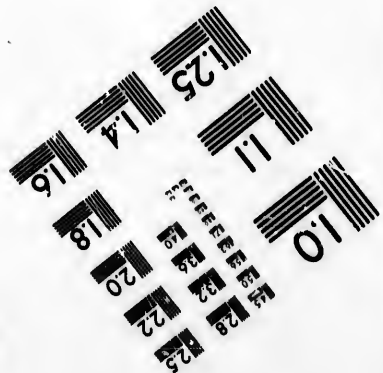
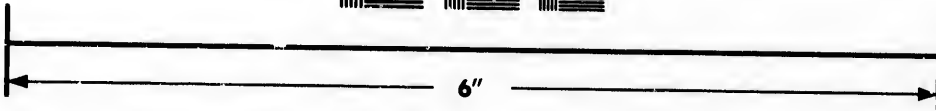
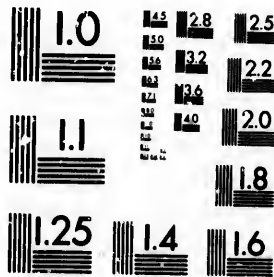


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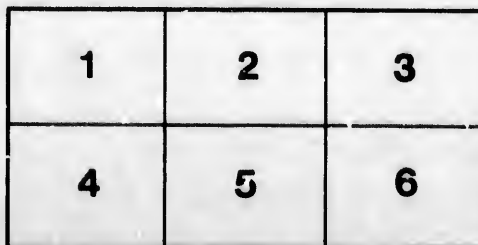
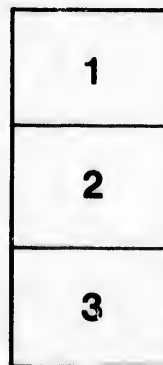
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RELATIONS WITH CANADA.

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

IN RELATION TO

*Intercourse between the United States and Canada.*

AUGUST 23, 1888.—Referred to the Committee on Foreign Affairs and ordered to be printed.

*To the Congress:*

The rejection by the Senate of the treaty lately negotiated for the settlement and adjustment of the differences existing between the United States and Great Britain concerning the rights and privileges of American fishermen in the ports and waters of British North America, seems to justify a survey of the condition to which the pending question is thus remitted.

The treaty upon this subject concluded in 1818, through disagreements as to the meaning of its terms, has been a fruitful source of irritation and trouble. Our citizens engaged in fishing enterprises in waters adjacent to Canada, have been subjected to numerous vexatious interferences and annoyances, their vessels have been seized upon pretexts which appeared to be entirely inadmissible, and they have been otherwise treated by the Canadian authorities and officials in a manner inexcusably harsh and oppressive.

This conduct has been justified by Great Britain and Canada, by the claim that the treaty of 1818 permitted it, and upon the ground that it was necessary to the proper protection of Canadian interests. We deny that treaty agreements justify these acts, and we further maintain that, aside from any treaty restraints, of disputed interpretation, the relative positions of the United States and Canada as near neighbors, the growth of our joint commerce, the development and prosperity of both countries, which amicable relations surely guaranty, and above all, the liberality always extended by the United States to the people of Canada, furnished motives for kindness and consideration higher and better than treaty covenants.

While keenly sensitive to all that was exasperating in the condition, and by no means indisposed to support the just complaints of our injured citizens, I still deemed it my duty for the preservation of important American interests which were directly involved, and in view of all the details of the situation, to attempt by negotiation to remedy existing wrongs and to finally terminate, by a fair and just treaty, these ever-recurring causes of difficulty.

I fully believe that the treaty just rejected by the Senate was well suited to the exigency, and that its provisions were adequate for our security in the future from vexatious incidents and for the promotion of friendly neighborhood and intimacy, without sacrificing in the least our national pride or dignity.

I am quite conscious that neither my opinion of the value of the rejected treaty nor the motives which prompted its negotiation, are of importance in the light of the judgment of the Senate thereupon. But it is of importance to note that this treaty has been rejected without any apparent disposition on the part of the Senate to alter or amend its provisions, and with the evident intention, not wanting expression, that no negotiation should at present be concluded touching the matter at issue.

The co-operation necessary for the adjustment of the long-standing national differences with which we have to deal, by methods of conference and agreement, having thus been declined, I am by no means disposed to abandon the interests and the rights of our people in the premises, or to neglect their grievances; and I therefore turn to the contemplation of a plan of retaliation as a mode, which still remains, of treating the situation.

I am not unmindful of the gravity of the responsibility assumed in adopting this line of conduct, nor do I fail in the least to appreciate its serious consequences. It will be impossible to injure our Canadian neighbors by retaliatory measures without inflicting some damage upon our own citizens. This results from our proximity, our community of interests, and the inevitable commingling of the business enterprises which have been developed by mutual activity.

Plainly stated, the policy of national retaliation manifestly embraces the infliction of the greatest harm upon those who have injured us, with the least possible damage to ourselves. There is also an evident propriety as well as an invitation to moral support, found in visiting upon the offending party the same measure or kind of treatment of which we complain, and as far as possible within the same lines. And above all things the plan of retaliation, if entered upon, should be thorough and vigorous.

These considerations lead me at this time to invoke the aid and counsel of the Congress and its support in such a further grant of power as seems to me necessary and desirable to render effective the policy I have indicated.

The Congress has already passed a law, which received Executive assent on the third day of March, 1887, providing that in case American fishing vessels being or visiting in the waters, or at any of the ports of the British Dominions of North America, should be, or lately had been, deprived of the rights to which they were entitled by treaty or law, or if they were denied certain other privileges therein specified, or vexed and harassed in the enjoyment of the same, the President might deny to vessels and their masters and crews of the British Dominions of North America any entrance into the waters, ports, or harbors of the United States, and also deny entry into any port or place of the United States of any product of said Dominions, or other goods coming from said Dominion to the United States.

While I shall not hesitate upon proper occasion to enforce this act, it would seem to be unnecessary to suggest that if such enforcement is limited in such a manner as shall result in the least possible injury to our own people, the effect would probably be entirely inadequate to the accomplishment of the purpose desired.

I deem it my duty, therefore, to call the attention of the Congress to certain particulars in the action of the authorities of the Dominion of Canada, in addition to the general allegations already made, which appear to be in such marked contrast to the liberal and friendly disposition of our country, as in my opinion to call for such legislation as will, upon the principles already stated, properly supplement the power to inaugurate retaliation already vested in the Executive.

Actuated by the generous and neighborly spirit which has characterized our legislation, our tariff laws have since 1866 been so far waived in favor of Canada as to allow free of duty the transit across the territory of the United States of property arriving at our ports and destined to Canada, or exported from Canada to other foreign countries.

When the treaty of Washington was negotiated in 1871, between the United States and Great Britain, having for its object very largely the modification of the treaty of 1818, the privileges above referred to were made reciprocal and given in return by Canada to the United States in the following language, contained in the twenty-ninth article of said treaty:

"It is agreed that, for the term of years mentioned in article thirty-three of this treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may, from time to time, be specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions through the territory of the United States, for export from the said ports of the United States.

"It is further agreed that, for the like period, goods, wares, or merchandise arriving



at any of the ports of Her Britannic Majesty's possessions in North America, and destined for the United States, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said possessions, under such rules and regulations and conditions for the protection of the revenue, as the Governments of the said possessions may from time to time prescribe; and, under like rules, and regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States through the said possessions to other places in the United States, or for export from ports in the said possessions."

In the year 1886 notice was received by the representatives of our Government that our fishermen would no longer be allowed to ship their fish in bond and free of duty through Canadian territory, to this country; and ever since that time such shipment has been denied.

The privilege of such shipment, which had been extended to our fishermen, was a most important one, allowing them to spend the time upon the fishing-grounds which would otherwise be devoted to a voyage home with their catch, and doubling their opportunities for profitably prosecuting their vocation.

In forbidding the transit of the catch of our fishermen over their territory in bond and free of duty, the Canadian authorities deprived us of the only facility dependent upon their concession, and for which we could supply no substitute.

The value to the Dominion of Canada of the privilege of transit for their exports and imports across our territory, and to and from our ports, though great in every aspect, will be better appreciated when it is remembered that, for a considerable portion of each year, the St. Lawrence River, which constitutes the direct avenue of foreign commerce leading to Canada, is closed by ice.

During the last six years the imports and exports of British Canadian provinces carried across our territory, under the privileges granted by our laws, amounted in value to about two hundred and seventy millions of dollars, nearly all of which were goods dutiable under our tariff laws, by far the larger part of this traffic consisting of exchanges of goods between Great Britain and her American provinces brought to and carried from our ports in their own vessels.

The treaty stipulation entered into by our Government was in harmony with laws which were then on our statute-book, and are still in force.

I recommend immediate legislative action conferring upon the Executive the power to suspend by proclamation the operation of all laws and regulations permitting the transit of goods, wares, and merchandise in bond across or over the territory of the United States to or from Canada.

There need be no hesitation in suspending these laws, arising from the supposition that their continuation is secured by treaty obligations, for it seems quite plain that article twenty-nine of the treaty of 1871, which was the only article incorporating such laws, terminated the first day of July, 1885.

The article itself declares that its provisions shall be in force "for the term of years mentioned in article thirty-three of this treaty." Turning to article thirty-three we find no mention of the twenty-ninth article, but only a provision that articles eighteen to twenty-five, inclusive, and article thirty shall take effect as soon as the laws required to carry them into operation shall be passed by the legislative bodies of the different countries concerned, and that "they shall remain in force for the period of ten years from the date at which they may come into operation, and further until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same."

I am of the opinion that the "term of years mentioned in article thirty-three," referred to in article twenty-nine as the limit of its duration, means the period during which articles eighteen to twenty-five, inclusive, and article thirty, commonly called the "fishery articles," should continue in force under the language of said article thirty-three.

That the Joint High Commissioners who negotiated the treaty so understood and intended the phrase is certain, for in a statement containing an account of their negotiations, prepared under their supervision and approved by them, we find the following entry on the subject:

"The transit question was discussed, and it was agreed that any settlement that might be made should include a reciprocal arrangement in that respect for the period for which the fishery articles should be in force."

