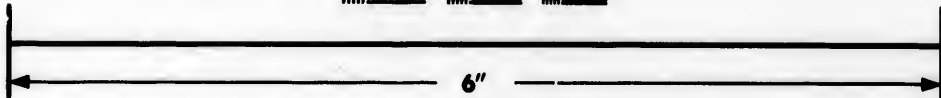
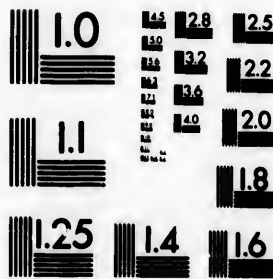


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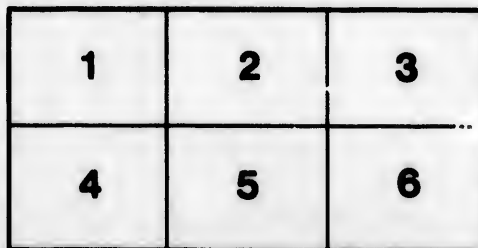
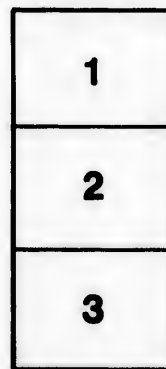
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Northeastern Atlas

Extracts from the Message of President Cleveland, Transmitting the Treaty of Feb. 15, 1888.

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 so 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 coercion confronted us in May, 1886, and has continued until the present time.

The proposed delimitation of the lines of the exclusive fisheries from the common fisheries will give certainty and security 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 Canso is expressly and for the 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 safe-guard against oppressive or arbitrary action, thus protecting the defendant fishermen from punishment in advance of trial, delays, and inconvenience and unnecessary

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 an 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 wholesome 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 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*, to be considered after the conclusion of the negotiations 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.

The Treaty of Feb. 15, 1888.

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.

line from Latine Point, on the mainland shore, to the most South Point of Red Island, thence by the most direct line to the most South Point of Merasheen Island to the Long Island and Bryer Islands, Mary's Bay, in Nova Scotia, the purpose of delimitation, be taken along the coasts of such bay.

ARTICLE V.

Nothing in this Treaty shall be construed to include within the common fisheries such interior portions of any bay or harbors as cannot be reached from the open sea without passing within the limits mentioned in Article I of this Treaty, 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 delineated, as herein provided, with quadrangles, and bearings thereof; which lines so reported shall be binding from the time they are proclaimed by the High Contracting Parties, and be binding after two months from the date of such proclamation.

ARTICLE VII.

Any disagreement of the Commissioners shall forthwith be referred to a Tribunal to be selected by the Secretary of the United States and Her Britannic Majesty, and the Tribunal shall be final.

ARTICLE VIII.

Each of the High Contracting Parties shall pay its own Commissioners' salaries. All other expenses jointly incurred in the execution of the Treaty, including compensation to the United States, shall be paid by the High Contracting Parties in equal moieties.

ARTICLE IX.

Nothing in this Treaty shall be construed to 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 the regulations common to them and to the vessels of Canada or of Newfoundland.

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

They shall not be liable in any bays or harbors for compulsory pilots when therein for the purpose of repairing damages, or purchasing or obtaining water, shall they be liable for harbor dues, tonnage dues, buoy dues, or other similar dues; enumeration shall not permit other than those enumerated in the schedule annexed to this Treaty, of October 20, 1818.

ARTICLE XI.

United States fishing vessels entering the ports, bays, and harbors of the Northeastern coast of Canada, or the coasts of Newfoundland under any weather or other casualty may reload, tranship, or sell, subject to the laws and regulations, all fish on board such unloading, transshipment, or made necessary as incidental to repairs may replenish outfits, provisions, and other necessaries, as long as they

Atlantic Fisheries.

line from Latine Point, on the Eastern mainland shore, to the most Southerly Point of 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 cannot 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, or repairing damages, or purchasing wood, or of obtaining water, shall they be liable for harbor dues, tonnage dues, buoy dues, light dues, or other similar dues; but this enumeration shall not permit other charges inconsistent with the enjoyment of the liberties reserved or secured by the Convention of October 20, 1818.

