs, John,
 You didn't stop for fuss,
 Britanny's trident prongs, John,
 Was good 'nough law for us.
Ole Uncle S., sez he, "I guess,
 Though phizle 's good," sez he,
"It doesn't foiler that he can swaller
 Prescriptions signed J. B.,
 Put up by you and me."

 We own the ocean, tu, John;
 You mustn't take it hard
 Ef we can't think with you, John,
 It's jest your own back yard.
Ole Uncle S., sez he, "I guess,
 Ef that's his claim," sez he,
"The feucin' stuff 'll cost enough
 To bust up friend J. B.,
 As well as you and me."

I have not time to go into the detail of the Canadian customs laws. They will be found in Senate Document No. 113, pages 348, 401.

The fifteenth article is to take effect when we remove the duty from fish-oil, whale-oil, seal-oil, and fish of all kinds. We are to have in exchange for that concession licenses to enter the Atlantic ports, bays, and harbors of Canada and Newfoundland—

 To buy provisions, bait, ice, seines, lines, supplies, and outfits.

 To transship catch.

 To ship crews.

Mr. President, it is difficult to overstate the absurdity of this provision, even if it were not a humiliation to be called on to make a conditional bargain at all, under the circumstances.

We are to remit the duties on those articles to all British subjects. It is no matter where they are caught. It is enough if British subjects bring them in, and they are the produce of fisheries carried on by the fishermen of Canada, Newfoundland, and Labrador. Our duties on fish brought from Canada and Newfoundland alone in the year ending June 30, 1886, were \$297,028.05. All our duties on fish for the

same year were \$502,287.54; in 1887 they were \$611,937.69. This change in our law will of course extend to all mankind, for British subjects will import all our fish that we do not take ourselves, if it applies only to them.

Now, this \$600,000 worth of duties we give up for what Canada in the three years after the duty of 1854 was abrogated sold to us, together with the right to fish everywhere in her waters for 50 cents a ton the first year, \$1 the second, and \$2 the third. The last year our fishermen would not take the licences. Our fishery tonnage in 1886 was 70,437 tons. At \$1 a ton she would have sold to us all these rights and full fishing rights also for \$70,000. We now give up the \$600,000 merely for the privilege to buy bait and supplies.

But further. The treaty of 1871 gave us the full right to take fish everywhere and to land and dry fish everywhere in Quebec, Nova Scotia, Prince Edward Island, the Magdalen Islands, and all adjacent islands. In return we gave them the right to admit duty free fish-oil and fish (not whale-oil) being the produce of the Dominion of Canada and Prince Edward Island.

Now they are to have the right to bring in the produce of fisheries carried on by them, wheresoever they may be. We get in exchange only the right to buy supplies and bait, transship cargoes, and ship crews.

It is true that we paid under the treaty of 1871 a large sum of money for the privilege. My friend from Maine has spoken of the selection of our commissioner. Mr. Kellogg had been a man of great ability, who had filled conspicuous public stations. It is said, and it may be true, that his mental vigor had become impaired by advanced age, or some other disorder, without the knowledge of those who appointed or recommended him. But there is nothing in the history of the transaction which tends to show that anything the American commissioner did, or failed to do, had or could have had any effect on the result. The mistake was in consenting to the selection of Mr. Delfosse as umpire. He was the representative of Belgium, a power which England erected and which depended on England for its continued existence. His sovereign was the son of the brother of Queen Victoria's mother and of Prince Albert's father, and was himself brother of Carlotta, wife of Maximilian, whom we had lately compelled France to abandon to his fate.

Mr. DAWES. Will my colleague allow me a word?

Mr. HOAR. Certainly.

Mr. DAWES. There was no mistake in consenting to the selection of Mr. Delfosse, for this Government did not consent to it. The provision of the treaty of 1871 was that the two powers should have so many days, mentioned in the treaty, to agree upon an umpire. The British Government neglected, if they did not refuse, to meet the Government of the United States to make that selection. Upon frequent call on the part of the Government of the United States upon the representative of the British Government to fulfill that provision of the treaty of 1871, they utterly neglected it until the time for agreeing upon the umpire had passed, and under the stipulations of the treaty it was left to a foreign power to select Mr. Delfosse.

The statement which I have made here I had from the highest authority. No higher authority at the time existed than that which made the statement, and it was made at the time of the selection of Mr. Kellogg. It was made in my own hearing and in the hearing of my then colleague.

Mr. HOAR. Mr. Delfosse's own fortune in public life depended on his sovereign's favor. We had already notified Great Britain that the Belgian minister would probably deem himself disqualified by reason of the peculiar political connection of his government with that of Great Britain. Earl de Grey, chairman of the British commissioners in negotiating the treaty, had notified us, when suggesting the reference of the fishery dispute to some government, "I do not name Belgium, because Great Britain has treaty arrangements with them that might be supposed to incapacitate them."

Our mistake was not in the nomination of Mr. Kellogg. It was in going on with the arbitration when Great Britain refused to propose any other name but that of Delfosse.

But after the money had been paid we endeavored to induce Great Britain to give up the bargain and keep the money. Canada absolutely refused. Sir Charles Tupper said that "after that treaty had been in operation for ten years there was not a single public man in Canada but was ready to do everything possible to maintain and to continue that very treaty." Now, what wretched diplomacy is this, when Canada had shown hereagerness to give us the whole freedom of her sea-fishing waters, clear to the land, and the right to use her shores for drying fish, etc., as provided in the treaty of 1871, when she could receive in exchange nothing but our market for fish and fish-oil (not whale-oil nor seal-oil), being the products of Canada and Prince Edward Island, to make a bargain by which giving them the right to bring in free the produce of fisheries carried on by them anywhere in the world, and add to it whale-oil and seal-oil, and getting nothing in return but these rights to buy bait and supplies, to transship cargoes and crews.

It is true Sir Charles Tupper says it is impossible to overestimate the advantages of enjoying the fisheries that are contained in the jurisdictional waters of Canada. But rich as are those advantages, they are almost worthless without the American market. The slightest reference to the history of these interests, the slightest recollection of the conduct of Canada in the past, the slightest zeal and care for the interest of these American citizens, would have got for us much better terms if we were to adopt the policy of the fifteenth article. As I have already said, Mr. Evarts brought Great Britain instantly to recede from the position colonial government, foreign office, prime minister, cabinet, law officers of the Crown had taken, by proposing to abrogate the treaty.

But, Mr. President, I should fail to do justice to my own conviction if I did not say that I hold it ignominious to undertake to make terms for a change in our tariff laws in the face of the behavior of Canada to our fishermen, which the Administration knows was adopted to coerce us to that very action.

Mr. President, the whole of this treaty recognizes what we strenuously deny—the fitness of maintaining a discrimination against fishermen. It turns their ancient privilege and exceptional honor into a badge of disgrace. It constantly affirms a dominion on the part of Canada over the fishing-grounds which from the beginning have been our joint property. It establishes throughout a relation of control. License, license, license is the stipulation at every step. What we claim as a right they compel us to accept and hold only under their license. Instead of a full, frank, free recognition of general commercial rights, everything we are to have is a privilege, constantly to be the subject of difference and quarrel until the demands of Canada are fully yielded.

You will scarcely find a claim of the American opponents of this treaty that is not supported by the speeches of its friends in the Canadian Parliament. Sir Charles Tupper begins by appealing to that body not to press him unduly to show the great advantage of the treaty to Canada until the Senate has acted. The particulars in which he has specially outwitted Mr. Bayard he keeps for the present in his own breast. But he admits in express terms that the inshore fishery rights of Canada are of great value; that our markets are of greater value still; that Great Britain had in practice abandoned the claim to exclude us from great bays and headlands; that he was not compelled by Great Britain to yield any claim of Canada, but was wholly responsible for the treaty himself; that the provision in regard to the Straits of Canso is nothing new; that the subjecting fishing vessels which did not stay twenty-four hours to report was not enforced against Canadian vessels there or in the United States; that it ought to be abandoned in the interests of good neighborhood; that in the matter of compulsory pilotage the play was not worth the candle; that Canadian fishermen were already exempt from it; that in allowing us to transship cargoes they were only doing what was required by due regard for the credit and reputation of their own country all over the world; that the license to buy casual and needful supplies was a thing demanded in the interests of good neighborhood; that he has left the penalty for unlawfully fishing where he found it.

He further adds that—

The President and the Democratic party from end to end of the United States declare this treaty a fair settlement. * * * We occupy the vantage ground of having these men, out of their own mouths, declare that nothing has been wanting on the part of the Government of Her Majesty to place this question on a fair and equitable basis.

He says they have accomplished this without injuring Canadian interests to any extent whatever; and further, that this admission is worth all their trouble, even if the treaty be rejected.

My friend from Delaware did not like it the other day when I spoke of his arguing the British side of the question; but I do not see how he can help admitting that the British side of the question is stated much more strongly on the other side of this Chamber than it is by Sir Charles Tupper.

In addition to all this, Mr. Davies admits what Sir Charles does not, that the Canadian fisheries laws have been administered with the purpose of vexing, harassing, and irritating fishermen of the United States, and they have accomplished their purpose.

Sir Charles Tupper goes on to declare his confidence that the great Democratic party will remain in the majority, and what he expects from that party, whose prospect of a continued hold of power he contemplates with so much satisfaction, and his especial delight in the Mills bill.

He makes one statement to which I hope and believe even some gentlemen on the other side will not listen without indignation. That there may be no mistake, I will quote it in his own words:

Mr. Bayard told us, the American plenipotentiaries told us, that there was but one way of obtaining what we wished. "You want greater freedom of commercial intercourse. You want relaxation in our tariff arrangements with respect to natural products, in which you are so rich and abundant. There is but one way to obtain it. Let us by common concession, be able to meet on common ground and remove this irritating cause of difficulty out of the way, and you will find that the policy of this Government, the policy of the President and of the House of Representatives, the policy of the great Democratic party of the United States, will at once take an onward march in the direction you

propose, and will accomplish steadily that which you would desire in the only way by which it can ever be attained." These were not empty words. Those were the sober utterances of distinguished statesmen, who pointed to the avowed policy of the Government of the United States as the best evidence of the sincerity of what they said. What has happened already? Already we have action by the financial exponent of the Administration; I mean Mr. Mills. The ink is scarcely dry upon this treaty before he, as the representative of the Government and chairman of the Committee of Ways and Means, brings forward a measure to do what? Why, to make free articles that Canada sends into the United States, and upon which last year \$1,800,000 of duty was paid.—*Canadian Commons Debates*, April 10, 1888, pages 728, 729.

Mr. President, this is not my charge. This is the British envoy reporting to his principal. These words were not spoken in a corner. They were spoken in the Canadian Parliament. They have long since met the eye of Mr. Bayard and of President Cleveland. Sir Charles Tupper doubtless sent them to the President and the Secretary of State, as he did to the members of the Senate. They have gone uncontradicted to this moment. The Secretary has declined to make known even to us, who share the treaty-making power with the President, the preliminary discussions which led to the treaty, on the ground of the confidence due to the British negotiator, a proceeding at which the British negotiator expresses his surprise. Here we have him, according to Sir Charles Tupper, not as the Senator from Delaware said, "leaving party division at the shore's line," telling England, not what is the policy of the American people without distinction of party, not what is the policy of the President and Senate, who are the treaty-making power under our Constitution, but what is the policy of the President and House of Representatives, and what is the policy of the great Democratic party.