In addition to this very satisfactory evidence supporting this construction of the language of article twenty-nine, it will be found that the law passed by Congress to carry the treaty into effect furnishes conclusive proof of the correctness of such construction.

This law was passed March 1, 1873, and is entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington the eighth day of May, eighteen hundred and seventy-one, relating to the fisheries." After providing in its first and second sections for putting in operation articles eighteen to twenty-five inclusive, and article thirty of the treaty, the third section is devoted to article twenty-nine as follows:

"SECTION 3. That from the date of the President's proclamation authorized by the first section of this act, and so long as the articles eighteenth to twenty-fifth inclusive, and article thirtieth of said treaty shall remain in force according to the terms and conditions of article thirty-third of said treaty, all goods, wares, and merchandise arriving, etc., etc.—"

following in the remainder of the section the precise words of the stipulation on the part of the United States as contained in article twenty-nine, which I have already fully quoted.

Here, then, is a distinct enactment of the Congress limiting the duration of this article of the treaty to the time that articles eighteen to twenty-five, inclusive, and article thirty, should continue in force. That in fixing such limitation it but gave the meaning of the treaty itself, is

indicated by the fact that its purpose is declared to be to carry into effect the provisions of the treaty, and by the further fact that this law appears to have been submitted before the promulgation of the treaty to certain members of the Joint High Commission representing both countries, and met with no objection or dissent.

There appearing to be no conflict or inconsistency between the treaty and the act of the Congress last cited, it is not necessary to invoke the well-settled principle that in case of such conflict the statute governs the question.

In any event, and whether the law of 1873 construes the treaty or governs it, section twenty-nine of such treaty, I have no doubt, terminated with the proceedings taken by our Government to terminate articles eighteen to twenty-five, inclusive, and article thirty of the treaty. These proceedings had their inception in a joint resolution of Congress passed May 3, 1883, declaring that in the judgment of Congress these articles ought to be terminated, and directing the President to give the notice to the Government of Great Britain provided for in article thirty-three of the treaty. Such notice having been given two years prior to the first day of July, 1885, the articles mentioned were absolutely terminated on the last-named day, and with them article twenty-nine was also terminated.

If by any language used in the joint resolution it was intended to relieve section three of the act of 1873 embodying article twenty-nine of the treaty from its own limitations, or to save the article itself, I am entirely satisfied that the intention miscarried.

But statutes granting to the people of Canada the valuable privileges of transit for their goods from our ports and over our soil, which had been passed prior to the making of the treaty of 1871, and independently of it, remained in force; and ever since the abrogation of the treaty, and notwithstanding the refusal of Canada to permit our fishermen to send their fish to their home market through her territory in bond, the people of that Dominion have enjoyed without diminution the advantages of our liberal and generous laws.

Without basing our complaint upon a violation of treaty obligations, it is nevertheless true that such refusal of transit and the other injurious acts which have been recited constitute a provoking insistance upon rights neither mitigated by the amenities of national intercourse nor modified by the recognition of our liberality and generous considerations.

The history of events connected with this subject makes it manifest that the Canadian Government can, if so disposed, administer its laws and protect the interests of its people without manifestation of unfriendliness, and without the unneighborly treatment of our fishing vessels of which we have justly complained; and whatever is done on our part should be done in the hope that the disposition of the Canadian Government may remove the occasion of a resort to the additional Executive power now sought through legislative action.

I am satisfied that upon the principles which should govern retaliation our intercourse and relations with the Dominion of Canada furnish no better opportunity for its application than is suggested by the conditions herein presented; and that it could not be more effectively inaugurated than under the power of suspension recommended.

While I have expressed my clear conviction upon the question of the continuance of section twenty-nine of the treaty of 1871, I of course fully concede the power and the duty of the Congress, in contemplating legislative action, to construe the terms of any treaty stipulation which might, upon any possible consideration of good faith, limit such action; and likewise the peculiar propriety in the case here presented of its interpretation of its own language as contained in the laws of 1873 putting in operation said treaty, and of 1883 directing the termination thereof; and if in the deliberate judgment of Congress any restraint to the proposed legislation exists, it is to be hoped that the expediency of its early removal will be recognized.

I desire, also, to call the attention of the Congress to another subject involving such wrongs and unfair treatment to our citizens as, in my opinion, require prompt action.

The navigation of the Great Lakes, and the immense business and carrying trade growing out of the same, have been treated broadly and liberally by the United States Government, and made free to all mankind, while Canadian railroads and navigation companies share in our country's transportation upon terms as favorable as are accorded to our own citizens.

The canals and other public works built and maintained by the Government along the line of the lakes are made free to all.

In contrast to this condition, and evincing a narrow and ungenerous commercial spirit, every lock and canal which is a public work of the Dominion of Canada is subject to tolls and charges.

By article twenty-seven of the treaty of 1871 provision was made to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion of Canada, on terms of equality with the inhabitants of the Dominion, and to also secure to the subjects of Great Britain the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States.

The equality with the inhabitants of the Dominion which we were promised in the use of the canals of Canada did not secure to us freedom from tolls in their navigation, but we had a right to expect that we, being Americans and interested in American commerce, would be no more burdened in regard to the same than Canadians engaged in their own trade; and the whole spirit of the concession made was, or should have been, that merchandise and property transported to an American market through these canals should not be enhanced in its cost by tolls many times higher than such as were carried to an adjoining Canadian market. All our citizens, producers and consumers as well as vessel-owners, were to enjoy the equality promised.

And yet evidence has for some time been before the Congress, furnished by the Secretary of the Treasury, showing that while the tolls charged in the first instance are the same to all, such vessels and cargoes as are destined to certain Canadian ports are allowed a refund of nearly the entire tolls, while those bound for American ports are not allowed any such advantage.

To promise equality, and then in practice make it conditional upon our vessels doing Canadian business instead of their own, is to fulfill a promise with the shadow of performance.

I recommend that such legislative action be taken as will give Canadian vessels navigating our canals, and their cargoes, precisely the advantages granted to our vessels and cargoes upon Canadian canals, and that the same be measured by exactly the same rule of discrimination.

The course which I have outlined and the recommendations made relate to the honor and dignity of our Country and the protection and preservation of the rights and interests of all our people. A government does but half its duty when it protects its citizens at home and permits them to be imposed upon and humiliated by the unfair and overreaching disposition of other nations. If we invite our people to rely upon arrangements made for their benefit abroad, we should see to it that they are not deceived; and if we are generous and liberal to a neighboring country our people should reap the advantage of it by a return of liberality and generosity.

These are subjects which partisanship should not disturb or confuse. Let us survey the ground calmly and moderately, and having put aside other means of settlement, if we enter upon the policy of retaliation let us pursue it firmly, with a determination only to subserve the interests of our people and maintain the high standard and the becoming pride of American citizenship.

GROVER CLEVELAND.

EXECUTIVE MANSION,  
August 23, 1888.

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# MESSAGE

FROM THE

## PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*A treaty between the United States and Great Britain concerning the interpretation of the convention of October 20, 1818, signed at Washington February 15, 1888.*

FEBRUARY 20, 1888.—Read, treaty read the first time, referred to the Committee on Foreign Relations, and, together with the message and the accompanying documents, ordered to be printed in confidence for the use of the Senate.

*To the Senate of the United States:*

In my annual message transmitted to the Congress in December, 1886, it was stated that negotiations were then pending for the settlement of the questions growing out of the rights claimed by American fishermen in British North American waters.

As a result of such negotiations a treaty has been agreed upon between Her Britannic Majesty and the United States, concluded and signed in this capital, under my direction and authority, on the 15th of February instant, and which I now have the honor to submit to the Senate, with the recommendation that it shall receive the consent of that body, as provided in the Constitution, in order that the ratifications thereof may be duly exchanged and the treaty be carried into effect.

Shortly after Congress had adjourned in March last, and in continuation of my efforts to arrive at such an agreement between the Governments of Great Britain and the United States as would secure to the citizens of the respective countries the unmolested enjoyment of their just rights under existing treaties and international comity in the territorial waters of Canada and of Newfoundland, I availed myself of opportune occurrences indicative of a desire to make without delay an amicable and final settlement of a long-standing controversy—productive of much irritation and misunderstanding between the two nations—to send through our minister in London proposals that a conference should take place on the subject at this capital.

The experience of the past two years had demonstrated the dilatory and unsatisfactory consequences of our indirect transaction of business through the foreign office in London, in which the views and wishes of the Government of the Dominion of Canada were practically predominant, but were only to find expression at second hand.

To obviate this inconvenience and obstruction to prompt and well-defined settlement, it was considered advisable that the negotiations should be conducted in this city, and that the interests of Canada and Newfoundland should be directly represented therein.

The terms of reference having been duly agreed upon between the two Governments, and the conference arranged to be held here, by virtue of the power in me vested by the Constitution, I duly authorized Thomas F. Bayard, the Secretary of State of the United States, William L. Putnam, a citizen of the State of Maine, and James B. Angell, a citizen of the State of Michigan, for and in the name of the United States, to meet and confer with the plenipotentiaries representing the Government of Her Britannic Majesty, for the purpose of considering and adjusting in a friendly spirit all or any questions relating to rights of fishery in the seas adjacent to British North America and Newfoundland which were in dispute between the Governments of the United States, and that of Her Britannic Majesty, and jointly and severally to conclude and sign any treaty or treaties touching the premises; and I herewith transmit for your information full copies of the power so given by me.

In execution of the powers so conveyed, the said Thomas F. Bayard, William L. Putnam, and James B. Angell, in the month of November last, met in this city the plenipotentiaries of Her Britannic Majesty, and proceeded in the negotiation of a treaty as above authorized. After many conferences and protracted efforts an agreement has at length been arrived at, which is embodied in the treaty which I now lay before you.

The treaty meets my approval, because I believe that it supplies a satisfactory, practical, and final adjustment, upon a basis honorable and just to both parties, of the difficult and vexed question to which it relates.

A review of the history of this question will show that all former attempts to arrive at a common interpretation, satisfactory to both parties, of the first article of the treaty of October 20, 1818, have been unsuccessful; and with the lapse of time the difficulty and obscurity have only increased.