ARTICLE XI.

United States fishing vessels entering the ports, bays, and harbors of the Eastern and Northwestern 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, transhipment, or sale is made necessary as incidental to repairs, and may replenish outfits, provisions and supplies demanded as aforesaid.

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 bait 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.

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 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 over two years of 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 \$1.50 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.

Extracts from Communication of W. L. Putnam, Published in the Portland Argus, March 1, 1888.

Temporary Arrangement Proposed by Great Britain no part of the Treaty.

In considering the Treaty just negotiated, it will be plain to every honest reader of it that the "protocol," or "modus vivendi," providing temporarily relief for our vessels from certain custom house regulations and also annual licenses, was merely recommended by our Plenipotentiaries and passed along to the Senate for its information, with no other except expressions of gratification at the friendly disposition which it exhibited. It was not "accepted" either expressly or impliedly, nor submitted to the Senate to be "accepted." It forms no part of the Treaty and the Treaty is not to be construed with reference to it.

There is no allusion in the Treaty to tonnage tax except an exemption of our vessels therefrom; and the licences which our vessels may receive under some circumstances for the purchase of supplies and provisions, must be issued "promptly on application without charge therefor."

Fifteenth Article contrasted with what Republicans gave away in 1870.

In this connection may be considered the fifteenth article of the Treaty tendering certain privileges whenever Congress puts fish on the free list. Nothing in the Treaty binds the United States to the acceptance of this proposition; but it is left entirely free for the favorable or unfavorable action of Congress, if any should ever be taken.

One thing further may be said as to it: In A. D. 1870, while our fishing vessels were being seized and condemned for purchasing bait, while we were refused admission into Dominion ports for any supplies, while we were compelled to submit to the most rigorous provisions of the Canadian customs laws, while our fishermen had been practically driven from resorting to Canadian bays and harbors, a Republican House of Representatives with Mr. Blaine as Speaker, and a Senate presided over by Schuyler Colfax, with the approval of a Republican President, enacted the laws by which to-day more than half of the Canadian fish entering the United States comes in duty free. Nothing whatever was received in exchange for that great boon to foreign fishermen. The privileges contemplated by the fifteenth article, are certainly not less than nothing; and if estimated as now asserted by those who declare hostility to the Treaty, they are of very great value. So in any event under the Treaty we shall not see repeated the wronging away of the purchasing tariff, which took place in 1870.

Effect of the Treaty of 1818.

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 safe-guard 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 tranship 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 herewith the Canadian and Newfoundland

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, and 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 Escuminac to the Light on the Eastern Point of Tabletao 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 Acoul.

At Fortune Bay, in Newfoundland, the line from Connaigre 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 Southeast 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 Hagged 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 Cranberry Island Light to Green Island Light, thence to Point Rouge; at Mira Bay, the line from the Light on the East Point of Scentari Island to the North-easterly Point of Cape Morien; and at Placentia Bay, in Newfoundland, the

ARTICLE XI.

United States fishing vessels enter ports, bays, and harbors of the East-Northeastern coast of Canada, of the coasts of Newfoundland under any weather or other casualty may reload, tranship, or sell, subject to laws and regulations, all fish on board such unloading, transshipment, or made necessary as incidental to repairs may replenish outfits, provisions, appliances damaged or lost by disaster; case of death or sickness shall be all needful facilities, including the salaries of crews.

Licenses to purchase in establishments of entry of the aforesaid coasts of or of Newfoundland, for the home consumption, such provisions and supplies as are ordinarily sold to trading vessels, shall be granted to United States fishing vessels in ports, promptly upon application and charge; and such vessels, having licenses in the manner aforesaid, shall be accorded upon all occasions such facilities for the purchase of casual or provisions and supplies as are ordinarily granted to the trading vessels; but provisions or supplies shall not be obtained by barter, nor purchased for resale or

ARTICLE XII.