Tell us that we are endeavoring to make a party issue on this treaty, when we adhere to the policy that both Houses unanimously and without distinction of party declared a little more than twelve months ago! For the first time, with but a single exception, has a Secretary made such an utterance. For the first time in American history has an administration sought to curry favor with Great Britain on party grounds. For the first time has an American diplomatist told her what she had to expect from a party. It is the author of that utterance who deprecates "the suggestions of partisanship."

I said there was one exception. I said that such a statement was unknown in our diplomatic intercourse with but a single exception. That exception falls far short of the present example. Mr. Van Buren, when Secretary of State, had given the following instructions to Mr. McLane, the minister to Great Britain, for this Government in the negotiation for the opening of British colonial courts to our commerce:

The opportunities which you have derived from a participation in our public councils, as well as other sources of information, will enable you to speak with confidence (as far as you may deem it proper and useful so to do) of the respective parts taken by those to whom the administration of this Government is now committed, in relation to the course heretofore pursued upon the subject of colonial trade. Their views upon that point have been submitted to the people of the United States; and the counsels by which your conduct is now directed are the result of the judgment expressed by the only earthly tribunal to which the late administration was amenable for its acts. It should be sufficient that the claims set up by them, and which cause the interruption of the trade in question, have been exclusively abandoned by those who first asserted them, and are not revived by their successors. If Great Britain deems it adverse to her interests to allow us to participate in the trade with her colonies, and finds nothing in the extension of it to others to induce her to apply the same rule to us, she will, we hope, be sensible of the propriety of placing her refusal upon those grounds. To set up the acts of the late administration as the cause of forfeiture of privileges which would otherwise be extended to the people of the United States would, under existing circumstances, be unjust in itself, and could not fail to excite their deepest sensibility. * * * You can not press this view of

the subject too earnestly upon the consideration of the British minister. It has bearings and relations that reach beyond the immediate question under consideration.

All Mr. Van Buren had done was to call attention to the fact that the former attitude of this country had been taken under another administration; that the part taken by the present administration had been different, and that their views had been submitted to the people; that the old claims had been abandoned and not revived. He suggested no distinction between the opinions of the House of Representatives and the Senate. He made no promise as to the future conduct of a party as to domestic questions in which Great Britain had an interest. His utterances were in his instructions to our own minister, not in diplomatic intercourse with an envoy of Great Britain.

For this his nomination as minister to Great Britain was rejected. Mr. Calhoun, then Vice-President, gave his casting vote for the rejection.

Hear what Delaware had then to say on this matter. Mr. Clayton said:

"He was directed to speak with confidence of the respective parts taken by those to whom the administration of this Government is now committed," to lay before Europe the state of parties in this country, and to degrade and disgrace all the former administrations of our Government, during which this right had been insisted upon, by entirely and unconditionally withdrawing all our claims for justice on that country. He was told, in substance, to press upon England the state of our domestic and party differences at home, and he was admonished that this subject had bearings and relations which reached beyond the immediate question under consideration. * * * Let us say to the British Government this day by our vote that we never consented to the disgrace which has befallen us, and that we prefer to recall the minister who has dishonored us, to all the pretended benefits of this miserable negotiation. On this ground alone I will this day condemn this appointment so far as my vote will go to affect it.

Mr. Webster said:

I think those instructions derogatory in a high degree to the character and honor of the country. I think they show a manifest disposition, in the writer of them, to establish a distinction between his country and his party; to place that party above the country; to make interest at a foreign port for that party, rather than for the country; to persuade the English ministry and the English monarch that they had an interest in maintaining in the United States the ascendancy of the party to which the writer belongs. Thinking thus of the purpose and object of these instructions, I can not be of opinion that their author was a proper representative of the United States at that court. Therefore it is that I propose to vote against his nomination.

It is the first time, I believe, in modern diplomacy, it is certainly the first time in our history, in which a minister to a foreign court has sought to make favor for one party at home against the other, or has stooped from being the representative of the whole country to being the representative of a party. And as this is the first instance in our history of any such transaction, so I intend to do all in my power to make it the last. For one, I set my mark of disapprobation upon it; I contribute my voice and my vote to make it a negative example to be shunned and avoided by all future ministers of the United States.

If, in a deliberate and formal letter of instructions, admonitions and directions are given to a minister and repeated once and again to urge these mere party considerations on the foreign government, to what extent is it probable the writer himself will be disposed towards them in its one thousand opportunities of informal intercourse with the agents of that government?

Mr. GRAY. Do I understand the Senator from Massachusetts to say that Mr. Bayard in a deliberate and formal communication to the British Government introduced any allusion to parties in this country?

Mr. HOAR. I undertake to say what Sir Charles Tupper said in a speech which has been published.

Mr. GRAY. I understood the Senator just now to say that in a deliberate and formal communication Mr. Bayard had done so.

Mr. HOAR. The Senator misunden cood me. I was reading from Mr. Webster.

Mr. GRAY. I am glad to hear the Senator say so.

Mr. HOAR. I am going to repeat what I said. The Senator can not have understood me.

Sir Charles Tupper says that Mr. Bayard told him in substance (I am not now giving the words, which, however, will be printed as they were uttered by Sir Charles Tupper) that if he would make this treaty, the President and the House of Representatives and the great Democratic party would do what Great Britain wanted, and what Canada wanted, in regard to our customs laws in that particular. Then I read from Mr. Webster. That was in one of the informal opportunities of official intercourse which our Secretary of State had with Sir Charles Tupper.

Mr. Webster said that when Mr. Van Buren, as Secretary of State, in a formal letter to our minister in England, had permitted such a thing to be said, it was not only bad in itself, but that we might expect in the thousand and one opportunities of informal intercourse he would go on to do exactly what Sir Charles Tupper says Mr. Bayard has done.

Mr. GRAY. I misunderstood the Senator from Massachusetts, but I wish to say that there is not a particle of evidence which the Senator has produced here showing that Mr. Bayard ever used the language which he has just quoted.

Mr. HOAR. Sir Charles Tupper said it, and it is uncontradicted. Does the Senator believe that the Canadian minister of state, in reporting to that government what took place on that occasion, made a misstatement, or if he did that it would have gone two or three months, fully known to all mankind, without contradiction? I have the debates here, sent me by Sir Charles Tupper himself.

Mr. GRAY. It will be printed, and we shall look at it.

Mr. HOAR. It is all printed, and you can look at it.

But the Senator from Alabama threatens us with foreign war. He says we object to all negotiations and that "we propose to open the door to a new plan of redress which it may be impossible to close until war has filled our land with slaughter." Why, Mr. President, if it were not for my respect for the Senator from Alabama, I should say that this is supremely silly. The whole matter is simple enough. The people of the United States will not be misled. What we propose to say to Great Britain is just this: We do not agree that because we made our fishermen an especially privileged class in 1818, when you would admit no other vessel at all, we are now bound to except them from the advantage of the decencies of hospitable intercourse as they exist in 1888. But if you think otherwise, so be it. You may write the law yourself; but the rule, whatever it is, must apply alike to both parties. If our fishing vessels with their cargoes can only enter your ports for the four purposes mentioned in the convention of 1818, yours shall only enter ours for the same purposes.

Let the same rule apply to both. If the American fishing vessel in distress, or not in distress, can not enter Canadian ports to buy, then the Canadian fishing vessel shall not come into our ports to sell. If we can not unload our cargo of fish there to send it anywhere in the United States to be there sold, you shall not unload your cargo of fish here to send it anywhere in the United States to be there sold. If our ship can not stay twenty-four hours in Halifax your ship shall not stay twenty-four hours in Boston. What is sauce for the cod-fish is sauce

for the mackerel. Make your own rule. Write your own law. Take your own medicine. Put up your own prescription. Sir Charles Tupper says Great Britain did not renounce any rights for her fishing vessels in 1818. That is true. But it is also true that she did not get any rights for her fishing vessels in 1818. Her rights depend on our statute of 1830 and President Jackson's proclamation. Our rights beyond the treaty of 1818 stand on the British order in council.

If that order in council can be recalled at her pleasure, our statute and proclamation can be repealed at ours. If her order in council of 1830 did not mean fishing vessels, or can be now so construed or modified as to not mean them, our statute and proclamation did not mean fishing vessels, or may be so construed or modified as not to mean them. The Senator from Alabama misconceives the spirit of the American people if he expects them to submit to other terms than an equal right and an equal privilege for both sides. He undervalues the intelligence of the American people if he thinks he can frighten them with the idea that Great Britain will fight or will engage in a warfare of commercial restrictions in such a quarrel.

But the Senator says Congress, in the statute of March 3, 1887, put upon the President a discretion it shrank from exercising itself. If it meant retaliation it should have said retaliation. Instead of that, it put upon the President the grave responsibility of doing an act of commercial unfriendliness of his own motion. It is no such thing. Whenever he is satisfied that our fishing vessels are deprived of their rights, or are unjustly vexed or harassed in Canadian waters, the statute declares "it shall be the duty of the President, in his discretion, to deny the vessels of the British Dominion or their fish entrance," etc., with proper exceptions of vessels in distress. He is to make proclamation.

The President may, in his discretion, apply such proclamation to any part or to all of the foregoing named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the privileges of this act.

The discretion vested in him is only as to the extent he shall go. That was clearly indispensable. If he had excluded fish only, and had no power to go further, Canada might in return exclude some other products of ours which she could get elsewhere as conveniently. We had to arm him with discretion to this extent; and also that he should not be compelled to go further than the exigencies required. But it is expressly made his duty to proceed to exercise his discretion under the act, and to take whatever of the steps therein pointed out are necessary to accomplish its purpose.

No, Mr. President, the attempt to becloud this question will not avail. We had a very simple complaint. It was the use of Canadian fishing laws and customs laws to harass our fishermen in British ports and waters, to compel us to let in their fish to our market free of duty. We gave the President a very simple remedy. It was to apply the same rule to the fishermen of both countries. Congress unanimously thought that was all that was needed, and the President signed the bill. But it seems to have occurred to the Secretary of State that his favorite Democratic doctrine of free trade could get some advantage from this business. He invited the British commissioners to come over here, and led them to expect they were to discuss the matter of adjusting commercial relations by treaty. That was found impracticable.

Sir Charles Tupper has declared the astonishment he felt when he found the representatives of the United States unwilling to take up the

subject. He appeals to his own people to decide whether Mr. Bayard's letters and conversation had not fairly led him to that expectation. The Secretary then puts off all the complaints of his American fellow-citizens to a remote future. He permits Great Britain to revive an old exploded pretension, settled by a just interpretation of the treaty of 1818, settled by the history of that treaty, settled by solemn adjudication, settled by long practice, settled by Great Britain's refusal to maintain the absurd pretension of Canada. He leaves the obnoxious Canadian statutes unrepealed, the obnoxious Canadian practices to be resumed at her pleasure. He gets a promise from Canada to observe a few of the common decencies of behavior and of trial, which she confesses she could not refuse with any regard to her own credit, and a promise to let us buy supplies and transship cargoes and crews whenever we admit her to our magnificent market without the fishing rights which she has so gladly and eagerly given for it heretofore.