The negotiations in 1854, and again in 1871, ended in both cases in temporary reciprocal arrangements of the tariffs of Canada and Newfoundland and of the United States, and the payment of a money award by the United States, under which the real questions in difference remained unsettled, in abeyance, and ready to present themselves anew just as soon as the conventional arrangements were abrogated.

The situation, therefore, remained unimproved by the results of the treaty of 1871, and a grave condition of affairs, presenting almost identically the same features and causes of complaint by the United States against Canadian action and British default in its correction, confronted us in May, 1886, and has continued until the present time.

The greater part of the correspondence which has taken place between the two Governments has heretofore been communicated to Congress, and at as early a day as possible I shall transmit the remaining portion to this date, accompanying it with the joint protocols of the conferences which resulted in the conclusion of the treaty now submitted to you.

You will thus be fully possessed of the record and history of the case since the termination, on June 30, 1885, of the fishery articles of the Treaty of Washington of 1871, whereby we were relegated to the provisions of the treaty of October 20, 1818.

As the documents and papers referred to will supply full information of the positions taken under my administration by the representatives of the United States, as well as those occupied by the representatives of the Government of Great Britain, it is not considered necessary or expedient to repeat them in this message. But I believe the treaty will be found to contain a just, honorable, and, therefore, satisfactory solution of the difficulties which have clouded our relations with our neighbors on our northern border.

Especially satisfactory do I believe the proposed arrangement will be found by those of our citizens who are engaged in the open sea fisheries, adjacent to the Canadian coast, and resorting to those ports and harbors under treaty provisions and rules of international law.

The proposed delimitation of the lines of the exclusive fisheries from the common fisheries will give certainty and security as to the area of their legitimate field; the headland theory of imaginary lines is abandoned by Great Britain, and the specification in the treaty of certain named bays especially provided for gives satisfaction to the inhabitants of the shores, without subtracting materially from the value or convenience of the fishery rights of Americans.

The uninterrupted navigation of the Strait of Canse is expressly and for the first time affirmed, and the four purposes for which our fishermen under the treaty of 1818 were allowed to enter the bays and harbors of Canada and Newfoundland within the belt of three marine miles are placed under a fair and liberal construction, and their enjoyment secured without such conditions and restrictions as in the past have embarrassed and obstructed them so seriously.

The enforcement of penalties for unlawfully fishing or preparing to fish within the inshore and exclusive waters of Canada and Newfoundland is to be accomplished under safeguards against oppressive or arbitrary action, thus protecting the defendant fishermen from punishment in advance of trial, delays, and inconvenience and unnecessary expense.

The history of events in the last two years shows that no feature of Canadian administration was more harassing and injurious than the compulsion upon our fishing vessels to make formal entry and clearance on every occasion of temporarily seeking shelter in Canadian ports and harbors.

Such inconvenience is provided against in the proposed treaty, and this most frequent and just cause of complaint is removed.

The articles permitting our fishermen to obtain provisions and the ordinary supplies of trading vessels on their homeward voyages, and under which they are accorded the further and even more important privilege on all occasions of purchasing such casual or needful provisions and supplies as are ordinarily granted to trading vessels, are of great importance and value.

The licenses which are to be granted without charge and on application, in order to enable our fishermen to enjoy these privileges, are reasonable and proper checks in the hands of the local authorities to identify the recipients and prevent abuse, and can form no impediment to those who intend to use them fairly.

The hospitality secured for our vessels in all cases of actual distress, with liberty to unload and sell and transship their cargoes, is full and liberal.

These provisions will secure the substantial enjoyment of the treaty rights for our fishermen under the treaty of 1818, for which contention has been steadily made in the correspondence of the Department of



State, and our minister at London, and by the American negotiators of the present treaty.

The right of our fishermen under the treaty of 1818 did not extend to the procurement of distinctive fishery supplies in Canadian ports and harbors; and one item supposed to be essential, to wit, bait, was plainly denied them by the explicit and definite words of the treaty of 1818, emphasized by the course of the negotiation and express decisions which preceded the conclusion of that treaty.

The treaty now submitted contains no provision affecting tariff duties, and, independently of the position assumed upon the part of the United States, that no alteration in our tariff or other domestic legislation could be made as the price or consideration of obtaining the rights of our citizens secured by treaty, it was considered more expedient to allow any change in the revenue laws of the United States to be made by the ordinary exercise of legislative will, and in promotion of the public interests. Therefore, the addition to the free list of fish, fish-oil, whale and seal oil, etc., recited in the last article of the treaty, is wholly left to the action of Congress; and in connection therewith the Canadian and Newfoundland right to regulate sales of bait and other fishing supplies within their own jurisdiction is recognized, and the right of our fishermen to freely purchase these things is made contingent, by this treaty, upon the action of Congress in the modification of our tariff laws.

Our social and commercial intercourse with those populations who have been placed upon our borders and made forever our neighbors is made apparent by a list of United States common carriers, marine and inland, connecting their lines with Canada, which was returned by the Secretary of the Treasury to the Senate on the 7th day of February, 1888, in answer to a resolution of that body; and this is instructive as to the great volume of mutually profitable interchanges which has come into existence during the last half century.

This intercourse is still but partially developed, and if the amicable enterprise and wholesale rivalry between the two populations be not obstructed, the promise of the future is full of the fruits of an unbounded prosperity on both sides of the border.

The treaty now submitted to you has been framed in a spirit of liberal equity and reciprocal benefits, in the conviction that mutual advantage and convenience are the only permanent foundation of peace and friendship between States, and that with the adoption of the agreement now placed before the Senate, a beneficial and satisfactory intercourse between the two countries will be established so as to secure perpetual peace and harmony.

In connection with the treaty herewith submitted I deem it also my duty to transmit to the Senate a written offer or arrangement, in the nature of a *modus vivendi*, tendered after the conclusion of the treaty on the part of the British plenipotentiaries, to secure kindly and peaceful relations during the period that may be required for the consideration of the treaty by the respective Governments and for the enactment of the necessary legislation to carry its provisions into effect if approved.

This paper, freely and on their own motion, signed by the British conferees, not only extends advantages to our fishermen, pending the ratification of the treaty, but appears to have been dictated by a friendly and amicable spirit.

I am given to understand that the other governments concerned in this treaty will, within a few days, in accordance with their methods of

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conducting public business, submit said treaty to their respective legislatures, which it will be at once published to the world. In view of such action it appears to be advisable that, by publication here, early and full knowledge of all that has been done in the premises should be afforded to our people.

It would also seem to be useful to inform the popular mind concerning the history of the long continued disputes growing out of the subject embraced in the treaty and to satisfy the public interests touching the same, as well as to acquaint our people with the present status of the questions involved, and to give them the exact terms of the proposed adjustment in place of the exaggerated and imaginative statements which will otherwise reach them.

I therefore beg leave respectfully to suggest that said treaty and all such correspondence, messages, and documents relating to the same as may be deemed important to accomplish these purposes be at once made public by the order of your honorable body.

GROVER CLEVELAND.

EXECUTIVE MANSION,  
February 20, 1888.

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Whereas differences have arisen concerning the interpretation of Article I. of the Convention of October 20, 1818; the United States of America, and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being mutually desirous of removing all causes of misunderstanding in relation thereto, and of promoting friendly intercourse and good neighborhood between the United States and the Possessions of Her Majesty in North America, have resolved to conclude a Treaty to that end, and have named as their Plenipotentiaries, that is to say:

The President of the United States, Thomas F. Bayard, Secretary of State; William L. Putnam, of Maine; and James B. Angell, of Michigan:

And Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, The Right Hon. Joseph Chamberlain, M. P., The Honorable Sir Lionel Sackville Sackville West, K. O. M. G., Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America; and Sir Charles Tupper, G. C. M. G., C. P., Minister of Finance of the Dominion of Canada;

Who, having communicated to each other their respective Full Powers, found in good and due form, have agreed upon the following articles:

#### ARTICLE I.

The High Contracting Parties agree to appoint a Mixed Commission to delimit, in the manner provided in this Treaty, the British waters, bays, creeks, and harbors, of the coasts of Canada and of Newfoundland, as to which the United States, by Article I. of the convention of October 20, 1818, between the United States and Great Britain, renounced forever any liberty to take, dry, or cure fish.

#### ARTICLE II.

The Commission shall consist of two Commissioners to be named by her Britannic Majesty, and of two Commissioners to be named by the President of the United States, without delay, after the exchange of ratifications of this Treaty.

The Commission shall meet and complete the delimitation as soon as possible thereafter.

In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act as such, the President of the United States or Her Britannic Majesty, respectively, shall forthwith name another person to act as Commissioner instead of the Commissioner originally named.

#### ARTICLE III.

The delimitation referred to in Article I. of this Treaty shall be marked upon British Admiralty charts by a series of lines regularly numbered and duly described. The charts so marked shall, on the termination of the work of the Commission, be signed by the Commissioners in quadruplicate, one copy whereof shall be delivered to the Secretary of State of the United States, and three copies to Her Majesty's Government. The delimitation shall be made in the following manner, and shall be accepted by both the High Contracting Parties as applicable for all purposes under Article I. of the Convention of October 20, 1818, between the United States and Great Britain.

The three marine miles mentioned in Article I. of the Convention of October 20, 1818, shall be measured seaward from low water mark; but at every bay, creek, or harbor, not otherwise specially provided for in this Treaty, such three marine miles shall be measured seaward from a straight line drawn across the bay, creek, or harbor, in the part nearest the entrance at the first point where the width does not exceed ten marine miles.

#### ARTICLE IV.

At or near the following bays the limits of exclusion under Article I. of the Convention of October 20, 1818, at points more than three marine miles from low water mark, shall be established by the following lines, namely:

At the Baie des Chaleurs the line from the Light at Birch Point on Miscou Island to Macquereau Point Light; at the Bay of Miramichi, the line from the Light at Point Esenminac to the Light on the Eastern Point of Tabisintac Gully; at Egmont Bay, in Prince Edward Island, the line from the Light at Cape Egmont to the Light at West Point; and off St. Ann's Bay, in the Province of Nova Scotia, the line from Cape Smoke to the Light at Point Aconi.