Fishing vessels of Canada and Newfoundland shall have on the Atlantic coast of the United States, all the privileges 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 for the conspicuous exhibition of every United States fishing vessel an official number on each bow; and a vessel, required by law to have an official number, and failing to comply with such regulations, shall not be entitled to the protection provided for in this Treaty.

Such regulations shall be communicated to Her Majesty's Government, previous 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 shall extend to forfeiture of the boat or boats and appurtenances, and also of the cargo aboard when the offense is committed; and for preparing in such waters to unlawfully fish therein, penalties fixed by the court, not to exceed ten times the value of the fish taken, for unlawfully fishing; and for an violation of the laws of Great Britain, Canada, or Newfoundland relating to the right of fishery in such waters, bays, or harbors, penalties shall be fixed by the court, not exceeding in all three do more than ten times the value of the cargo on every ton of the boat or vessel concerned. The boat or vessel may be held liable for penalties and forfeitures.

The proceedings shall be summary and inexpensive as practicable. The trial on appeal shall be at the place of defense, 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 not taken. Reasonable bail shall be accepted, and shall be proper appeal available for the defense only; and the evidence at trial may be used on appeal.

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

ARTICLE XV.

Whenever the United States shall be engaged in the duty from fish-oil, whale-oil, and fish of all kinds (except fish in oil), being the produce of fisheries in the waters of Canada and Newfoundland, including Labrador, and

ARTICLE XI.

United States fishing vessels entering the ports, bays, and harbors of the Eastern and British-American coasts of Canada, or of the State of Newfoundland under stress of weather or other casualty may unload, load, 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 the usual and necessary medical and surgical facilities, including the shipping crews.

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

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 these 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 and 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 helden for such penalties and forfeitures.

The proceedings shall be summary and as inexpensive as practicable. The trial (except in 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 appeal 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

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 TOPPER.

Washington, February 15, 1858.

SUMMARY OF WHAT OUR FISHERMEN GAIN BY THE TREATY.

In the debate in the Canadian house of commons on this Treaty, Mr. Ellic, of New Brunswick, enumerated this list of concessions made by the Canadian Government:

1. We have by the very act of making this Treaty receded from the position maintained so long in practice, that Canada and Great Britain could impose their own interpretations upon the meaning of the Treaty of 1818, thus enlarging the restrictions of that Treaty. By doing this, we have given the United States, a precedent upon which to base new demands for the amelioration of the regulations applied to their fishing vessels should the need arise.

2. We have almost wholly abandoned the contention that fishing vessels are a class by themselves and therefore not entitled to any commercial privileges.

3. We entirely and forever abandoned the three mile headland theory.

4. We forever admit the right of United States fishermen, to navigate the Strait of Canso.

5. We no longer compel American fishing vessels to depart from our shores in twenty-four hours after arrival.

6. We relieve them from the obnoxious operations of customs regulations enforced against them as fishing vessels, and which were specially severe, as the true intent of these laws was to regulate commercial trading only.

7. We free them from harbor, pilotage, and other duties, which are sometimes inhospitably and often capriciously imposed upon them, even in cases when they sought shelter, dealing with them in these matters as commercial vessels, though denying them the rights of commercial vessels.

8. We have practically abandoned the course of ordering them to depart if supposed to be hovering within our waters; and also the plan of putting an officer on board of them as a matter of course.

9. We permit them under certain circumstances to purchase bait, to replenish outfits, to ship men, and to transfer cargoes.

10. We issue to them, free of charge, permits which enable them to purchase supplies in ports of entry, on all occasions, just as trading vessels, except that they may not do it for barter, and this applies both to the homeward voyage and outward voyages. This section does not name bait, but there will be no difficulty whatever of purchasing bait under it.

11. By the fourteenth article we abandon our previous contention that preparing within Canadian waters to fish is evidence of intention to actually fish within Canadian waters, and we therefore recede from the position taken by the act of 1858.