He admits that Canada has done everything we can reasonably ask, although our vessels are still to be seized by petty officials, the burden still to be put upon our fishermen of proving their innocence, and neither damages or cost are to be recovered for the detention of vessels, the seizure of cargoes, and the breaking up of voyages. He assures Great Britain that the objects and purposes of the great Democratic party, of President and House, are in harmony with hers, and establishes the claim of that party to her future sympathy and support. He induces his Democratic followers to reverse their own policy and to eat the bravest words they ever spoke. This is the cup President Cleveland submits to us. Mr. Bayard expressed in his Boston letter the desire that this matter might be discussed publicly in the Senate. The President in his message advised that we should make public "the exact substance of the proposed adjustment in place of the exaggerated and imaginary statements which would otherwise reach the people." I do not think either then expected to be taken at his word.

No, Mr. President, this treaty is not the road to honor, to safety, or to peace. It is not the road to the respect of Great Britain, or even of Canada. Where it removes one cause of discord it will produce ten. Quiet, firmness, adherence to treaties, submission to the judgments of duly constituted international tribunals, the same rule for both sides, will give us security. We can never have commercial reciprocity till reciprocity of justice and courtesy are first established.

The Americans are not a quarrelsome people. When we remember whose children we are, we have always shown a surprising readiness to yield our just rights for the sake of peace. We have little left to us even of that rash humor which our mother gave us. But we can never live in peace with Canada if we allow her to think that the methods she has taken for the last three years are the ways to gain concessions from us. We can never live in peace with England if we permit her, without prompt and instant protest, to try once more the experiments on our forbearance which preceded the Revolution, which preceded the war of 1812, which accompanied the war of the rebellion. The rejection of this treaty is in the interest of a true, thorough, and lasting peace. We have every motive of kindred, of friendship, and of commercial interest to live in amity with the mother country, and with the young power which is rising on our northern boundary, whose frontier for more than fifty degrees of longitude marches side by side with our own.

We look with no contempt or dislike upon Canada. We are glad to

see the spirit of her young nationality stirring in her veins. We behold with admiration the growth of her magnificent railroad system, and the courage and enterprise with which her statesmen are adding these new links to the chain with which England, like a mighty snake, is winding her coils about the globe. Sir Charles Tupper and Sir John Macdonald may well give lessons to both sides of this Chamber. She is not afraid to create or to control the great railroads that are essential to her commercial prosperity. She does not send away her famous engineers, when they place their genius at her command, humbled and baffled from her legislative chamber, to die in sorrow and disappointment. She is not afraid to build a ship-railway or even to create a navy. But when she asks us to abandon our fishermen to her tender mercies, to build up a naval school for her by giving her fishermen our market, she asks what it is neither fitting for us to yield nor for her to receive.

The American, who reads with pride the civic and military history of his country, can feel the same satisfaction when he comes to the chapter which tells of her diplomacy. In the day of our infancy Franklin, and Adams, and Jay encountered the trained diplomatists of England and the continent, not merely as equals but as masters. The direct, open, sincere, straightforward, untiring energy of brave and honest old John Adams, "whose armor was his honest thought, and simple truth his utmost skill," alone made possible the treaty with Holland. The consummate sagacity and personal influence of Franklin gave us the French alliance. The courage of Adams, the wisdom of Franklin, the austere virtue and steadfast firmness of Jay united in 1783 to save for us, alike from the power of our great antagonist and the wiles of jealous and suspicious allies, everything that was essential to greatness and glory by land and by sea. Later, the foresight and fearlessness of Jefferson gained for us the great Louisiana empire. Monroe and his minister of state won for us the Floridas.

At the close of the war of 1812 John Quincy Adams, and Gallatin, and Clay, and the elder Bayard met the representatives of a power that had one-half of the world for her allies and the other half at her feet. England had just overthrown Napoleon on land, and swept the navies of Europe from the face of the sea. Yet we came from the contest of war, and of diplomacy, with every right and liberty unimpaired, our honor without a stain, with added glory to our flag, and the pretension for which England had gone to war with us never to be heard of again.

We had another war within our own recent memory. Our foes were of our own household. Our ancient enemy and our ancient ally sat at their gates, gazing across the Atlantic, to see if they could discover any pretext for throwing their weight into the scale of rebellion. England gave us provocation enough. You remember the sublime patience with which Abraham Lincoln waited until the hour of our strength came. It was the fortune of another Adams to address to Earl Russell one quiet sentence, perhaps the most eloquent that ever came from an American pen—

It is superfluous to observe to your lordship that this is war.

Foreign office and law officer reversed their decisions in an hour and the rams were stopped. You know how the French Emperor, victor of Sebastopol and Solferino, in the height of his military strength, hurried out of Mexico at a word uttered by Mr. Seward. You remember the time when General Grant gave notice that any

American citizen who had a claim against Great Britain should bring the evidence to him. That haughty power sent over her commissioners to apologize for her wrong, and was held as a defendant to make compensation. You remember how the diplomacy of the same great administration induced nearly every first-class power in Europe to renounce the old doctrine of perpetual allegiance and let our adopted citizens alone.

Those were days when the American citizen, native and adopted, held up his head in the pride of his citizenship. Those were days when our ten thousand million of wealth was becoming fifty thousand; better still, when slaves were changing into freemen, and freemen into citizens. Those were days when the flag, beautiful as a flower to those who loved it, terrible as a meteor to those who hated it, floated everywhere in peaceful seas, and was honored everywhere in friendly ports. No petty British officer hauled it down from an American mast-head. No Canadian minister of justice laughed in the face of an injured American citizen when Grant was in the White House.

I confess that, much meditating on these things, I take little satisfaction when I think of Grover Cleveland. I do not like the policy which everywhere robs American citizenship of its glory. I do not like the methods of fraud and crime which have destroyed popular elections in so many Democratic States. I would have the box where the American freeman casts his ballot sacred as a sacramental vessel. I do not like this conspiracy between the old slave-holder and the English manufacturer, to strike down the wages of the American workman and the comfort of the American workman's home. I do not like your refusal to maintain the American Navy and to fortify and defend the American coast. And I like no better the present treaty. It leaves the American sailor to be bullied and insulted without redress, and abandons the American right to the fisheries, older than the nation itself which the valor of our fathers won for us and the wisdom of our fathers preserved for us.

APPENDIX.

A.

Table showing number of persons engaged in the fisheries from Massachusetts and their place of birth.

[Massachusetts State Census of 1885. Taken from population schedules.]

Place of birth of foreign-born.	Foreign-born males.			Total.
	Allens.	Naturalized voters.	Not voters.*	
Ireland.....	138	186	179	503
Canada (English).....	2	1	5	8
Canada (French).....	12	4	2	18
England.....	41	46	1	88
Scotland.....	16	12	2	30
Nova Scotia.....	960	210	149	1,309
Prince Edward Island.....	118	35	7	160
New Brunswick.....	19	12	31
Germany.....	44	14	2	60

* Ratable polls only or those having no political condition (not including aliens).

Table showing number of persons engaged in the fisheries from Massachusetts and their place of birth—Continued.

Place of birth of foreign-born.	Foreign-born males.			Total.
	Allens.	Naturalized voters.	Not voters.*	
Sweden.....	221	53	18	292
Portugal †.....	167	52	29	247
Western Islands †.....	409	51	41	501
Other countries.....	403	165	28	596
Total foreign-born.....	2,540	841	462	3,843
Total native-born.....				4,130
Total males.....				7,973
Total females.....				7
Total persons.....				7,980

* Reliable polls only or those having no political condition (not including allens).

† "Portugal" includes dependencies other than "Western Islands."

B.

Letter from Professor J. W. Collins, Assistant United States Fish Commissioner, transmitting statistics in regard to the fisheries of Massachusetts.

WASHINGTON, D. C., May 24, 1883.

SIR: In compliance with the instructions contained in your letter of this date (inclosing a letter from Hon. GEORGE F. HOAR) I have the honor to submit the inclosed table showing by customs districts and by totals the number and nationality of men on vessels employed in the cod, mackerel, halibut, herring, and other food-fish fisheries, from the State of Massachusetts, during the year 1883. This table has been compiled from data obtained under the direction of Mr. R. Edward Earle, my predecessor in charge of the division of fisheries. The facts have been chiefly collected by experts of the Fish Commission, but to some extent have been supplied by the masters and owners of the fishing vessels.

There are not available in this office any statistics of the number of men employed in the boat fisheries of 1880, but these have been approximated from the returns obtained by the census of 1880, since which time there has probably been comparatively little change.

The number of men employed in the whale fishery has been estimated on the basis of the average crews of vessels in 1880. At that time the vessels averaged a fraction over twenty-four men each, and as there were ninety-six vessels employed in the whale fisheries from Massachusetts in 1880, it would give us an approximate number of men engaged in that fishery, the last-mentioned year, of 2,304. It has also been necessary to make an approximation of the number of people employed in the preparation of fishery products in Massachusetts, and I believe it safe to assume that these figures are not very much different from the actual facts at the present time.

These statistics for the vessel fisheries have been gathered with much care, as previously stated, by experts thoroughly familiar with the fisheries, and they are, therefore, believed to be exceptionally accurate and valuable.

I hope the table may meet the requirements of Senator HOAR.

Yours very respectfully,

J. W. COLLINS,
Assistant United States Fish Commissioner,
In Charge of Division Fisheries.

HON. MARSHALL McDONALD,
United States Commissioner of Fish and Fisheries,
Washington, D. C.

Comparative statement of the statistics of the fisheries of Massachusetts, compiled from the census returns published in the reports of the "Fisheries Industries of the United States" by the United States Fish Commission in 1890, and the "Fisheries of Massachusetts, census of 1885," prepared under the direction of Col. Carroll D. Wright.

1880. UNITED STATES FISH COMMISSION REPORT.	1885. THE FISHERIES OF MASSACHUSETTS.
Capital invested: Vessels and boats..... \$6,681,980 Nets and traps..... 369,870	Capital invested: Working capital, apparatus, salt, and ice..... \$3,660,581
Real estate, buildings, machinery, and cash... 7,051,850 7,282,600	
Products: Food-fish..... \$1,992,541 Shell-fish..... 649,013 Whale fishery..... 2,080,337 Fertilizer, etc..... 120,659 Miscellaneous..... 299,200 Total..... 8,141,750	Products: Food-fish..... \$4,566,679 Shell-fish..... 359,257 Whale fishery..... 1,270,543 Fish products..... 230,139 Miscellaneous..... 36,074 Total..... 6,462,692
Vessels and tonnage: Food fishery..... 799 42,118.00 Menhaden fishery 35 1,269.70 Oyster fishery..... 6 557.54 Whale fishery..... 161 36,786.51 Seal fishery..... 1 84.65 Squid fishery..... 5 264.00 Total..... 1,007 81,080.49	Vessels and tonnage: Schooners..... 736 47,767.28 Sloops..... 55 352.22 Steamers..... 3 159.03 Whale fishery..... 72 19,932.96 Total..... 866 68,211.49
Small boats: In vessel fishery..... 3,822 In shore fishery..... 2,927 Total..... 6,749	Small boats: Dories, seine-boats, shore-boats, etc..... 5,308
Persons employed: Vessel fishermen..... 8,646 Boat fishermen..... 4,523 Whale fishermen..... 3,991 Total..... 17,165 Shore hands..... 2,952 Total..... 20,117	Persons employed: Resident fishermen..... 11,743 Non-resident fishermen..... 2,933 Shore hands..... 759 Total..... 15,435

There has been considerable decrease in the number of vessels and men employed in the whale fishery from New England since 1830, chiefly due to the fact that the vessels have been transferred from New England whaling ports to San Francisco. In 1886 there were only ninety-six vessels employed in the whale fishery from Massachusetts against one hundred and sixty-one in 1880, and the decrease in the number of men would be approximately 1,300. This number subtracted from the 17,165 employed in the fisheries of Massachusetts, according to the census of 1890, would leave 15,765, as against 14,676 reported by the census of Massachusetts in 1885. It seems, therefore, that these statistical statements corroborate each other, and that there was a probable decrease of about one thousand employed in the State between 1880 and 1885.