At Fortune Bay, in Newfoundland, the line from Commaigre Head to the Light on the South-easterly end of Brunet Island, thence to Fortune Head; at Sir Charles Hamilton Sound, the line from the South-east point of Cape Fogo to White Island, thence to the North end of Peckford Island, and from the South end of Peckford Island to the East Headland of Ragged Harbor.

At or near the following bays the limits of exclusion shall be three marine miles seaward from the following lines, namely:

At or near Barrington Bay, in Nova Scotia, the line from the Light on Stoddard Island to the Light on the south point of Cape Sable, thence to the light at Baccaro Point; at Chedabucto and St. Peter's Bays, the line from Crauberry Island Light to Green Island Light, thence to Point Rouge; at Mira Bay, the line from the Light on the East Point of Sentari Island to the North-easterly Point of Cape Morien; and at Placentia Bay, in Newfoundland, the line from Latine Point, on the Eastern mainland shore, to the most Southerly Point of

*Article  
59 Annex*

Red Island, thence by the most Southerly Point of Merasheen Island to the mainland.

Long Island and Bryer Island, at St. Mary's Bay, in Nova Scotia, shall, for the purpose of delimitation, be taken as the coasts of such bay.

## ARTICLE V.

Nothing in this Treaty shall be construed to include within the common waters any such interior portions of any bays, creeks, or harbors as can not be reached from the sea without passing within the three marine miles mentioned in Article I of the Convention of October 20, 1818.

## ARTICLE VI.

The Commissioners shall from time to time report to each of the High Contracting Parties, such lines as they may have agreed upon, numbered, described, and marked as herein provided, with quadruplicate charts thereof; which lines so reported shall forthwith from time to time be simultaneously proclaimed by the High Contracting Parties, and be binding after two months from such proclamation.

## ARTICLE VII.

Any disagreement of the Commissioners shall forthwith be referred to an Umpire selected by the Secretary of State of the United States and Her Britannic Majesty's Minister at Washington; and his decision shall be final.

## ARTICLE VIII.

Each of the High Contracting Parties shall pay its own Commissioners and officers. All other expenses jointly incurred, in connection with the performance of the work, including compensation to the Umpire, shall be paid by the High Contracting Parties in equal moieties.

## ARTICLE IX.

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

## 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 simi-

*Art. 5 & 6  
V. Article*

*28 hours  
in and out  
each day*

*206 3  
9 hours*

*each 4  
quarters*

lar 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, tranship, 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 of 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 re-sale or traffic.

## ARTICLE XII.

Fishing vessels of Canada and Newfoundland shall have on the Atlantic coast of the United States all the privileges reserved and secured by this Treaty to United States fishing vessels in the aforesaid waters of Canada and Newfoundland.

## ARTICLE XIII.

The Secretary of the Treasury of the United States shall make regulations providing for the conspicuous exhibition by every United States fishing vessel, of its official number on each bow; and any such vessel, required by law to have an official number, and failing to comply with such regulations, shall not be entitled to the licenses provided for in this Treaty.

Such regulations shall be communicated to Her Majesty's Government previously to their taking effect.

## ARTICLE XIV.

The penalties for unlawfully fishing in the waters, bays, creeks, and harbors, referred to in Article I of this Treaty, may extend to forfeiture of the boat or vessel, and appurtenances, and also of the supplies and cargo aboard when the offense was committed; and for preparing in such waters to unlawfully fish therein, penalties shall be fixed by the court, not to exceed those for unlawfully fishing; and for any other violation of the laws of Great Britain, Canada, or Newfoundland relating to the right of fishery in such waters, bays, creeks, or harbors, penalties shall be fixed by the court, not exceeding in all three dollars for every ton of the boat or vessel concerned. The boat or vessel may be holden for such penalties and forfeitures.

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The proceedings shall be summary and as inexpensive as practicable. The trial (except on appeal) shall be at the place of detention, unless the judge shall, on request of the defense, order it to be held at some other place adjudged by him more convenient. Security for costs shall not be required of the defense, except when bail is offered. Reasonable bail shall be accepted. There shall be proper appeals available to the defense only; and the evidence at the trial may be used on appeal.

Judgments of forfeiture shall be reviewed by the Governor-General of Canada in Council, or the Governor in Council of Newfoundland, before the same are executed.

## ARTICLE XV.

Whenever the United States shall remove the duty from fish-oil, whale-oil, seal-oil, and fish of all kinds (except fish preserved in oil), being the produce of fisheries carried on by the fishermen of Canada and Newfoundland, including Labrador, as well as from the usual and necessary casks, barrels, kegs, cans, and other usual and necessary coverings containing the products above mentioned, the like products, being the produce of fisheries carried on by the fishermen of the United States, as well as the usual and necessary coverings of the same, as above described, shall be admitted free of duty into the Dominion of Canada and Newfoundland.

And upon such removal of duties, and while the aforesaid articles are allowed to be brought into the United States by British subjects, without duty being reimposed thereon, the privilege of entering the ports, bays, and harbors of the aforesaid coasts of Canada and Newfoundland shall be accorded to United States fishing vessels by annual licenses, free of charge, for the following purposes, namely:

1. The purchase of provisions, bait, ice, seines, lines, and all other supplies and outfits;
2. Transshipment of catch, for transport by any means of conveyance;
3. Shipping of crews.

Supplies shall not be obtained by barter, but bates may be so obtained.

The like privileges shall be continued or given to fishing vessels of Canada and of Newfoundland on the Atlantic coasts of the United States.

## ARTICLE XVI.

This Treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate; and by Her Britannic Majesty, having received the assent of the Parliament of Canada and of the Legislature of Newfoundland; and the ratifications shall be exchanged at Washington as soon as possible.

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

Done in duplicate, at Washington, this fifteenth day of February, in the year of our Lord one thousand eight hundred and eighty-eight.

T. F. BAYARD	[SEAL.]
WILLIAM L. PUTNAM.	[SEAL.]
JAMES B. ANGELL.	[SEAL.]
J. CHAMBERLAIN.	[SEAL.]
L. S. SACKVILLE WEST.	[SEAL.]
CHARLES TUPPER.	[SEAL.]

## I.

## PROTOCOL OF FISHERIES CONFERENCE.

WASHINGTON, *November 22, 1887.*

The Fisheries Conference having formally met, the Full Powers of the Plenipotentiaries were exhibited and found to be in good and due form, as follows:

GROVER CLEVELAND; *President of the United States of America. To all to whom these presents shall come, Greeting:*

Know ye that, reposing special trust and confidence in the integrity and ability of Thomas F. Bayard, Secretary of State; William L. Putnam, of Maine; and James B. Angell, of Michigan; I hereby invest them with full power jointly and severally, for and in the name of the United States, to meet and confer with Plenipotentiaries representing the Government of Her Britannic Majesty, for the purpose of considering and adjusting in a friendly spirit all or any questions relating to rights of fishery in the seas adjacent to British North America and Newfoundland which are in dispute between the Government of the United States and that of Her Britannic Majesty, and any other questions which may arise and which they may be authorized by their respective governments to consider and adjust; and I also fully empower and authorize the said Thomas F. Bayard, William L. Putnam, and James B. Angell, jointly and severally, to conclude and sign any treaty or treaties touching the premises, for the final ratification of the President of the United States, by and with the advice and consent of the Senate, if such advice and consent be given.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

Given under my hand at the City of Washington this eighteenth day of November, in the year of our Lord one thousand eight [SEAL.] hundred and eighty-seven, and of the Independence of the United States, the one hundredth and twelfth.

GROVER CLEVELAND.

By the President:

T. F. BAYARD,  
*Secretary of State.*

VICTORIA R. & I. *Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India, &c., &c., &c., To All and Singular to whom these Presents shall come, Greeting!*

Whereas for the purpose of considering and adjusting in a friendly spirit with Plenipotentiaries to be appointed on the part of Our Good Friends The United States of America all or any questions relating to rights of Fishery in the seas adjacent to British North America and Newfoundland which are in dispute between Our Government and that of Our said Good Friends, and any other questions which may arise which the respective Plenipotentiaries may be authorized by their Governments to consider and adjust, We have judged it expedient to invest fit persons with Full Power to conduct on Our part the discussions in this behalf. Know Ye therefore that We, reposing especial trust and confidence in the wisdom, loyalty, diligence, and circumspection of Our Right Trusty and Well beloved Councillor Joseph Chamberlain, a Member of Our Most Honorable Privy Council, and a Member of Parliament,

&c., &c.; of Our Trusty and Well beloved The Honorable Sir Lionel Sackville Sackville West, Knight Commander of Our Most Distinguished Order of St. Michael and St. George, Our Envoy Extraordinary and Minister Plenipotentiary to Our said Good Friends the United States of America, &c., &c., and of Our Trusty and Well beloved Sir Charles Tupper, Knight Grand Cross of Our Most Distinguished Order of St. Michael and St. George, Companion of Our Most Honorable Order of the Bath, Minister of Finance of the Dominion of Canada, &c., &c., have named, made, constituted, and appointed, as We do by these Presents name, make, constitute and appoint them Our undoubted Plenipotentiaries: Giving to them, or to any two of them, all manner of power and authority to treat, adjust, and conclude, with such plenipotentiaries as may be vested with similar power and authority on the part of Our Good Friends The United States of America, any Treaties, Conventions, or Agreements that may tend to the attainment of the above-mentioned end, and to sign for Us and in Our Name, everything so agreed upon and concluded, and to do and transact all such other matters as may appertain to the finishing of the aforesaid work in as ample manner and form, and with equal force and efficiency as We Ourselves could do if Personally present: Engaging and promising upon Our Royal Word that whatever things shall be so transacted and concluded by Our said Plenipotentiaries shall be agreed to, acknowledged, and accepted by Us in the fullest manner, and that We will never suffer, either in the whole or in part, any person whatsoever to infringe the same; or act contrary thereto, as far as it lies in Our Power. In witness whereof We have caused the Great Seal of Our United Kingdom of Great Britain and Ireland to be affixed to these Presents which We have signed with Our Royal Hand. Given at Our Court at Balmoral the twenty-fourth day of October in the year of Our Lord one thousand eight hundred and eighty-seven, and in the fifty-first year of Our Reign.