12. We have limited and defined and reduced the severe penalties imposed by that act for violation of our exclusive rights of fishing. Forfeiture of the vessels is no longer a penalty except for fishing within Canadian waters, or preparing within these waters to fish therein. In all other cases \$3 a ton is the highest fine which can be imposed.

13. We have provided a summary process of law for dealing with arrested or captured vessels, instead of the old and slow process of the admiralty court.

the aforesaid article, are certainly not less than nothing; and if estimated as now asserted by those who declare hostility to the Treaty, they are of very great value. Should any event under the Treaty occur, we shall not see repeated the losing away of the purchasing tariff, which took place in 14, A. D. 1870.

Effect of the Treaty of 1818.

The existing conventional relations concerning fishing in Dominion waters, are in article one of the Treaty of 1818. This provides that our fishermen may enter the bays and harbors therein specified for shelter, repairing damages, purchasing wood and obtaining water, "and for no other purpose whatever," and also that they shall be under "such restrictions" as may be necessary to prevent their fishing unlawfully "or in any other manner whatever abusing the privileges reserved to them."

It has also been somewhat contended that under the 29th article of the Treaty of 1871, our vessels have a right to tranship their catch in Dominion ports.

It never has been claimed that they had any Treaty right to bait, or to any supplies whatever beyond obtaining wood and water. Whatever there may be on this point, is governed by the rules appertaining to the general comity of nations.

Canada and Great Britain have always maintained that the words "for no other purpose whatever" have a very extensive effect, that fishing vessels are *sui generis*, and that, as they receive special rights under the Treaty of 1818, as to entering Canadian bays and harbors, they expressly exclude themselves by conventional agreement from the privileges to which other vessels are entitled, and therefore that the Dominion may shut them out, except when coming in for the express purposes named, without such exclusion being justly regarded as unfriendly.

For the first time the United States shares in Establishing regulations under the Treaty of 1818.

The "restrictions" which the convention of 1818, says may be imposed on our vessels have always heretofore been determined by the exclusive action of Great Britain, or of Canada, without consultation with the United States. Statute after statute has been passed for that purpose, beginning as early as A. D. 1819, and ending with the statute of A. D. 1886, all of which remain in force; and though the United States in A. D. 1844 or 1845, remonstrated against the earlier statutes, nothing was ever accomplished with reference to them. Now for the first time we have obtained a hearing as to such restrictions, and the precedent is established which will enable the United States to be further heard in the event in the future if other obnoxious regulations are attempted.

The Treaty Relinquishes Nothing Whatever.

The treaty of 1818 contained the negative words "and for no other purpose whatever." These words have formed the basis of many of the contentions between the United States and Great Britain. In the treaty just negotiated no such negative expressions can be found. Certain privileges are granted our vessels, but nowhere is it stated that, if future changes of circumstances should justly entitle the United States to other privileges, we would be barred from asking therefor.

Our Fishermen Shown Clearly Where They May Fish Without Risk.

The purpose of the first eight sections is to mark so clearly the line within which our vessels cannot fish, as to bar disputes and prevent so far as practicable our vessels from being caught through mistake.

Great Britain has never before conceded the "headland" claim, which shuts in not only bays but great sinuosities of the coast. During the last two years these extreme claims have been on several occasions practically enforced against us. The policy of the United States—before A. D. 1835—has been to permit our vessels to contend at their own expense in the Canadian courts over all the controverted fishery issues between two governments; and while to-day the claim may not be practically enforced, to-morrow the unwary fisherman is seized in consequence of it, dragged before the vice admiralty court at Halifax, and his vessel condemned, or the issues which two great nations should have settled between themselves, are tried out at a cost to him quite equal to the value of his vessel.

There has been in the history of the fishery disputes more discussion and more "bad blood" over this matter than over any other issue whatever; and though it may happen that at the present vessels are not being seized in consequence thereof, a wise and far-seeing statesmanship requires that the controversy should be disposed of for all the future.

The convention of 1818 requires us to draw three miles away from the "bays" of the British Dominions. What those bays are not defined. In the United States, Cape Bay, Delaware Bay and Long Sound are regarded as within our boundaries.