The hands employed ashore in preparing boneless fish, fish-glue, etc., all of which were included in the report of 1890, are not taken into account in the State census, where they come under the head of "Manufactures."

Table showing by customs districts the numbers and nationality of men on vessels employed in the cod, mackerel, halibut, herring, and other food-fish fisheries from Massachusetts during the year 1886.

Customs districts.	Total number of men on vessels.	Number of American subjects.	Number of British provincials.	Number of other foreigners.	Percentage of American subjects.	Percentage of British provincials.	Percentage of other foreigners.
Newburyport.....	53	49	4		92	8	
Gloucester.....	5,193	3,365	1,102	726	63	21	14
Salem and Beverly.....	137	111	26		81	19	
Marblehead.....	255	251	2		98	1	
Boston.....	756	567	106	83	75	14	11
Plymouth.....	54	51	3		95	5	
Barnstable.....	2,413	940	604	869	39	25	36
Nantucket.....	14	14			100		
Edgartown.....	25	25			100		
New Bedford.....	89	64		25	72		23
Total.....	8,989	5,437	1,817	1,705	60.4	20.5	19.1

NOTE.—In addition to the above there were twenty-five American subjects and one foreigner employed on vessels engaged exclusively in the lobster and menhaden fisheries.

These figures do not include men fishing in boats and vessels under 5 tons burden, nor men fishing on vessels employed in the whale fishery. Approximate figures for these fisheries show 4,523 men in the boat fishery and 2,304 men in the whale fishery.

No account is here taken of curers, packers, fitters, and factory hands, the approximate number of whom is 2,952.

O.

Table showing number of fishermen and oystermen in New England and their place of birth.

[From the United States Census of 1880.]

Number of fishermen and oystermen in Massachusetts.....	6,103
Number of fishermen and oystermen in Maine.....	4,244
Number of fishermen and oystermen in New Hampshire.....	226
Total in Maine, New Hampshire, and Massachusetts.....	10,573
Number of fishermen and oystermen in Rhode Island.....	579
Number of fishermen and oystermen in Connecticut.....	1,260

Total in New England (Vermont excluded)..... 12,712

DETAIL SHOWING NATIVITY.

States.	United States.	Ireland.	Germany.	Great Britain.	Sweden and Norway.	Canada.	Miscellaneous.
Maine.....	4,017	12	8	24	1	162	20
Massachusetts.....	3,529	492	35	129	237	1,271	410
New Hampshire.....	207			1	4	9	5
Total.....	7,753	504	43	154	242	1,442	435
Rhode Island.....	823	18	5	16	3	12	12
Connecticut.....	1,193	15	8	12	5	2	20
Total.....	9,774	537	56	184	250	1,456	467

D.

Extract from the report of Professor Spencer F. Baird, Commissioner of Fisheries, for 1884.

After giving a list of his authorities (Census Report for 1880) Professor Baird continues as follows:

"The general results of the investigation, from the statistician's standpoint, may be briefly summarized as follows:

"In 1880 the number of persons employed in the fishery industries of the United States was 131,426, of whom 101,634 were fishermen and the remainder were shoremen. The fishing fleet consisted of 6,605 vessels (with a tonnage of 208,297.82) and 44,804 boats, and the total amount of capital invested was \$37,955,319, distributed as follows: Vessels, \$9,357,282; boats, \$2,465,393; minor apparatus and outfits, \$8,145,261; other capital, including shore property, \$17,987,413.

"The value of the fisheries of the sea, the great rivers, and the great lakes was placed at \$13,046,053, and that of those in minor inland waters at \$1,500,000, in all, \$14,546,053. These values were estimated upon the basis of the prices of the products received by the producers, and if average wholesale prices had been considered the value would have been much greater. In 1832 the yield of the fisheries was much greater than in 1880, and prices, both at first hand and at wholesale, were higher, so that a fair estimate at wholesale market rates would place their value at the present time rather above than below \$100,000,000.

"The fisheries of the New England States are the most important. They engage 37,043 men, 2,066 vessels, 14,787 boats, and yield products to the value of \$14,270,393. In this district the principal fishing points in order of importance are: Gloucester, New Bedford, the center of the whale fishery, Eastport, Boston, Provincetown, and Portland.

"Next to New England in importance are the South Atlantic States, employing 52,413 men, 3,014 vessels (the majority of which are small, and engaged in shore and bay fisheries), 13,331 boats, and returning products to the value of \$9,602,737.

"Next are the Middle States, employing in the coast fisheries 14,981 men, 1,210 vessels, 8,293 boats, with products to the amount of \$8,676,579.

"Next are the Pacific States and Territories with 16,803 men, 56 vessels, 5,547 boats, and products to the amount of \$7,484,750. The fisheries of the Great Lakes employ 5,050 men, 62 vessels, and 1,591 boats, with products to the amount of \$1,784,050. The Gulf States employ 5,131 men, 197 vessels, and 1,252 boats, yielding products to the value of \$345,534."

E.

[Resolutions of the city of Gloucester.]

CITY OF GLOUCESTER.

IN COMMON COUNCIL, February 28, 1888.

Resolved, That the city council of Gloucester earnestly protest against the adoption of the so-called Fishery Treaty, which is now before the United States Senate for ratification, believing that its adoption will be a great injury to the fishing interests of the country.

Resolved, That the Senators and Members of Congress representing the State of Massachusetts be requested to use all their influence to prevent the adoption of this treaty, to the end that the fishing industry of the country may not be sacrificed.

Resolved, That a copy of these resolutions be sent to United States Senators HOAR and DAWES, also to each Massachusetts member of the House of Representatives, and that his honor, Mayor Robinson, be requested to transmit the same at once.

Adopted. Sent up for concurrence.

A. F. STICKNEY, Clerk.

IN BOARD OF ALDERMEN, March 8, 1888.

Adopted in concurrence.

JOHN J. SOMES, Clerk.

Approved March 12, 1888.

DAVID I. ROBINSON, Mayor.

A true copy, attest:

JOHN J. SOMES, City Clerk.

F.

Preamble and resolutions adopted at a meeting of the Gloucester Master Mariners' Association, at Gloucester, Mass., Friday evening, April 13, 1883; Henry B. Thomas, president; William M. Gaffney, secretary.

Whereas in every treaty between Great Britain and the United States since 1783, the rights of American fishermen have been sacrificed; and

Whereas the present treaty now under consideration by the Senate of the United States is a still further surrender of our rights upon the high seas, in the proposed act of delimitation by which the headland theory of Great Britain is established, and jurisdiction is assumed over waters which are the property of all nations; and

Whereas by the terms of this treaty the common offices of humanity, acknowledged, practiced, and obeyed by all civilized nations, have been claimed as concessions and made a matter of bargain and sale; and

Whereas the ambiguous language of this treaty makes many of its provisions uncertain, resting their interpretations solely upon Canadian local law; and

Whereas no indemnity for past wrongs and outrages are provided, and no recognition of the rights conferred on American vessels in Canadian ports, by mutual legislation, is made, but, on the contrary, every such right is denied and the barbarous acts of Canada is justified and allowed; and

Whereas both treaty and protocol are but the initiatory steps towards the complete surrender of the markets of the United States, by which the fisheries of Canada will be developed and enlarged and those of the United States depleted and destroyed; Therefore,

Resolved, That this association, composed of the masters of American fishing-vessels, who know by contact and experience the full significance of Canadian diplomacy, cordially unite with their brethren of other associations in the following declarations:

That in common with the other producing industries of the country, we ask of the General Government neither subsidy nor bounty, but simply equal protection.

That we have neither asked nor sought the intervention of any commission, mixed or otherwise, to define our just rights upon the high seas or in foreign ports, but have appealed to our own Government to maintain the integrity and just interpretation of treaties and legislation, under which our business rights as American citizens are affected.

That we neither use nor desire to use Canadian waters for practical fishing, but simply ask that our commercial rights therein shall be defined by our own Government, and when so defined, maintained.

That the American ocean fisheries are not dependent upon any favor or privilege, to be granted by Canada, but on the contrary the natural resources of our own country and the high seas afford everything necessary for the prosecution of our business.

That we will cheerfully conform to whatever construction our own Government shall place upon existing treaties and legislation, and desire no new treaty that shall dictate our national legislation or destroy the small remnant of protection we now have.

Resolved, That we appeal to the honorable Senate of the United States, which has by a most eminent commission thoroughly investigated the subject of our fishery relations with Canada, and whose report has passed through the legislation of both Houses of Congress, been unanimously approved, to sustain the honor and dignity of the Government of the United States, by maintaining the integrity of their action, and the rights of our citizens, by refusing to approve the treaty, or consent to so complete a surrender of our rights as a nation.

Resolved, That as the entire fishing interest of the United States has not been allowed any representation whatever by the negotiators of this treaty, while the commission of the Senate visited every location and obtained sworn testimony from the operative fishermen of the country, the reason for the difference in results is clearly apparent.

Resolved, That we respectfully ask for prompt and immediate action upon this treaty, by the honorable Senate, in order that our national honor may be vindicated, and the rights of our citizens assured, in every foreign port and upon the high seas.

Capt. Henry B. Thomas, schooner M. H. Thomas; Capt. Joseph Smith, schooner Lizzie M. Center; Capt. George A. Johnson, schooner Augusta H. Johnson; Capt. John Chisholm, schooner Harry G. French; Capt. Nathaniel P. Smith, schooner Margie Smith; Capt. John P. Aiken, schooner Bartie Pierce; Capt. Thomas H. White, schooner Rapid Transit; Capt. William Mailman, schooner Alabama; Capt. Joseph E. Graham, schooner Sen-