The British Plenipotentiaries proposed that Mr. Bayard, Secretary of State of the United States, should preside.

Mr. Bayard, while expressing appreciation of the proposal, stated the opinion, in which the other United States Plenipotentiaries concurred, that it was not necessary that any one should preside; and the proposal was permitted to rest.

Mr. John B. Moore, Third Assistant Secretary of State of the United States, acting as Secretary to the United States Plenipotentiaries, and Mr. J. H. G. Bergne, C. M. G., Superintendent of the Treaty Department of the British Foreign Office, acting as secretary to the British Plenipotentiaries, were requested to make the Protocols of the Conference.

After some discussion of questions before the Conference, it was adjourned to 12 o'clock m. of the 28th of November.

#### PROTOCOL.

The treaty having been signed by the British Plenipotentiaries desire to state that they have been considering the position which will be created by the immediate commencement of the fishing season before the Treaty can possibly be ratified by the Senate of the United States, by the Parliament of Canada, and the Legislature of Newfoundland.



In the absence of such ratification the old conditions which have given rise to so much friction and irritation might be revived, and might interfere with the unprejudiced consideration of the Treaty by the legislative bodies concerned.

Under these circumstances, and with the further object of affording evidence of their anxious desire to promote good feeling and to remove all possible subjects of controversy, the British Plenipotentiaries are ready to make the following temporary arrangement for a period not exceeding two years, in order to afford a "*modus vivendi*" pending the ratification of the Treaty.

1. For a period not exceeding two years from the present date, the privilege of entering the bays and harbors of the Atlantic coasts of Canada and Newfoundland shall be granted to United States fishing vessels by annual Licenses at a fee of \$1½ per ton—for the following purposes:

The purchase of bait, ice, seines, lines, and all other supplies and outfits.

Transshipment of catch and shipping of crews.

2. If during the continuance of this arrangement, the United States should remove the duties on fish, fish-oil, whale and seal oil (and their coverings, packages, &c.), the said Licenses shall be issued free of charge.

3. United States fishing vessels entering the bays and harbors of the Atlantic coasts of Canada or of Newfoundland for any of the four purposes mentioned in Article I. of the Convention of October 20, 1818, and not remaining therein more than twenty-four hours, shall not be required to enter or clear at the custom house, providing that they do not communicate with the shore.

4. Forfeiture to be exacted only for the offences of fishing or preparing to fish in territorial waters.

5. This arrangement to take effect as soon as the necessary measures can be completed by the Colonial Authorities.

J. CHAMBERLAIN.  
L. S. SACKVILLE WEST.  
CHARLES TUPPER.

Washington, February 15, 1888.

#### PROTOCOL.

The American Plenipotentiaries having received the communication of the British Plenipotentiaries of this date conveying their plan for the administration to be observed by the Governments of Canada and Newfoundland in respect of the Fisheries during the period which may be requisite for the consideration by the Senate of the Treaty this day signed, and the enactment of the legislation by the respective Governments therein proposed, desire to express their satisfaction with this manifestation of an intention on the part of the British Plenipotentiaries, by the means referred to, to maintain the relations of good neighborhood between the British Possessions in North America and the United States; and they will convey the communication of the British Plenipotentiaries to the President of the United States, with a recommendation that the same may be by him made known to the Senate for its information, together with the Treaty, when the latter is submitted to that body for ratification.

T. F. BAYARD.  
WILLIAM L. PUTNAM.  
JAMES B. ANGELL.

Washington, February 15, 1888.

T R E A T Y

BETWEEN THE

UNITED STATES AND GREAT BRITAIN.

CLAIMS, FISHERIES, NAVIGATION OF THE ST. LAWRENCE, &c., AMERICAN  
LUMBER ON THE RIVER ST. JOHN, BOUNDARY.

CONCLUDED MAY 8, 1871; RATIFICATIONS EXCHANGED JUNE 17, 1871;  
PROCLAIMED JULY 4, 1871.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Treaty, between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, concerning the settlement of all causes of difference between the two countries, was concluded and signed at Washington by the High Commissioners and Plenipotentiaries of the respective Governments on the eighth day of May last; which Treaty is, word for word, as follows:

The United States of America and Her Britannic Majesty, being desirous to provide for an amicable settlement of all causes of difference between the two countries, have for that purpose appointed their respective Plenipotentiaries, that is to say: The President of the United States has appointed, on the part of the United States, as Commissioners in a Joint High Commission and Plenipotentiaries, Hamilton Fish, Secretary of State; Robert Cumming Schenck, Envoy Extraordinary and Minister Plenipotentiary to Great Britain; Samuel Nelson, an Associate Justice of the Supreme Court of the United States; Ebenezer Rockwood Hoar, of Massachusetts; and George Henry Williams, of Oregon; and Her Britannic Majesty, on her part, has appointed as her High Commissioners and Plenipotentiaries the Right Honourable George Frederick Samuel, Earl de Grey and Earl of Ripon, Viscount Goderich, Baron Grantham, a Baronet, a Peer of the United Kingdom, Lord President of Her Majesty's Most Honourable Privy Council, Knight of the Most Noble Order of the Garter, etc.; the

Right Honourable Sir Stafford Henry Northcote, Baronet, one of Her Majesty's Most Honourable Privy Council, a Member of Parliament, a Companion of the Most Honourable Order of the Bath, etc., etc.; Sir Edward Thornton, Knight Commander of the Most Honourable Order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America; Sir John Alexander Macdonald, Knight Commander of the Most Honourable Order of the Bath, a member of Her Majesty's Privy Council for Canada, and Minister of Justice and Attorney General of Her Majesty's Dominion of Canada; and Montague Bernard, Esquire, Chichele Professor of International Law in the University of Oxford.

And the said Plenipotentiaries, after having exchanged their full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

#### ARTICLE I.

Whereas differences have arisen between the Government of the United States and the Government of Her Britannic Majesty, and still exists, growing out of the acts committed by the several vessels which have given rise to the claims generally known as the "Alabama Claims:"

And whereas Her Britannic Majesty has authorized her High Commissioners and Plenipotentiaries to express, in a friendly spirit, the regret felt by Her Majesty's Government for the escape, under whatever circumstances, of the Alabama and other vessels from British ports, and for the depredations committed by those vessels:

Now, in order to remove and adjust all complaints and claims on the part of the United States, and to provide for the speedy settlement of such claims which are not admitted by Her Britannic Majesty's Government, the high contracting parties agree that all the said claims, growing out of acts committed by the aforesaid vessels, and generically known as the "Alabama Claims," shall be referred to a tribunal of arbitration to be composed of five Arbitrators, to be appointed in the following manner, that is to say: One shall be named by the President of the United States; one shall be named by Her Britannic Majesty; His Majesty the King of Italy shall be requested to name one; the President of the Swiss Confederation shall be requested to name one; and His Majesty the Emperor of Brazil shall be requested to name one.

In case of the death, absence, or incapacity to serve of any or either of the said Arbitrators, or, in the event of either of the said Arbitrators omitting or declining or ceasing to act as such, the President of the United States, or Her Britannic Majesty, or His Majesty the King of Italy, or the President of the Swiss Confederation, or His Majesty the Emperor of Brazil, as the case may be, may forthwith name another person to act as Arbitrator in the place and stead of the Arbitrator originally named by such head of a State.

And in the event of the refusal or omission for two months after receipt of the request from either of the high contracting parties of His Majesty the King of Italy, or the President of the Swiss Confederation, or His Majesty the Emperor of Brazil, to name an Arbitrator either to fill the original appointment or in the place of one who may have died, be absent, or incapacitated, or who may omit, decline, or from any cause cease to act as such Arbitrator, His Majesty the King of Sweden and Norway shall be requested to name one or more persons, as the case may be, to act as such Arbitrator or Arbitrators.

## ARTICLE II.

The Arbitrators shall meet at Geneva, in Switzerland, at the earliest convenient day after they shall have been named, and shall proceed impartially and carefully to examine and decide all questions that shall be laid before them on the part of the Governments of the United States and Her Britannic Majesty respectively. All questions considered by the tribunal, including the final award, shall be decided by a majority of all the Arbitrators.

Each of the high contracting parties shall also name one person to attend the tribunal as its Agent to represent it generally in all matters connected with the arbitration.

## ARTICLE III.

The written or printed case of each of the two parties, accompanied by the documents, the official correspondence, and other evidence on which each relies, shall be delivered in duplicate to each of the Arbitrators and to the Agent of the other party as soon as may be after the organization of the tribunal, but within a period not exceeding six months from the date of the exchange of the ratifications of this treaty.

## ARTICLE IV.

Within four months after the delivery on both sides of the written or printed case, either party may, in like manner, deliver in duplicate to each of the said Arbitrators, and to the Agent of the other party, a counter case and additional documents, correspondence, and evidence, in reply to the case, documents, correspondence, and evidence so presented by the other party.

The Arbitrators may, however, extend the time for delivering such counter case, documents, correspondence, and evidence, when, in their judgment, it becomes necessary, in consequence of the distance of the place from which the evidence to be presented is to be procured.

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

## ARTICLE V.

It shall be the duty of the Agent of each party, within two months after the expiration of the time limited for the delivery of the counter case on both sides, to deliver in duplicate to each of the said Arbitrators and to the Agent of the other party a written or printed argument showing the points and referring to the evidence upon which his Government relies; and the Arbitrators may, if they desire further elucidation with regard to any point, require a written or printed statement or argument, or oral argument by counsel upon it; but in such case the other party shall be entitled to reply either orally or in writing, as the case may be.

## ARTICLE VI.

In deciding the matters submitted to the Arbitrators, they shall be governed by the following three rules, which are agreed upon by the high contracting parties as rules to be taken as applicable to the case, and by such principles of international law not inconsistent therewith as the Arbitrators shall determine to have been applicable to the case.