ator Morgan; Capt. John McInnis, schooner Willie M. Stevens; Capt. John A. McKinnon, schooner Mayflower; Capt. Geo. H. Martin, schooner Ethel Maud; Capt. Plus McDonald, schooner Edith S. Walen; Capt. John Geary, schooner Della F. Tarr; Capt. William B. McDonald, schooner Blue Jacket; Capt. Alexander McEachern, schooner Mascot; Capt. Sylvanus McPhee, schooner Canopus; Capt. Joseph L. Tupper, schooner Jennie Seavens; Capt. Solomon A. Rowe, schooner Wm. H. Foye; Capt. Geo. W. Dixon, schooner Henry W. Longfellow; Capt. Mannel Silva, schooner J. W. Collins; Capt. William F. Harris, schooner Col. J. H. French; Capt. Edward Morris, schooner Abbie F. Morris; Capt. Colin Chisholm, schooner John W. Campbell; Capt. John Collins, schooner Annie M. Jordan; Capt. Angus McKay, schooner New England; Capt. H. M. Seelye, schooner Argonaut; Capt. John S. McQuin, schooner Druid; Capt. Alexander McNeil, schooner M. A. Baston; Capt. John McKinnon, schooner Starry Flag; Capt. Sidney Smith, schooner Fred. P. Frye; Capt. N. A. McKinney, schooner Shiloh; Capt. Robert Smith, schooner Volunteer; Capt. Joseph L. Swim, schooner Edith Rowe; Capt. Levi N. McLean, schooner Herald of the Morning; Capt. R. I. Cunningham, schooner Enola C.; Capt. Charles Lee, schooner Orient; Capt. James McShara, schooner Alert; Capt. Jesse Lewis, schooner Lizzie W. Hannum; Capt. James Fiers, schooner Zenobia; Capt. Colin McIntosh, schooner Nellie G. Thurston; Capt. James Crowwell, schooner Hattie Evelyn; Capt. James Simpson, schooner Ralph E. Eaton; Capt. James L. Anderson, schooner Wm. H. Jordan; Capt. Joseph M. Bearse, schooner Star of the East; Capt. Robert Porper, schooner Gladstone; Capt. William P. Gray, schooner Leona; Capt. Charles Martin, schooner John S. McQuin; Capt. Charles J. Lawson, schooner Herman Babson; Capt. John Marshall, schooner Landseer; Capt. Sewall W. Smith, schooner Rattler; Capt. B. A. Williams, schooner G. P. Whitman; Capt. Russell D. Terry, schooner Ada R. Terry; Capt. M. B. Murray, schooner M. M. Murray; Capt. Frank Veator, schooner Alice; Capt. Daniel Melutyre, schooner Gertie Evelyn; Capt. Harry Gardner, schooner Samuel V. Colby; Capt. William Gould, schooner F. W. Homans; Capt. Jed. Warren, schooner Alice C. Jordan; Capt. William Dempsey, schooner Mattie F. Dyer; Capt. Owen A. Whitten, schooner Carr e W. Babson; Capt. William Herrick, schooner George F. Keene; Capt. John W. McFarland, schooner Emma W. Brown; Capt. William H. Greenleaf, schooner Porter S. Roberts; Capt. John Dowdell, schooner Matthew Keany; Capt. F. B. Vautier, schooner Thetis; Capt. John Campbell, schooner Grace L. Fears; Capt. William H. Collins, schooner Lucy E. Friend; Capt. John A. Griffin, schooner Lizzie Griffin; Capt. William N. Wells, schooner Bessie N. Wells; Capt. Thomas Bohlin, schooner John G. Whittier; Capt. Thomas Jones, schooner Alice S. Hawkes; Capt. William T. Lee, schooner Sarah E. Lee; Capt. Henry F. Brown, schooner Edith Conley; Capt. Amos N. Rackliffe, schooner Frank A. Rackliffe; Capt. Stephen B. Cole, schooner Lelia Norwood; Capt. Nathaniel Greenleaf, schooner Lizele J. Greenleaf; Capt. O. B. Fitch, schooner Davy Crockett; Capt. Harlan Eaton, schooner Electa A. Eaton; Capt. Wilson Calhoun, schooner Flora Dilloway; Capt. Frank H. Hall, schooner Fannie Bell; Capt. Wm. H. Thomas, schooner Mystic; Capt. Edward Stapleton, schooner Champion; Capt. Daniel McKinnon, schooner Minnesota; Capt. John A. McDonald, schooner W. W. Rice; Capt. Thomas Lewis, schooner Winged Arrow; Capt. Peter McAuley, schooner A. E. Whyland; Capt. Thomas Goodwin, schooner Lottie P. Morton; Capt. Oliver Collins, schooner Robert J. Edwards; Capt. Plus McPhee, schooner David A. Story; Capt. D. S. Nickerson, schooner William H. Wellington; Capt. Hanson Joyce, steamer Novelty; Capt. Edward W. Hall, schooner Martha A. Bradley; Capt. D. E. Collins, schooner Grampus; Capt. William Grant, schooner David Low; Capt. Seth S. Nickerson, schooner Sarah P. Ayer; Capt. John E. Sigsworth, schooner Anne and Mary; Capt. Maurice Whalen, schooner Fannie W. Freeman; Capt. Frank Wright, schooner Magnolia; Capt. Otto Johnson, schooner Loring B. Haskell; Capt. Osborne Maguire; Capt. Albert Hendrickson, schooner Brunhilde; Capt. T. F. Hodgdon, schooner Ralph F. Hodgdon; Capt. James A. McKinnon, schooner Ada M. Hall; Capt. Charles Nute, schooner Fernwood; Capt.

John Pago, schooner Concord; Capt. Jerome B. McDonald, schooner Monitor; Capt. Angus Campbell, schooner Augusta E. Herriek; Capt. Andrew McKenzie, schooner Senator Satisbury; Capt. George M. McClain, schooner Henry Dennis; Capt. Charles Hart, schooner I. J. Merritt, jr.; Capt. Loring B. Nauss, schooner Belle A. Nauss; Capt. Frank Carroll, schooner Warren J. Crosby; Capt. Augustus Hall, schooner Anna B. Cannon; Capt. Alexander Trench, schooner Marion Grimes; Capt. Frank Foster, schooner Frank Foster; Capt. Edward Trevoy, schooner Edward Trevoy; Capt. Joseph Ryan, schooner A. D. Story; Capt. William Maguire, schooner John W. Bray; Capt. Thomas Parls, schooner Governor Butler; Capt. John A. Vibert, schooner Spencer F. Halrd; Capt. Cornelius Thorburne, schooner John S. Presson; Capt. Wm. Gibbs, schooner Oceanus; Capt. John Cousens, schooner Barracouta; Capt. L. G. Hodgdon, schooner William H. Cross; Capt. Charles Benson, schooner Eliza R.; Capt. Alex. Haines, schooner Julia Whalen; Capt. Peter Roberts, schooner Vesta; Capt. John Q. Getchell, schooner Vinnie M. Getchell; Capt. John Tavenner, schooner Mattie Winship; Capt. Zenas Brown, schooner Morrill Boy; Capt. Thomas Thompson, schooner Edward Everett; Capt. John Coney, schooner Lizzie; Capt. A. J. Burnham, schooner Robin Hood; Capt. Edward Cosgrove, schooner Alert; Capt. Willard G. Pool, schooner George F. Edmunds; Capt. William Kiff, schooner Fleetwing; Capt. B. F. Payson, schooner S. F. Maker; Capt. Charles Burchart, schooner William M. Gaffney; Capt. Edward Groves, schooner Edward P. Boynton; Capt. Collin Chisholm, schooner J. W. Campbell; Capt. Charles Smith, schooner Finance; Capt. John McDonald, schooner Farmer R. Walker; Capt. John McDonnell, schooner Scud.

G.

Resolutions adopted by the New York Board of Trade and Transportation, at the monthly meeting, March 14, 1888.

THE FISHERY TREATY.

Whereas Canada, under a forced interpretation of the treaty of 1818, (which was superceded by those of 1830 and 1871,) has sought by unjust seizures of American fishing vessels to compel the United States to admit salt fish free of duty; and

Whereas the United States Commissioners appointed to negotiate a just and equitable treaty for the settlement of the fisheries question have reported a form of treaty which is unjust and inequitable, inasmuch as it denies to Americans (unless purchased by making fish free of duty) the same rights which was conceded to the Canadians, namely, the purchase of supplies, the shipment of merchandise in bond from one country to another, the shelter in port for a longer period than twenty-four hours, and fishing in waters more than 3 miles from shore if within imaginary lines drawn from headland to headland; and

Whereas the justice of all these claims of American fishermen was conceded by our Department of State, as is shown by its correspondence, but they were waived by the American commissioners, apparently with an entire disregard of the rights and interests of American fishermen; and

Whereas Canadian fishermen enjoy advantages in bounties, special exemption from taxation, and lower prices for labor and materials which are not enjoyed by American fishermen, and which would speedily crush our American fishing industry if the protecting barrier of the duty was removed, an illustration of which is seen in the effect of the treaty of Washington, under which the Canadian fishing fleet increased in twelve years from four hundred vessels to eleven hundred, while ours decreased in the same time 30 per cent.;

Resolved, That as long as any industry is thus protected in the United States the duty on fish should be continued, and when removed the persons engaged in this hazardous industry should be granted a bounty which will in some degree encourage them to continue same.

Resolved, That the importance of the sea fisheries to our country can not be measured by the capital employed, for they constitute a nursery for our commercial marine and our Navy, the usefulness of which has been demonstrated in every emergency when we have been called upon to maintain the rights and honor of our flag on the high seas.

Resolved, That while we have every desire to cultivate friendly relations with our neighbors and to encourage the present Administration in efforts to that end, we would be false to our duties as American citizens and business men if we failed to protest against the ratification of a treaty so unjust and inequitable and which sacrifices nearly every right for which our Government has been contending.

Resolved, That this question should not be considered from an administration or anti-administration, a free-trade or protection point of view, but from a na-

tional and business standpoint, and we feel confident that if this treaty is thus considered it will not receive the approval of the Senate, the co-ordinate branch of the treaty-making power.

Resolved, That if the Canadian Government should persist in unjust treatment of American fishing vessels, it can only have the effect to interfere with and delay the closer commercial relations between the United States and Canada which so many persons in both countries would be glad to see consummated, and if continued will inevitably result in a greater or less degree of non-intercourse for which our last Congress unanimously conferred authority upon the President.

Resolved, That copies of these resolutions be transmitted to the President and Senate and to such other persons as the executive committee may direct.

II.

[Resolution of Gloucester Board of Trade.]

GLOUCESTER, MASS., April 26, 1888.

To Hon. GEORGE F. HOAR:

At a meeting of the Gloucester Board of Trade held this morning, Joseph O. Proctor, president, presiding, the following resolution was presented by Charles H. Pew, esq., and unanimously adopted:

Resolved, That the proposed Chamberlain treaty is detrimental to the interests of the United States as a people, and injurious to its honor and dignity as a nation, and ought not to be ratified.

CYRUS STORY, Secretary.

I.

[Resolutions of the American Fishery Union.]

Whereas the present national interest in the matter of the American fisheries has oftentimes been subjected to unfavorable criticism by reason of the facts being misunderstood, the American Fishery Union desires to place upon record their position in the following resolution:

Resolved, That, in common with other producing industries of the country, we ask of the General Government neither subsidy nor bounty, but simply equal protection.

Resolved, That we have neither asked nor sought the intervention of any commission, mixed or otherwise, to define our just rights on the high seas or in foreign ports, but have appealed to our own Government to maintain the integrity and just interpretation of treaties and legislation under which our business and rights as American citizens are affected.

Resolved, That we neither use nor desire to use Canadian waters for practical fishing, but simply ask that our commercial rights therein shall be defined by our own Government, and, when so defined, maintained.

Resolved, That the American ocean fisheries are not dependent upon any favor or privilege granted by Canada, but, on the contrary, the natural resources of our own country and the high seas afford everything necessary for the prosecution of our business.

Resolved, That we cheerfully conform to whatever construction our own Government shall place upon existing treaties and legislation, and desire no new treaty that shall dictate our national legislation or destroy the small remnant of protection we now have.

Resolved, That the freedom of our ports and markets afforded Canadian vessels is in marked contrast to that afforded American vessels in Canadian ports when sailing under papers issued by the United States Government, conferring all rights and privileges upon them, and that a refusal on the part of the Canadian Government to recognize such papers bearing the seal of the United States is an act of non-intercourse, and justifies retaliation.

J.

[Notice of Louis Henry Davies, extracted from Appleton's Biographical Dictionary.]

Davies, Louis Henry, Canadian statesman, born in Charlottetown, Prince Edward Island, May 4, 1845. He was educated at the Central Academy and Prince of Wales College, Charlottetown, and was admitted to the bar in 1866. He was solicitor-general of his native province in 1869, and again in 1872-'73; was the leader of the opposition in the Legislative Assembly until September, 1876, when he became premier and attorney-general, which portfolios he retained till 1879, when his administration resigned. He was elected to the local Legislature in 1872, and re-elected from time to time till 1879, when he was defeated. In 1882 he was elected to represent Queens County, Prince Edward Island, in the Dominion Parliament, and still (1886) represents that constituency. He was counsel for the tenantry of Prince Edward Island before the land commission, which sat in 1875-'76, when the estates of all proprietors in the island

were expropriated by the province. He was also one of the counsel representing Great Britain before the international fishery commission which sat at Halifax, Nova Scotia, in 1877, under articles of the Washington treaty. He is a Liberal.

K.

[Articles X and XI of the proposed fisheries treaty.]

ARTICLE X.

United States fishing vessels entering the bays or harbors referred to in Article I of this treaty, shall conform to harbor regulations common to them and to fishing vessels of Canada or of Newfoundland.

They need not report, enter, or clear, when putting into such bays or harbors for shelter or repairing damages, nor when putting into the same, outside the limits of established ports of entry, for the purpose of purchasing wood or of obtaining water; except that any such vessel remaining more than twenty-four hours, exclusive of Sundays and legal holidays, within any such port, or communicating with the shore therein, may be required to report, enter, or clear; and no vessel shall be excused hereby from giving due information to boarding officers.

They shall not be liable in any such bays or harbors for compulsory pilotage; nor, when therein for the purpose of shelter, of repairing damages, of purchasing wood, or of obtaining water, shall they be liable for harbor dues, tonnage dues, buoy dues, light dues, or other similar dues; but this enumeration shall not permit other charges inconsistent with the enjoyment of the liberties reserved or secured by the convention of October 20, 1818.

ARTICLE XI.

United States fishing vessels entering the ports, bays, and harbors of the eastern and northeastern coasts of Canada or of the coasts of Newfoundland under stress of weather or other casualty may unload, reload, transship, or sell, subject to customs laws and regulations, all fish on board, when such unloading, transshipment, or sale is made necessary as incidental to repairs, and may replenish outfits, provisions, and supplies damaged or lost by disaster; and in case of death or sickness shall be allowed all needful facilities, including the shipping of crews.

Licenses to purchase in established ports of entry of the aforesaid coasts of Canada or Newfoundland, for the homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels shall be granted to United States fishing vessels in such ports, promptly upon application and without charge; and such vessels, having obtained licenses in the manner aforesaid, shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to the trading vessels; but such provisions or supplies shall not be obtained by barter nor purchased for resale or traffic.

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A list of American vessels seized, detained, or warned off from the Canadian ports during the last year.

1. Sarah B. Putnam.—Beverly, Mass.; Charles Randolph, master. Driven from harbor of Pubnico in storm March 22, 1886.

2. Joseph Story.—Gloucester, Mass. Detained by customs officers at Baddeck, Nova Scotia, in April, 1886, for alleged violations of the customs laws. Released after twenty-four hours' detention.

3. Seth Stockbridge.—Gloucester, Mass.; Antone Olson, master. Warned off from St. Andrews, New Brunswick, about April 30, 1886.

4. Annie M. Jordan.—Gloucester, Mass.; Alexander Haine, master. Warned off at St. Andrews, New Brunswick, about May 4, 1886.

5. David G. Adams.—Gloucester, Mass.; Aiden Kinney, master. Seized at Digby, Nova Scotia, May 7, 1886, for alleged violation of the treaty of 1818, act of 59 George III, and act of 1883. Two suits brought in vice-admiralty court at Halifax for penalties. Protest filed May 12. Suits pending still, and vessel not yet released apparently.

6. Susie Cooper (Hooper?).—Gloucester?, Mass. Boarded and searched, and crew rudely treated, by Canadian officials in Canso Bay, Nova Scotia, May, 1886.

7. Ella M. Doughty.—Portland, Me.; Warren A. Doughty, master. Seized at St. Ann's, Cape Breton, May 17, 1886, for alleged violation of customs laws. Suit was instituted in vice-admiralty court at Halifax, Nova Scotia, but was subsequently abandoned, and vessel released June 20, 1886.

8. Jennie and Julia.—Eastport, Me.; W. H. Travia, master. Warned off at Digby, Nova Scotia, by customs officers, May 18, 1886.

9. Lucy Ann.—Gloucester, Mass.; Joseph H. Smith, master. Warned off at Yarmouth, Nova Scotia, May 29, 1886.

10. Matthew Keany.—Gloucester, Mass. Detained at Souris, Prince Edward Island, one day for alleged violation of customs laws, about May 31, 1886.
11. James A. Garfield.—Gloucester, Mass. Threatened, about June 1, 1886, with seizure for having purchased bait in a Canadian harbor.
12. Martha W. Braddy.—Gloucester, Mass.; J. F. Ventier, master. Warned off at Canso, Nova Scotia, between June 1 and 8, 1886.
13. Eliza Boynton.—Gloucester, Mass.; George E. Martin, master. Warned off at Canso, Nova Scotia, between June 1 and 9, 1886. Then afterwards detained in manner not reported, and released October 25, 1886.
14. Mascot.—Gloucester, Mass.; Alexander McEachern, master. Warned off at Port Amherst, Magdalen Islands, June 10, 1886.
15. Thomas F. Bayard.—Gloucester, Mass.; James McDonald, master. Warned off at Bonne Bay, Newfoundland, June 12, 1886.
16. James G. Craig.—Portland, Me.; Webber, master. Crew refused privilege of landing for necessaries at Brooklyn, Nova Scotia, June 15 or 16, 1886.
17. City Point.—Portland, Me.; Keene, master. Detained at Shelburne, Nova Scotia, July 2, 1886, for alleged violation of customs laws. Penalty of \$400 demanded. Money deposited, under protest, July 12, and in addition \$120 costs deposited July 14. Fine and costs refunded July 21, and vessel released August 26. Harbor dues exacted August 26, notwithstanding vessel had been refused all the privileges of entry.
18. C. P. Harrington.—Portland, Me.; Frellek, master. Detained at Shelburne, Nova Scotia, July 3, 1886, for alleged violation of customs laws; fined \$100 July 5; fine deposited, under protest, July 12; \$120 costs deposited July 14; refunded July 21, and vessel released.
19. Hereward.—Gloucester, Mass.; McDonald, master. Detained two days at Canso, Nova Scotia, about July 3, 1886, for shipping seamen contrary to port laws.
20. G. W. Cushing.—Portland, Me.; Jewett, master. Detained July (by another report, June) 3, 1886, at Shelburne, Nova Scotia, for alleged violation of the customs laws; fined \$100; money deposited with collector at Halifax about July 12 or 14, and \$120 for costs deposited 14th; costs refunded July 21, and vessel released.
21. Golden Hind.—Gloucester, Mass.; Ruben Cameron, master. Warned off at Bay of Chaleurs, Nova Scotia, on or about July 23, 1886.
22. Novelty.—Portland, Me.; H. A. Joyce, master. Warned off at Platon, Nova Scotia, June 29, 1886, where vessel had entered for coal and water; also refused entrance at Amherst, Nova Scotia, July 24.
23. N. J. Miller.—Booth Bay, Me.; Dickson, master. Detained at Hopewell Cape, New Brunswick, for alleged violation of customs laws, on July 24, 1886. Fined \$400.
24. Rattler.—Gloucester, Mass.; A. F. Cunningham, master. Warned off at Canso, Nova Scotia, June, 1886. Detained in port of Shelburne, Nova Scotia, where vessel entered seeking shelter August 3, 1886. Kept under guard all night and released on the 4th.
25. Caroline Vought.—Booth Bay, Me.; Charles S. Reed, master. Warned off at Pasphebe, New Brunswick, and refused water, August 4, 1886.
26. Shiloh.—Gloucester, Mass.; Charles Nevil, master. Boarded at Liverpool, Nova Scotia, August 9, and subjected to rude surveillance.
27. Julia Ellen.—Booth Bay, Me.; Burnes, master. Boarded at Liverpool, Nova Scotia, August 9, 1886, and subjected to a rude surveillance.
28. Freddie W. Alton.—Provincetown, Mass.; Alton, master. Boarded at Liverpool, Nova Scotia, August 9, 1886, and subjected to rude surveillance.
29. Howard Holbrook.—Gloucester, Mass. Detained at Hawkesbury, Cape Breton, August 17, 1886, for alleged violation of the customs laws. Released August 20 on deposit of \$100. Question of remission of fine still pending.
30. A. R. Crittenden.—Gloucester, Mass.; Bain, master. Detained at Hawkesbury, Nova Scotia, August 27, 1886, for alleged violation of customs laws. Four hundred dollars penalty deposited August 28 without protest, and vessel released. Three hundred and seventy-five dollars remitted, and a nominal fine of \$25 imposed.
31. Mollie Adams.—Gloucester, Mass.; Solomon Jacobs, master. Warned off into storm from Straits of Canso, Nova Scotia, August 31, 1886.
32. Highland Light.—Wellfleet, Mass.; J. H. Ryder, master. Seized off East Point, Prince Edward Island, September 1, 1886, while fishing within prohibited line. Suit for forfeiture begun in vice admiralty court at Charlottetown. Hearing set for September 20, but postponed to September 30. Master admitted the charge and confessed judgment. Vessel condemned and sold December 14. Purchased by Canadian Government.
33. Pearl Nelson.—Provincetown, Mass.; Kemp, master. Detained at Arichat, Cape Breton, September 8, 1886, for alleged violation of customs laws. Released September 9, on deposit of \$200. Deposit refunded October 26, 1886.
34. Pioneer.—Gloucester, Mass.; F. F. Cruchard, master. Warned off at Canso, Nova Scotia, September 9, 1886.

35. Everett Steel.—Gloucester, Mass.; Charles H. Forbes, master. Detained at Shelburne, Nova Scotia, September 10, 1886, for alleged violation of customs laws. Released by order from Ottawa, September 11, 1886.

36. Moro Castle.—Gloucester, Mass.; Edwin M. Joyce, master. Detained at Hawkesbury, Nova Scotia, September 11, 1886, on charge of having smuggled goods into Chester, Nova Scotia, in 1884, and also of violating customs laws. A deposit of \$1,600 demanded. Vessel discharged November 24, 1886, on payment, by agreement, of \$1,000 to Canadian Government.

37. William D. Dalsley.—Gloucester, Mass.; J. E. Gorman, master. Detained at Souris, Prince Edward Island, October 4, 1886, for alleged violation of customs law. Fined \$400, and released on payment; \$375 of the fine remitted.

38. Laura Sayward.—Gloucester, Mass.; Medeo Rose, master. Refused privilege of landing to buy provisions at Shelburne, Nova Scotia, October 5, 1886.

39. Marion Grimes.—Gloucester, Mass. Detained at Shelburne, Nova Scotia, October 9, for violation of port laws in failing to report at custom-house on entering. Fined \$400. Money paid under protest and vessel released. Fine remitted December 4, 1886.

40. Jennie Seaverns.—Gloucester, Mass.; Joseph Tupper, master. Refused privilege of landing, and vessel placed under guard at Liverpool, Nova Scotia, October 20, 1886.

41. Flying Send.—Gloucester, Mass. Detained for alleged violation of customs laws at Halifax, November 1, or about that time. Released November 16, 1886.

42. Sarah H. Prior.—Boston, Mass. Refused the restoration of a lost seine, which was found by a Canadian schooner, December, 1886.