## RULES.

A neutral Government is bound—

First, to use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a Power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

Secondly, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Thirdly, to exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

Her Britannic Majesty has commanded her High Commissioners and Plenipotentiaries to declare that Her Majesty's Government cannot assent to the foregoing rules as a statement of principles of international law which were in force at the time when the claims mentioned in Article I arose, but that Her Majesty's Government, in order to evince its desire of strengthening the friendly relations between the two countries and of making satisfactory provision for the future, agrees that in deciding the questions between the two countries arising out of those claims, the Arbitrators should assume that Her Majesty's Government had undertaken to act upon the principles set forth in these rules.

And the high contracting parties agree to observe these rules as between themselves in future, and to bring them to the knowledge of other maritime Powers, and to invite them to accede to them.

## ARTICLE VII.

The decision of the tribunal shall, if possible, be made within three months from the close of the argument on both sides.

It shall be made in writing and dated, and shall be signed by the Arbitrators who may assent to it.

The said tribunal shall first determine as to each vessel separately whether Great Britain has, by any act or omission, failed to fulfil any of the duties set forth in the foregoing three rules, or recognized by the principles of international law not inconsistent with such rules, and shall certify such fact as to each of the said vessels. In case the tribunal find that Great Britain has failed to fulfil any duty or duties as aforesaid, it may, if it think proper, proceed to award a sum in gross to be paid by Great Britain to the United States for all the claims referred to it; and in such case the gross sum so awarded shall be paid in coin by the Government of Great Britain to the Government of

the United States, at Washington, within twelve months after the date of the award.

The award shall be in duplicate, one copy whereof shall be delivered to the Agent of the United States for his Government, and the other copy shall be delivered to the Agent of Great Britain for his Government.

#### ARTICLE VIII.

Each Government shall pay its own Agent and provide for the proper remuneration of the counsel employed by it and of the Arbitrator appointed by it, and for the expense of preparing and submitting its case to the tribunal. All other expenses connected with the arbitration shall be defrayed by the two Governments in equal moieties.

#### ARTICLE IX.

The Arbitrators shall keep an accurate record of their proceedings, and may appoint and employ the necessary officers to assist them.

#### ARTICLE X.

In case the tribunal finds that Great Britain has failed to fulfil any duty or duties as aforesaid, and does not award a sum in gross, the high contracting parties agree that a board of assessors shall be appointed to ascertain and determine what claims are valid, and what amount or amounts shall be paid by Great Britain to the United States on account of the liability arising from such failure, as to each vessel, according to the extent of such liability as decided by the Arbitrators.

The board of assessors shall be constituted as follows: One member thereof shall be named by the President of the United States, one member thereof shall be named by Her Britannic Majesty, and one member thereof shall be named by the Representative at Washington of His Majesty the King of Italy; and in case of a vacancy happening from any cause, it shall be filled in the same manner in which the original appointment was made.

As soon as possible after such nominations the board of assessors shall be organized in Washington, with power to hold their sittings there, or in New York, or in Boston. The members thereof shall severally subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment and according to justice and equity, all matters submitted to them, and shall forthwith proceed, under such rules and regulations as they may prescribe, to the investigation of the claims which shall be presented to them by the Government of the United States, and shall examine and decide upon them in such order and manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of the Governments of the United States and of Great Britain, respectively. They shall be bound to hear on each separate claim, if required, one person on behalf of each Government, as counsel or agent. A majority of the Assessors in each case shall be sufficient for a decision.

The decision of the Assessors shall be given upon each claim in writing, and shall be signed by them respectively and dated.

Every claim shall be presented to the Assessors within six months from the day of their first meeting, but they may, for good cause

shown, extend the time for the presentation of any claim to a further period not exceeding three months.

The Assessors shall report to each Government, at or before the expiration of one year from the date of their first meeting, the amount of claims decided by them up to the date of such report; if further claims then remain undecided, they shall make a further report at or before the expiration of two years from the date of such first meeting; and in case any claims remain undetermined at that time, they shall make a final report within a further period of six months.

The report or reports shall be made in duplicate, and one copy thereof shall be delivered to the Secretary of State of the United States, and one copy thereof to the Representative of Her Britannic Majesty at Washington.

All sums of money which may be awarded under this article shall be payable at Washington, in coin, within twelve months after the delivery of each report.

The board of assessors may employ such clerks as they shall think necessary.

The expenses of the board of assessors shall be borne equally by the two Governments, and paid from time to time, as may be found expedient, on the production of accounts certified by the board. The remuneration of the Assessors shall also be paid by the two Governments in equal moieties in a similar manner.

#### ARTICLE XI.

The high contracting parties engage to consider the result of the proceedings of the tribunal of arbitration and of the board of Assessors, should such board be appointed, as a full, perfect, and final settlement of all the claims hereinbefore referred to; and further engage that every such claim, whether the same may or may not have been presented to the notice of, made, preferred, or laid before the tribunal or board, shall, from and after the conclusion of the proceedings of the tribunal or board, be considered and treated as finally settled, barred, and thenceforth inadmissible.

#### ARTICLE XII.

The high contracting parties agree that all claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of Her Britannic Majesty, arising out of acts committed against the persons or property of citizens of the United States during the period between the thirteenth of April, eighteen hundred and sixty-one, and the ninth of April, eighteen hundred and sixty-five, inclusive, not being claims growing out of the acts of the vessels referred to in Article I of this treaty, and all claims, with the like exception, on the part of corporations, companies, or private individuals, subjects of Her Britannic Majesty, upon the Government of the United States, arising out of acts committed against the persons or property of subjects of Her Britannic Majesty during the same period, which may have been presented to either Government for its interposition with the other, and which yet remain unsettled, as well as any other such claims which may be presented within the time specified in Article XIV of this treaty, shall be referred to three Commissioners, to be appointed in the following manner, that is to say: One Commissioner shall be named by the President of the United States, one by Her Britannic Majesty, and a third by the President of the United States

and Her Britannic Majesty conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date of the exchange of the ratifications of this treaty, then the third Commissioner shall be named by the Representative at Washington of His Majesty the King of Spain. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment; the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

The Commissioners so named shall meet at Washington at the earliest convenient period after they have been respectively named; and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, all such claims as shall be laid before them on the part of the Governments of the United States and of Her Britannic Majesty, respectively; and such declaration shall be entered on the record of their proceedings.

#### ARTICLE XIII.

The Commissioners shall then forthwith proceed to the investigation of the claims which shall be presented to them. They shall investigate and decide such claims in such order and such manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of the respective Governments. They shall be bound to receive and consider all written documents or statements which may be presented to them by or on behalf of the respective Governments in support of, or in answer to, any claim, and to hear, if required, one person on each side, on behalf of each Government, as counsel or agent for such Government, on each and every separate claim. A majority of the Commissioners shall be sufficient for an award in each case. The award shall be given upon each claim in writing, and shall be signed by the Commissioners assenting to it. It shall be competent for each Government to name one person to attend the Commissioners as its agent, to present and support claims on its behalf, and to answer claims made upon it, and to present it generally in all matters connected with the investigation and decision thereof.

The high contracting parties hereby engage to consider the decision of the Commissioners as absolutely final and conclusive upon each claim decided upon by them, and to give full effect to such decisions without any objection, evasion, or delay whatsoever.

#### ARTICLE XIV.

Every claim shall be presented to the Commissioners within six months from the day of their first meeting, unless in any case where reasons for delay shall be established to the satisfaction of the Commissioners, and then, and in any such case, the period for presenting the claim may be extended by them to any time not exceeding three months longer.

The Commissioners shall be bound to examine and decide upon every claim within two years from the day of their first meeting. It shall be competent for the Commissioners to decide in each case whether any claim has or has not been duly made, preferred, and laid before them, either wholly or to any and what extent, according to the true intent and meaning of this treaty.



## ARTICLE XV.

All sums of money which may be awarded by the Commissioners on account of any claim shall be paid by the one Government to the other, as the case may be, within twelve months after the date of the final award, without interest, and without any deduction save as specified in Article XVI of this treaty.

## ARTICLE XVI.

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

Each Government shall pay its own Commissioner and Agent or Counsel. All other expenses shall be defrayed by the two Governments in equal moieties.

The whole expenses of the commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by the Commissioners, provided always that such deduction shall not exceed the rate of five per cent. on the sums so awarded.

## ARTICLE XVII.

The high contracting parties engage to consider the result of the proceedings of this commission as a full, perfect, and final settlement of all such claims as are mentioned in Article XII of this treaty upon either Government; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said commission, shall, from and after the conclusion of the proceedings of the said commission, be considered and treated as finally settled, barred, and thenceforth inadmissible.

## ARTICLE XVIII.

It is agreed by the high contracting parties that, in addition to the liberty secured to the United States fishermen by the convention between the United States and Great Britain, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American Colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of Her Britannic Majesty, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbours, and creeks, of the provinces of Quebec, Nova Scotia, and New Brunswick, and the colony of Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all other

fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

## ARTICLE XIX.

It is agreed by the high contracting parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the eastern sea coasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbours, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

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

## ARTICLE XX.

It is agreed that the places designated by the Commissioners appointed under the first article of the treaty between the United States and Great Britain, concluded at Washington on the 5th of June, 1854, upon the coasts of Her Britannic Majesty's dominions and the United States, as places reserved from the common right of fishing under that treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding articles. In case any question should arise between the Governments of the United States and of Her Britannic Majesty as to the common right of fishing in places not thus designated as reserved, it is agreed that a commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties, and authority as the commission appointed under the said first article of the treaty of the 5th of June, 1854.

## ARTICLE XXI.

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

## ARTICLE XXII.

Inasmuch as it is asserted by the Government of Her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII of this treaty are of greater value than those recorded by Articles XIX and XXI of this treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Govern-

ment of the United States, it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this treaty; and that any sum of money which the said Commissioners may so award shall be paid by the United States Government, in a gross sum, within twelve months after such award shall have been given.