43. Boat (name unknown).—Stephen R. Balcom, master, Eastport, Me. Warned off at St. Andrews, New Brunswick, July 9, 1886, with others.

44. Two small boats (unnamed).—Charles Smith, Pembroke, Me., master. Seized at East Quaddy, New Brunswick, September 1, 1886, for alleged violation of customs laws.

45. Druid (foreign built).—Gloucester, Mass. Seized, warned off, or molested otherwise at some time prior to September 6, 1886.

46. Abbey A. Snow.—Injury to this vessel has not been reported to the Department of State.

47. Eliza A. Thomas.—Injury to this vessel has not been reported to the Department of State.

48. Wide Awake.—Eastport, Me.; William Foley, master. Fined at L'Etang, New Brunswick, \$75 for taking away fish without getting a clearance; again November 13, 1886, at St. George, New Brunswick, fined \$20 for similar offense. In both cases he was proceeding to obtain clearances.

49. Eliza A. Thomas (schooner).—Portland, Me.; E. S. Bibbs, master. Wrecked on Nova Scotia shore, and unable to obtain assistance. Crew not permitted to land or to save anything until permission was received from captain of cutter. Canadian officials placed guard over fish saved, and everything saved from wreck narrowly escaped confiscation. (From statements of C. D. Thomas, owner, Portland, Me.)

50. Christian Ellsworth (schooner).—Eastport, Me.; James Ellsworth, master. Entered Port Hastings, Cape Breton, for wood; anchored at 10 o'clock, and reported at custom-house. At 2 o'clock was boarded by captain of cutter Hector and ordered to sea, being forced to leave without wood. In every harbor entered was refused privilege of buying anything. Anchored under lee of land in no harbor, but was compelled to enter at custom-house. In no two harbors were the fees alike. (From statements of James Ellsworth, owner and master, Eastport, Me.)

51. Mary W. Whorf (schooner).—Wellfleet, Mass.; Simon Berrio, master. In July, 1886, lost seine off North Cape, Prince Edward Island, and not allowed to make any repairs on shore, causing a broken voyage and a long delay. Ran short of provisions, and being denied privilege of buying any on land, had to obtain from another American vessel. (From statements of Freeman A. Snow, owner, Wellfleet, Mass.)

52. Stowell Sherman (schooner).—Provincetown, Mass.; S. F. Hatch, master. Not allowed to purchase necessary supplies, and obliged to report at custom-houses, situated at distant and inconvenient places; ordered out of harbors in stress of weather, mainly out of Casemipe Harbor, Prince Edward Island, nineteen hours after entry, and out of Malpeque Harbor, Prince Edward Island, fifteen hours after entry, with then blowing too hard to admit of fishing. Returned home with broken trip. (From statements of Samuel T. Hatch, owner and master, Provincetown, Mass.)

53. Walter L. Rich (schooner).—Wellfleet, Mass.; Obadiah Rich, master. Ordered out of Malpeque, P. E. I., in unsuitable weather for fishing, having been in harbor only twelve hours. Denied right to purchase provisions. Forced to enter at custom-house at Port Hawkesbury, C. B., on Sunday, collector fearing that vessel would leave before Monday and he would thereby lose his fee. (From statements of Obadiah Rich, owner and master, Wellfleet, Mass.)

54. Bertha D. Nickerson (schooner).—Booth Bay, Me.; N. E. Nickerson, master. Incurred considerable expense by being denied Canadian harbors to procure crew, and detained in spring while waiting for men to come from Nova Scotia. (From statements of S. Nickerson & Sons, owners, Booth Bay, Me.)

55. Newell B. Hawes (schooner).—Wellfleet, Mass.; Thomas C. Kennedy, master. Refused privilege of buying provisions in ports on Bay St. Lawrence, and in consequence obliged to leave for home with half a cargo. Made harbor at Shelburne, Nova Scotia, in face of storm, at 5 p. m., and master immediately started for custom-house, 5 miles distant, meeting captain of cutter Terror on way, to whom he explained errand. On returning, found two armed men from cutter on his vessel. At 7 o'clock next morning was ordered to sea, but refused to go in the heavy fog. At 9 o'clock the fog lifted slightly, and, though the barometer was very low and a storm imminent, vessel was forced to leave. Soon met the heavy gale, which split sails, causing considerable damage. Captain of Terror denied claim to right of remaining in harbor twenty-four hours. (From statements of T. C. Kennedy, part owner and master, Wellfleet, Mass.)

56. Helen P. Tredick (schooner).—Cape Porpoise, Me.; R. J. Nunan, master, July 20, 1886, entered Port Latour, N. S., for shelter and water. Was ordered immediately to sea. (From statements of R. J. Nunan, owner and master, Cape Porpoise, Me.)

57. Nellie M. Snow (schooner).—Wellfleet, Mass.; A. E. Snow, master. Was not allowed to purchase provisions in any Canadian ports, or to refit and land and ship fish, consequently compelled to leave for home with a broken trip. Not permitted to remain in ports longer than local Canadian officials saw fit. (From statements of J. C. Young, owner, Wellfleet, Mass.)

58. Gertrude Summers (schooner).—Wellfleet, Mass.; N. S. Snow, master. Refused privilege of purchasing provisions, which resulted in injury to voyage. Found harbor regulations uncertain. Sometimes could remain in port twenty-four hours, again was ordered out in three hours. (From statements of N. S. Snow, owner and master, Wellfleet, Mass.)

59. Charles R. Washington (schooner).—Wellfleet, Mass.; Jesse S. Snow, master. Master was informed by collector at Ship Harbor, C. B., that if he bought provisions, even if actually necessary, he would be subject to a fine of \$400 for each offense. Refused permission by the collector at Souris, P. E. I., to buy provisions, and was compelled to return home September 10, before close of fishing season. Was obliged to report at custom-house every time he entered a harbor, even if only for shelter. Found no regularity in the amount of fees demanded, this being apparently at the option of the collector. (From statements of Jesse S. Snow, owner and master, Wellfleet, Mass.)

60. John M. Hall (schooner).—Provincetown, Mass.; N. W. Freeman, master. Driven out of Gulf of St. Lawrence to avoid fine of \$400 for landing two men in the port of Malpeque, Prince Edward Island. Was denied all supplies, except wood and water, in same port. (From statements of N. W. Freeman, owner and master, Provincetown, Mass.)

61. Zephyr (schooner).—Eastport, Me.; Warren Pulk, master. Cleared from Eastport May 31, 1886, under register for West Isles, New Brunswick, to buy herring. Collector refused to enter vessel, telling captain that if he bought fish which were plenty at the time, the vessel would be seized. Returned to Eastport, losing about a week, which resulted in considerable loss to owner and crew. (From statements of Guilford Mitchell, owner, Eastport, Me.)

62. Abdon Keene (schooner).—Bremen, Me.; William C. Keene, master. Was not allowed to ship or land crew at Nova Scotia ports, and owner had to pay for their transportation to Maine. (From statements of William C. Keene, owner and master, Bremen, Me.)

63. William Keene (schooner).—Portland, Me.; Daniel Kimball, master. Not allowed to ship a man or to send a man ashore except for water, at Liverpool, Nova Scotia, and ordered to sea as soon as water was obtained. (From statements of Henry Trefethen, owner, Penikese Island, Me.)

64. John Nye (schooner).—Swan's Island, Me.; W. L. Joyce, master. After paying entry fees and harbor dues was not allowed to buy provisions at Malpeque, Prince Edward Island, and had to return home for same, making a broken trip. (From statements of W. L. Joyce, owner and master, Atlantic, Me.)

65. Asa H. Pervere (schooner).—Wellfleet, Mass.; A. B. Gore, master. Entered harbor for shelter; ordered out after twenty-four hours. Denied right to purchase food. (From statements of S. W. Kemp, agent, Wellfleet, Mass.)

66. Nathan Cleaves (schooner).—Wellfleet, Mass.; P. E. Hickman, master. Ran short of provisions, and, not being permitted to buy, left for home with a broken voyage. Customs officer at Port Mulgrave, Nova Scotia, would allow purchase of provisions for homeward passage, but not to continue fishing. (From statements of Parker E. Hickman, owner and master, Wellfleet, Mass.)

67. Frank G. Rich (schooner).—Wellfleet, Mass.; Charles A. Gorham, master. Not permitted to buy provisions or to lay in Canadian ports over twenty-four hours. (From statements of Charles A. Gorham, owner and master, Wellfleet, Mass.)

68. Emma O. Curtis (schooner).—Provincetown, Mass.: Elisha Rich, master. Not allowed to purchase provisions, and therefore obliged to return home. (From statements of Elisha Rich, owner and master, Provincetown, Mass.)

69. Pleiades (schooner).—Wellfleet, Mass.: F. W. Snow, master. Driven from harbor within twenty-four hours after entering. Not allowed to ship or discharge men under penalty of \$400. (From statements of F. W. Snow, owner and master, Wellfleet, Mass.)

70. Charles F. Atwood (schooner).—Wellfleet, Mass.: Michael Burrows, master. Captain was not permitted to refit vessel or to buy supplies, and when out of food had to return home. Found Canadians disposed to harass him and put him to many inconveniences. Not allowed to land seine on Canadian shore for purpose of repairing same. (From statements of Michael Burrows, owner and master, Wellfleet, Mass.)

71. Gertie May (schooner).—Portland, Me.: I. Doughty, master. Not allowed, though provided with permit to touch and trade, to purchase fresh bait in Nova Scotia, and driven from harbors. (From statements of Charles F. Guptill, owner, Portland, Me.)

72. Margaret S. Smith (schooner).—Portland, Me.: Lincoln W. Jewett, master. Twice compelled to return home from Bay of St. Lawrence with broken trip, not being able to secure provisions to continue fishing. Incurred many petty inconveniences in regard to customs regulations. (From statements of A. M. Smith, owner, Portland, Me.)

73. Elsie M. Smith (schooner).—Portland, Me.: Enoch Bulger, master. Came home with half fare, not being able to get provisions to continue fishing. Lost seine in a heavy gale rather than be annoyed by customs regulations when seeking shelter. (From statements of A. M. Smith, Portland, Me.)

74. Fannie A. Spurling (schooner).—Portland, Me.: Caleb Parris, master. Subject to many annoyances, and obliged to return home with a half fare, not being able to procure provisions. (From statements of A. M. Smith, owner, Portland, Me.)

75. Carleton Bell (schooner).—Booth Bay, Me.: Seth W. Eldridge, master. Occasioned considerable expense by being denied right to procure crew in Canadian harbors, and detained in spring while waiting for men to come from Nova Scotia. (From statements of S. Nickerson & Sons, owners, Booth Bay, Me.)

76. Abbie M. Deering (schooner).—Portland, Me.: Emory Golt, master. Not being able to procure provisions, obliged to return home with a third of a fare of mackerel. (From statements of A. M. Smith, owner, Portland, Me.)

77. Cora Louisa (schooner).—Booth Bay, Me.: Obed Harris, master. Could get no provisions in Canadian ports, and had to return home before getting full fare of fish. (From statements of S. Nickerson & Sons, owners, Booth Bay, Me.)

78. Ebene Dale (schooner).—North Haven, Me.: R. G. Babbidge, master. Not permitted to buy bait, ice, or to trade in any way. Driven out of harbors, and unreasonable restrictions whenever near the land. (From statements of R. G. Babbidge, owner and master, Pulpit Harbor, Me.)

79. Charles Haskell (schooner).—North Haven, Me.: Daniel Thurston, master. Obligated to leave Gulf of St. Lawrence at considerable loss, not being allowed to buy provisions. (From statements of C. S. Staples, owner, North Haven, Me.)

80. Willie Parkman (schooner).—North Haven, Me.: William H. Banks, master. Unable to get supplies while in Gulf of St. Lawrence, which necessitated returning home at great loss, with a broken voyage. (From statements of William H. Banks, owner and master, North Haven, Me.)

81. D. D. Geyer (schooner).—Portland, Me.: John K. Craig, master. Being refused privilege of touching at a Nova Scotia port to take on resident crew already engaged, owner was obliged to provide passage for men to Portland, at considerable cost, causing great loss of time. (From statements of F. H. Jordan, owner, Portland, Me.)

82. Good Templar (schooner).—Portland, Me.: Elias Tarlton, master. Touched at La Have, Nova Scotia, to take on crew already engaged, but was refused privilege and ordered to proceed. The men being indispensable to voyage, had them delivered on board outside of 3-mile limit by a Nova Scotia boat. (From statements of Henry Trefethen, owner, Penikese Island, Maine.)

83. Eddie Davidson (schooner).—Wellfleet, Mass.: John D. Snow, master. June 12, 1886, touched at Cape Island, Nova Scotia, but was not permitted to take on part of crew; boarded by customs officer and ordered to sail within twenty-four hours; not allowed to buy food in ports on Gulf of St. Lawrence. (From statements of John D. Snow, owner and master, Wellfleet, Mass.)

84. Alice P. Higgins (schooner).—Wellfleet, Mass.: Alvin W. Cobb, master. Driven from harbors twice in stress of weather. (From statements of Alvin W. Cobb, master, Wellfleet, Mass.)

85. Cynosure (schooner).—Booth Bay, Me.: L. Rush, master. Was obliged to return home before securing a full cargo, not being permitted to purchase provisions in Nova Scotia. (From statements of S. Nickerson & Sons, owners, Booth Bay, Me.)

86. Nalad (schooner).—Lubec, Me.; Walter Kennedy, master. Presented frontier license (heretofore acceptable) on arriving at St. George, New Brunswick, but collector would not recognize same; was compelled to return to Eastport and clear under register before being allowed to purchase herring, thus losing one trip. (From statements of Walter Kennedy, master, Lubec, Me.)

87. Louisa A. Grout (schooner).—Provincetown, Mass.; Joseph Hatch, jr., master. Took permit to touch and trade; arrived at St. Peter's, Cape Breton, in afternoon of May 19, 1886; entered and cleared according to law; was obliged to take inexperienced men at their own prices to complete fishing crew, to get to sea before the arrival of a seizing officer who had started from Straits of Canso at 5 o'clock same afternoon in search of vessel, having been advised by telegraph of the shipping of men. (From statements of Joseph Hatch, jr., owner and master, Provincetown, Mass.)

88. Lottie E. Hopkins (schooner).—Vinal Haven, Me.; Emory J. Hopkins, master. Refused permission to buy any article of food in Canadian ports. Obtained shelter in harbors only by entering at custom-house. (From statement of Emory J. Hopkins, North Haven, Me.)

89. Florino F. Nickerson (schooner).—Clitham, Mass.; Nathaniel E. Eldridge, master. Engaged fishermen for vessel at Liverpool, Nova Scotia, but action of Canadian Government necessitated the paying of their transportation to the United States and loss of time to vessel while waiting their arrival; otherwise would have called for them on way to fishing grounds. Returning, touched at Liverpool, but immediately on anchoring Canadian officials came aboard and refused permission for men to go ashore. Captain at once signified his intention of immediately proceeding on passage, but officer prevented his departure until he had reported at custom-house, vessel being thereby detained two days. (From statement of Kendrick & Bearse, owners, South Harwich, Mass.)

90. B. B. B. (sloop).—Eastport, Me.; George W. Copp, master. Obligated to discontinue business of buying sardine herring in New Brunswick ports for Eastport canneries, as local customs regulations were, during the season of 1886, made so exacting that it was impossible to comply with them without risk of the fish becoming stale and spoiled by detention. (From statements of George W. Copp, master, Eastport, Me.)

91. Sir Knight (schooner).—Southport, Me.; Mark Rand, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing grounds. (From statements of William T. Maddocks, owner, Southport, Me.)

92. Uncle Joe (schooner).—Southport, Me.; J. W. Pierce, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing grounds. (From statements of William T. Maddocks, owner, Southport, Me.)

93. Willie G. (schooner).—Southport, Me.; Albert F. Orne, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing grounds. (From statements of William T. Maddocks, owner, Southport, Me.)

94. Lady Elgin (schooner).—Southport, Me.; George W. Pierce, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing grounds. (From statements of William T. Maddocks, owner, Southport, Me.)

95. John H. Kennedy (schooner).—Portland, Me.; David Dougherty, master. Called at a Nova Scotia port for bait, but left without obtaining same, fearing seizure and fine, returning home with a broken voyage. At a Newfoundland port was charged \$16 light-house dues, giving draft on owners for same, which, being excessive, they refused to pay. (From statements of H. G. Willard, owner, Portland, Me.)

96. Ripley Ropes (schooner).—Southport, Me.; C. E. Hare, master. Vessel ready to sail when telegram from authorities at Ottawa refused permission to touch at Canadian ports to ship men; consequently obliged to pay for their transportation to Maine, and vessel detained while awaiting their arrival. (From statements of Freeman Orne & Son, owners, Southport, Me.)

97. Jennie Armstrong (schooner).—Southport, Me.; A. O. Welber, master. Vessel ready to sail when telegram from authorities of Ottawa refused permission to touch at Canadian ports to ship men; consequently obliged to pay for their transportation to Maine, and vessel detained while awaiting their arrival. (From statements of Freeman Orne & Son, owners, Southport, Me.)

98. Vanguard (schooner).—Southport, Me.; C. C. Dyer, master. Vessel ready to sail when telegram from authorities refused permission to touch at Canadian ports to ship men; consequently obliged to pay for their transportation to Maine, and vessel detained while awaiting their arrival. (From statements of Freeman Orne & Son, owners, Southport, Me.)

99. Electric Flash (schooner).—North Haven, Me.; Aaron Smith, master. Unable to obtain supplies in Canadian ports and obliged to return home before obtaining full cargo. (From statements of Aaron Smith, master and agent, North Haven, Me.)

100. Daniel Simmons (schooner).—Swan's Island, Me.; John A. Gott, master. Compelled to go without necessary outfit while fishing in Gulf of St. Lawrence. (From statements of M. Stimpson, owner, Swan's Island, Me.)

101. Grover Cleveland (schooner).—Boston, Mass.; George Lakeman, master. Compelled to return home with only partial fare of mackerel, being refused supplies in Canadian ports. (From statements of B. F. De Butts, owner, Boston, Mass.)

102. Andrew Burnham (schooner).—Boston, Mass.; Nathan F. Blako, master.

M.

[Revised Statutes of Canada, chapter 91. An act respecting fishing by foreign vessels.]

2. Any commissioned officer of Her Majesty's navy serving on board of any vessel of Her Majesty's navy cruising and being in the waters of Canada for the purpose of affording protection to Her Majesty's subjects engaged in the fisheries, or any commissioned officer of Her Majesty's navy, fishery officer, or stipendiary magistrate on board of any vessel belonging to or in the service of the government of Canada and employed in the service of protecting the fisheries, or any officer of the customs of Canada, sheriff, justice of the peace, or other person duly commissioned for that purpose, may go on board of any ship, vessel, or boat within any harbor in Canada or hovering in British waters within 3 marine miles of any of the coasts, bays, creeks, or harbors in Canada, and stay on board so long as she remains within such harbor or distance.

3. Any one of the officers or persons hereinbefore mentioned may bring any ship, vessel, or boat, being within any harbor in Canada, or hovering in British waters within 3 marine miles of any of the coasts, bays, creeks, or harbors in Canada, into port and search her cargo, and may also examine the master upon oath touching the cargo and voyage; and if the master or person in command does not truly answer the questions put to him in such examination, he shall incur a penalty of \$400; and if such ship, vessel, or boat is foreign, or not navigated according to the laws of the United Kingdom or of Canada, and (a) has been found fishing, or preparing to fish, or to have been fishing in British waters within 3 marine miles of any of the coasts, bays, creeks, or harbors of Canada, not included within the above-mentioned limits, without a license, or after the expiration of the term named in the last license granted to such ship, vessel, or boat under the first section of this act, or (b) has entered such waters for any purpose not permitted by treaty or convention, or by any law of the United Kingdom or of Canada for the time-being in force, such ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited.

4. All goods, ships, vessels, and boats, and the tackle, rigging, apparel, furniture, stores, and cargo liable to forfeiture under this act may be seized and secured by any officers or persons mentioned in the second section of this act; and every person opposing any officer or person in the execution of his duty under this act, or aiding or abetting any other person in any such opposition, is guilty of a misdemeanor, and liable to a fine of \$800 and to two years' imprisonment.

6. All goods, vessels, and boats, and the tackle, rigging, apparel, furniture, stores, and cargo, condemned as forfeited under this act, shall be sold by public auction, by direction of the officer who has the custody thereof under the provisions of the next preceding section of this act, and under regulations made, from time to time, by the governor in council; and the proceeds of every such sale shall be subject to the control of the minister of marine and fisheries, who shall first pay thereout all necessary costs and expenses of custody and sale, and the governor in council may, from time to time, apportion three-fourths, or less, of the net remainder among the officers and crew of any of Her Majesty's ships or Canadian Government vessel from on board of which the seizure was made, as he thinks right—reserving to the Crown and paying over to the minister of finance and receiver-general at least one-fourth of such net remainder, to form part of the consolidated revenue fund of Canada; but the governor in council may nevertheless direct that any good vessel or boat, and the tackle, rigging, apparel, furniture, stores, and cargo, seized and forfeited shall be destroyed or be reserved for the public service.

10. If a dispute arises as to whether any seizure has or has not been legally made, or as to whether the person who seized was or was not authorized to seize under this act, oral evidence may be taken, and the burden of proving the illegality of the seizure shall lie upon the owner or claimant.

11. No claim to anything seized under this act and returned into any court of vice-admiralty for adjudication shall be admitted unless the claim is entered under oath, with the name of the owner, his residence and occupation, and the

description of the property claimed, which oath shall be made by the owner, his attorney or agent, and to the best of his knowledge and belief.

13. No writ shall be sued out against any officer or other person authorized to seize under this act for anything done under this act until one month after notice in writing has been delivered to him or left at his usual place of abode by the person intending to sue out such writ, his attorney or agent, in which notice shall be contained the cause of action, the name and place of abode of the person who is to bring the action, and of his attorney or agent, and no evidence of any cause of action shall be admitted except such as is contained in such notice.

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

15. If on any information or suit brought to trial under this act on account of any seizure, judgment is given for the claimant, and the court or judge certifies that there was probable cause for seizure, the claimant shall not be entitled to costs, and the person who made the seizure shall not be liable to any indictment or suit on account thereof; and if any suit or prosecution is brought against any person on account of any seizure under this act, and judgment is given against him, and the court or judge certifies that there was probable cause for the seizure, the plaintiff, besides the thing seized or its value, shall not recover more than 4 cents damages, and shall not recover any costs, and the defendant shall not be fined more than 20 cents.