#### ARTICLE XXIII.

The Commissioners referred to in the preceding article shall be appointed in the following manner, that is to say: One Commissioner shall be named by the President of the United States, one by Her Britannic Majesty, and a third by the President of the United States and Her Britannic Majesty conjointly; and in case the third Commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then the third Commissioner shall be named by the Representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

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

Each of the high contracting parties shall also name one person to attend the commission as its Agent, to represent it generally in all matters connected with the commission.

#### ARTICLE XXIV.

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

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

The case on either side shall be closed within a period of six months from the date of the organization of the Commission, and the Commis-

sioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of a vacancy occurring among the Commissioners under the circumstances contemplated in Article XXIII of this treaty.

## ARTICLE XXV.

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

Each of the high contracting parties shall pay its own Commissioner and Agent or Counsel; all other expenses shall be defrayed by the two Governments in equal moieties.

## ARTICLE XXVI.

The navigation of the river St. Lawrence, ascending and descending, from the forty-fifth parallel of north latitude, where it ceases to form the boundary between the two countries, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the citizens of the United States, subject to any laws and regulations of Great Britain, or of the Dominion of Canada, not inconsistent with such privilege of free navigation.

The navigation of the rivers Yukon, Porcupine, and Stikine, ascending and descending, from, to, and into the sea, shall forever remain free and open for the purposes of commerce to the subjects of Her Britannic Majesty and to the citizens of the United States, subject to any laws and regulations of either country within its own territory, not inconsistent with such privilege of free navigation.

## ARTICLE XXVII.

The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the Government of the United States engages that the subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats canal on terms of equality with the inhabitants of the United States, and further engages to urge upon the State Governments to secure to the subjects of Her Britannic Majesty the use of the several State canals connected with the navigation of the lakes or rivers traversed by or contiguous to the boundary line between the possessions of the high contracting parties, on terms of equality with the inhabitants of the United States.

## ARTICLE XXVIII.

The navigation of Lake Michigan shall also, for the term of years mentioned in Article XXXIII of this treaty, be free and open for the purposes of commerce to the subjects of Her Britannic Majesty, subject to any laws and regulations of the United States or of the States bordering thereon not inconsistent with such privilege of free navigation.

## ARTICLE XXIX.

It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been or may, from time to time, be specially designated by the President of the United States, and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Government of the United States may from time to time prescribe; and under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions through the territory of the United States for export from the said ports of the United States.

It is further agreed that, for the like period, goods, wares or merchandise arriving at any of the ports of Her Britannic Majesty's possessions in North America and destined for the United States may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the said possessions, under such rules and regulations, and conditions for the protection of the revenue, as the Governments of the said possessions may from time to time prescribe; and under like rules, regulations, and conditions goods, wares, or merchandise may be conveyed in transit, without payment of duties, from the United States through the said possessions to other places in the United States, or for export from ports in the said possessions.

## ARTICLE XXX.

It is agreed that, for the terms of years mentioned in Article XXXIII of this treaty, subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States upon the St. Lawrence, the great lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid: Provided, That a portion of such transportation is made through the Dominion of Canada by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States.

Citizens of the United States may for the like period carry in United States vessels, without payment of duty, goods, wares, or merchandise from one port or place within the possessions of Her Britannic Majesty in North America, to another port or place within the said possessions: Provided, That a portion of such transportation is made through the territory of the United States by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of the United States and the Government of Her Britannic Majesty.

The Government of the United States further engages not to impose any export duties on goods, wares, or merchandise carried under this article through the territory of the United States; and Her Majesty's Government engages to urge the Parliament of the Dominion of Canada and the Legislatures of the other colonies not to impose any export duties on goods, wares, or merchandise carried under this article; and the Government of the United States may, in case such export

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duties are imposed by the Dominion of Canada, suspend, during the period that such duties are imposed, the right of carrying granted under this article in favor of the subjects of Her Britannic Majesty.

The Government of the United States may suspend the right of carrying granted in favor of the subjects of Her Britannic Majesty under this article in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals of the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII.

#### ARTICLE XXXI.

The Government of Her Britannic Majesty further engages to urge upon the Parliament of the Dominion of Canada and the Legislature of New Brunswick, that no export duty, or other duty, shall be levied on lumber or timber of any kind cut on that portion of the American territory in the State of Maine watered by the river St. John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the province of New Brunswick. And, in case any such export or other duty continues to be levied after the expiration of one year from the date of the exchange of the ratifications of this treaty, it is agreed that the Government of the United States may suspend the right of carrying hereinbefore granted under Article XXX of this treaty for such period as such export or other duty may be levied.

#### ARTICLE XXXII

It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this treaty.

#### ARTICLE XXXIII.

The foregoing Articles XVIII to XXV, inclusive, and Article XXX of this treaty shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and by the Legislature of Prince Edward's Island on the one hand, and by the Congress of the United States on the other. Such assent having been given, the said articles shall remain in force for the period of ten years from the date at which they may come into operation; and further until the expiration of two years after either of the high contracting parties shall have given notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said period of ten years or at any time afterward.

#### ARTICLE XXXIV.

Whereas it was stipulated by Article I of the treaty concluded at Washington on the 15th of June, 1846, between the United States and

Her Britannic Majesty, that the line of boundary between the territories of the United States and those of Her Britannic Majesty, from the point of the forty-ninth parallel of north latitude up to which it had already been ascertained, should be continued westward along the said parallel of north latitude "to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly, through the middle of the said channel and of Fuca Straits, to the Pacific Ocean;" and whereas the Commissioners appointed by the two high contracting parties to determine that portion of the boundary which runs southerly through the middle of the channel aforesaid, were unable to agree upon the same; and whereas the Government of Her Britannic Majesty claims that such boundary line should, under the terms of the treaty above recited, be run through the Rosario Straits, and the Government of the United States claims that it should be run through the Canal de Haro, it is agreed that the respective claims of the Government of the United States and of the Government of Her Britannic Majesty shall be submitted to the arbitration and award of His Majesty the Emperor of Germany, who, having regard to the above-mentioned article of the said treaty, shall decide thereupon, finally and without appeal, which of those claims is most in accordance with the true interpretation of the treaty of June 15, 1846.

#### ARTICLE XXXV.

The award of His Majesty the Emperor of Germany shall be considered as absolutely final and conclusive; and full effect shall be given to such award without any objection, evasion, or delay whatsoever. Such decision shall be given in writing and dated; it shall be in whatsoever form His Majesty may choose to adopt; it shall be delivered to the Representatives or other public Agents of the United States and of Great Britain, respectively, who may be actually at Berlin, and shall be considered as operative from the day of the date of the delivery thereof.

#### ARTICLE XXXVI.

The written or printed case of each of the two parties, accompanied by the evidence offered in support of the same, shall be laid before His Majesty the Emperor of Germany within six months from the date of the exchange of the ratifications of this treaty, and a copy of such case and evidence shall be communicated by each party to the other, through their respective Representatives at Berlin.

The high contracting parties may include in the evidence to be considered by the Arbitrator such documents, official correspondence, and other official or public statements bearing on the subject of the reference as they may consider necessary to the support of their respective cases.

After the written or printed case shall have been communicated by each party to the other, each party shall have the power of drawing up and laying before the Arbitrator a second and definitive statement, if it think fit to do so, in reply to the case of the other party so communicated, which definitive statement shall be so laid before the Arbitrator, and also be mutually communicated in the same manner as aforesaid, by each party to the other, within six months from the date of laying the first statement of the case before the Arbitrator.

## ARTICLE XXXVII.

If, in the case submitted to the Arbitrator, either party shall specify or allude to any report or document in its own exclusive possession without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof, and either party may call upon the other, through the Arbitrator, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the Arbitrator may require. And if the Arbitrator should desire further elucidation or evidence with regard to any point contained in the statements laid before him, he shall be at liberty to require it from either party, and he shall be at liberty to hear one Counsel or Agent for each party, in relation to any matter, and at such time, and in such manner, as he may think fit.

## ARTICLE XXXVIII.

The Representatives or other public Agents of the United States and of Great Britain at Berlin, respectively, shall be considered as the Agents of their respective Governments to conduct their cases before the Arbitrator, who shall be requested to address all his communications and give all his notices to such Representatives or other public Agents, who shall represent their respective Governments generally, in all matters connected with the arbitration.

## ARTICLE XXXIX.

It shall be competent to the Arbitrator to proceed in the said arbitration, and all matters relating thereto, as and when he shall see fit, either in person, or by a person or persons named by him for that purpose, either in the presence or absence of either or both Agents, and either orally, or by written discussion or otherwise.

## ARTICLE XL.

The Arbitrator may, if he think fit, appoint a Secretary, or Clerk, for the purposes of the proposed arbitration, at such rate of remuneration as he shall think proper. This, and all other expenses of and connected with the said arbitration, shall be provided for as hereinafter stipulated.

## ARTICLE XLI.

The Arbitrator shall be requested to deliver, together with his award, an account of all the costs and expenses which he may have been put to, in relation to this matter, which shall forthwith be repaid by the two Governments in equal moieties.

## ARTICLE XLII.

The Arbitrator shall be requested to give his award in writing as early as convenient after the whole case on each side shall have been laid before him, and to deliver one copy thereof to each of the said Agents.



## ARTICLE XLIII.

The present treaty shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged either at Washington or at London within six months from the date hereof, or earlier if possible.

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

Done in duplicate at Washington the eighth day of May, in the year of our Lord one thousand eight hundred and seventy-one.

[SEAL.]  
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HAMILTON FISH.  
ROBT. C. SCHENCK.  
SAMUEL NELSON.  
EBENEZER ROCKWOOD HOAR.  
GEO. H. WILLIAMS.  
DE GREY & RIPON.  
STAFFORD H. NORTHCOTE.  
EDWD. THORNTON.  
JOHN A. MACDONALD.  
MOUNTAGUE BERNARD.

And whereas the said Treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged in the city of London, on the seventeenth day of June, 1871, by Robert C. Schenck, Envoy Extraordinary and Minister Plenipotentiary of the United States, and Earl Granville, Her Majesty's Principal Secretary of State for Foreign Affairs, on the part of their respective Governments:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, have caused the said Treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this fourth day of July, in the year of our Lord one thousand eight hundred and seventy-one, and [SEAL.] of the Independence of the United States the ninety-sixth.

U. S. GRANT.

By the President:

HAMILTON FISH,  
*Secretary of State.*

# CONVENTION

BETWEEN THE

## UNITED STATES OF AMERICA AND HIS BRITANNIC MAJESTY

RESPECTING

FISHERIES, BOUNDARY, AND RESTORATION OF SLAVES,

CONCLUDED AT LONDON OCTOBER 20, 1818;

RATIFICATION ADVISED BY SENATE JANUARY 25, 1819; RATIFIED  
BY PRESIDENT JANUARY 23, 1819; RATIFICATIONS  
EXCHANGED AT WASHINGTON JANUARY 30,  
1819; PROCLAIMED JANUARY 30, 1819.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, desirous to cement the good understanding which happily subsists between them, have, for that purpose, named their respective Plenipotentiaries, that is to say :

The President of the United States, on his part, has appointed Albert Gallatin, their Envoy Extraordinary and Minister Plenipotentiary to the Court of France, and Richard Rush, their Envoy Extraordinary and Minister Plenipotentiary to the Court of His Britannic Majesty; and His Majesty has appointed the Right Honorable Frederick John Robinson, Treasurer of His Majesty's Navy and President of the Committee of Privy Council for Trade and Plantations, and Henry Goulburn, Esq., one of His Majesty's Under Secretaries of State;

Who, after having exchanged their respective full powers, found to be in due and proper form, have agreed to and concluded the following articles :

### ARTICLE I.

Whereas differences have arisen respecting the liberty claimed by the United States, for the inhabitants thereof, to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have, forever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland; from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on

the coasts, bays, harbours, and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Streights of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company: And that the American fishermen shall also have liberty forever to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland, hereabove described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America not included within the abovementioned limits: Provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

#### ARTICLE II.

It is agreed that a line drawn from the most northwestern point of the Lake of the Woods along the forty-ninth parallel of north latitude, or if the said point shall not be in the forty-ninth parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with the said parallel, shall be the line of demarcation between the territories of the United States and those of His Britannic Majesty, and that the said line shall form the northern boundary of the said territories of the United States, and the southern boundary of the territories of His Britannic Majesty, from the Lake of the Woods to the Stony Mountains.

#### ARTICLE III.

It is agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbours, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention to the vessels, citizens, and subjects of the two Powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other Power or State to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences amongst themselves.

#### ARTICLE IV.

All the provisions of the convention "to regulate the commerce between the territories of the United States and of His Britannic Maj-

esty," concluded at London on the third day of July, in the year of our Lord one thousand eight hundred and fifteen, with the exception of the clause which limited its duration to four years, and excepting also, so far as the same was affected by the declaration of His Majesty respecting the island of St. Helena, are hereby extended and continued in force for the term of ten years from the date of the signature of the present convention, in the same manner as if all the provisions of the said convention were herein specially recited.

## ARTICLE V.

Whereas it was agreed by the first article of the treaty of Ghent that "all territory, places, and possessions whatsoever taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property originally captured in the said forts or places, which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves, or other private property;" and whereas under the aforesaid article the United States claim for their citizens, and as their private property, the restitution of or full compensation for all slaves who, at the date of the exchange of the ratifications of the said treaty, were in any territory, places, or possessions whatsoever, directed by the said treaty to be restored to the United States, but then still occupied by the British forces, whether such slaves were, at the date aforesaid, on shore, or on board any British vessel lying in waters within the territory or jurisdiction of the United States; and whereas differences have arisen whether, by the true intent and meaning of the aforesaid article of the treaty of Ghent, the United States are entitled to the restitution of or full compensation for all or any slaves as above described, the high contracting parties hereby agree to refer the said differences to some friendly sovereign or State, to be named for that purpose; and the high contracting parties further engage to consider the decision of such friendly sovereign or State to be final and conclusive on all the matters referred.

## ARTICLE VI.

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

In witness whereof the respective Plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.

Done at London this twentieth day of October, in the year of our Lord one thousand eight hundred and eighteen.

ALBERT GALLATIN.	[L. S.]
RICHARD RUSH.	[L. S.]
FREDERICK JOHN ROBINSON.	[L. S.]
HENRY GOULBURN.	[L. S.]

[GENERAL NATURE—No. 46.]

AN ACT to carry into effect the provisions of the treaty between the United States and Great Britain signed in the city of Washington the eighth day of May, eighteen hundred and seventy-one, relating to the fisheries.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever the President of the United States shall receive satisfactory evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the legislature of Prince Edward's Island have passed laws on their part to give full effect to the provisions of the treaty between the United States and Great Britain signed at the city of Washington on the eighth day of May, eighteen hundred and seventy-one, as contained in articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty, he is hereby authorized to issue his proclamation declaring that he has such evidence, and thereupon, from the date of such proclamation, and so long as the said articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty shall remain in force, according to the terms and conditions of article thirty-third of said treaty, all fish-oil and fish of all kinds, (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil,) being the produce of the fisheries of the Dominion of Canada or of Prince Edward's Island, shall be admitted into the United States free of duty.

SEC. 2. That whenever the colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said articles eighteenth to twenty-fifth of said treaty, inclusive, to that colony, and the legislature thereof, and the Imperial Parliament shall pass the necessary laws for that purpose, the above enumerated articles, being the produce of the fisheries of the colony of Newfoundland, shall be admitted into the United States free of duty, from and after the date of a proclamation by the President of the United States, declaring that he has satisfactory evidence that the said colony of Newfoundland has consented in a due and proper manner, to have the provisions of the said articles eighteenth to twenty-fifth, inclusive, of the said treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty, so long as the said articles eighteenth to twenty-fifth, inclusive, and article thirtieth, of said treaty, shall remain in force, according to the terms and conditions of article thirty-third of said treaty.

SEC. 3. That from the date of the President's proclamation authorized by the first section of this act, and so long as the articles eighteenth to twenty-fifth, inclusive, and article thirtieth, of said treaty, shall remain in force, according to the terms and conditions of article thirty-third of said treaty, all goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been, or may from time to time be, specially designated by the President of the United States and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment

of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Secretary of the Treasury may from time to time prescribe; and, under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions, through the territory of the United States, for export from the said ports of the United States.

SEC. 4. That from the date of the President's proclamation, authorized by the first section of this act, and so long as articles eighteenth to twenty-fifth, inclusive, and article thirtieth, of said treaty, shall remain in force, according to the terms and conditions of article thirty-third of said treaty, all subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States, upon the Saint Lawrence, the great lakes, and the rivers connecting the same, to another port or place within the territory of the United States, as aforesaid: *Provided*, That a portion of such transportation is made through the Dominion of Canada by land carriage and in bond, under such rules and regulations as may be agreed upon between the government of Her Britannic Majesty and the government of the United States: *And provided further*, That the President of the United States may, by proclamation, suspend the right of carrying provided for by this section, in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in article twenty-seven of said treaty: *And provided further*, That in case any export or other duty continues to be levied after the sixteenth day of June, eighteen hundred and seventy-two, on lumber or timber of any kind cut on that portion of the American territory, in the State of Maine, watered by the river Saint John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the province of New Brunswick, that then, and in that case, the President of the United States may, by proclamation, suspend all rights of carrying provided for by this section for such period as such export or other duty may be levied.

SEC. 5. That this act shall not take effect until the first day of July, eighteen hundred and seventy-three, and shall not apply to any article of merchandise therein mentioned which shall be held in bond on that day by the customs officers of the United States.

Approved, March 1, 1873.

[PUBLIC RESOLUTION—No 20.]

JOINT RESOLUTION providing for the termination of articles numbered eighteen to twenty-five, inclusive, and article numbered thirty of the treaty between the United States of America and Her Britannic Majesty, concluded at Washington, May eighth, eighteen hundred and seventy-one.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That in the judgment of Congress the provisions of articles numbered eighteen to twenty-five, inclusive, and of article thirty of the treaty between the United States and Her Britannic Majesty, for an amicable settlement of all causes of difference between the two countries, concluded at Washington on the eighth day of May, anno Domini eighteen hundred and seventy-one, ought to be terminated at the earliest possible time, and be no longer in force; and to this end the President be, and he hereby is, directed to give notice to the Government of Her Britannic Majesty that the provisions of each and every of the articles aforesaid will terminate and be of no force on the expiration of two years next after the time of giving such notice.

SEC. 2. That the President be, and he hereby is, directed to give and communicate to the Government of Her Britannic Majesty such notice of such termination on the first day of July, anno Domini eighteen hundred and eighty-three, or as soon thereafter as may be.

SEC. 3. That on and after the expiration of the two years' time required by said treaty, each and every of said articles shall be deemed and held to have expired and be of no force and effect, and that every department of the Government of the United States shall execute the laws of the United States (in the premises,) in the same manner and to the same effect as if said articles had never been in force; and the act of Congress approved March first, anno Domini eighteen hundred and seventy-three, entitled "An act to carry into effect the provisions of the treaty between the United States and Great Britain, signed in the city of Washington the eighth day of May, eighteen hundred and seventy-one, relating to the fisheries," so far as it relates to the articles of said treaty so to be terminated shall be and stand repealed and be of no force on and after the time of the expiration of said two years.

Approved, March 3, 1883.

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[PUBLIC—No. 125.]

AN ACT to authorize the President of the United States to protect and defend the rights of American fishing vessels, American fishermen, American trading and other vessels, in certain cases, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That whenever the President of the United States shall be satisfied that American fishing vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by treaty or law, or are or then lately have unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights; or otherwise unjustly vexed or harassed in said waters, ports, or places; or whenever the President of the United States shall be satisfied that any such fishing vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places, in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places, in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favored nation, or shall be unjustly vexed or harassed in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing such supplies as may there be lawfully sold to trading vessels of the most favored nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters and crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favored nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of, or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also, to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States. 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 purposes of this act. Every violation of any such proclamation, or any part thereof, is hereby de-



clared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon. Every person who shall violate any of the provisions of this act, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court.

Approved, March 3, 1887.

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