Among Chaleur and a few other minor bays the rule adopted by the treaty is that of ten miles in width, the same as in the treaties between France and England, and in the North Sea treaty between England, France, Denmark, Germany and Sweden.

Looking at our enormous range of coasts and our rapidly increasing population and industries, the United States in this matter of delimitation can not afford to establish a precedent except of a liberal character; and the application of the ten mile rule to bays not only follows the consensus of Europe, but anticipates only a little the necessity of increasing the marine belt which the increasing projectile force of modern artillery will soon impose on all nations.

The Bay of Fundy, and more important than all, George's Bay, which have heretofore been claimed by the Dominion, are now set off to us.

As to the Bay of Chaleur the counsel for the United States at Halifax in 1877, stated as follows:

"Then comes the Bay of Chaleur, and in the Bay of Chaleur whatever fishing has been found to exist seems to have been within three miles of the shores of the bay in the body of the Bay of Chaleur. I am not aware of any evidence of fishing, and it is very curious that this Bay of Chaleur, about which there has been so much controversy heretofore, can be so summarily dismissed from the present investigation. I suppose that a great deal of factitious importance has been given to the Bay of Chaleur from the custom among fishermen, and almost universal a generation ago, of which we have heard so much, to speak of the whole of the Gulf of St. Lawrence by that term. Over and over again, and particularly among the older witnesses, we have noticed that when they spoke of going to the Gulf of St. Lawrence, they spoke of it by the term 'Bay of Chaleur'; but in the Bay of Chaleur proper, in the body of the bay, I cannot find any evidence of any fishing at all. I think, therefore, that the Bay of Chaleurs may be dismissed from our consideration.

Gulf of Canada.

The opponents of the treaty undertake to sneer at its expressions concerning the Gulf of Canada. Ordinary caution would seem to require, that in a treaty of delimitation there should be some expression which should admit the possibility of providing for a future arrangement of navigation through the Gulf.

Moreover this has always been a great Britain an open question, like all the others which have been met at the expense of our fishermen, ready to fall on some of our vessels at an unexpected time and to be contested at their expense. In the view of the examples of the treaty who have nothing

the most active members, is uniform to the effect that our vessels fit out at Gloucester and Portland better than in Dominion ports, and in fact Dominion vessels go to Gloucester for that purpose. No case is reported where any of our vessels desired to fit or refit in the Dominion ports within the last two years; and no case can be supposed where they would ever desire to do this unless possibly at times in the Gulf of St. Lawrence in connection with the transshipment of fish in bond if our fishing vessels had that right, which, as will be seen hereafter, they do not possess.

The eleventh article will be found on examination to cover every case of provision and supplies, whether for the homeward voyage or outward voyage, except bait, and other peculiarly fishing outfits which will be spoken of hereafter, excluding only the right of general fitting, which as already said no vessel desires except in case of maritime disaster. In such case everything is permitted.

We Have No Right Nor Need to Make Canada Base of Our Fishing Operations.

The first part of article eleven plainly gives vessels in case of maritime distress the right of replenishing bait and shipping men, and also of transshipping cargo when necessary as incidental to repairs. The latter part of the article gives neither of these; and it is therefore complained against the treaty, that although it may secure all the usual facilities for provisions and ordinary supplies, it fails to secure for fishing vessels those peculiar advantages falsely called "commercial privileges," or "trading rights," which are especially helpful to enable fishing vessels to carry on deep sea fisheries, using Nova Scotia as the base of their operations.

Heretofore Great Britain and Canada have strictly construed the treaty of A. D. 1818, and held the words therein "for no other purpose" to mean the abandonment of every privilege except those therein distinctly specified, maintaining, as already stated, that fishing vessels by virtue of the guarantees of that treaty received peculiar advantages permitting them to enter everywhere for the purposes named, and that in consideration thereof they gave up the general comities appertaining to trading vessels.

So far as this claim deprived our fishermen of any rights now enjoyed by their craft with reference to obtaining supplies, this treaty supersedes it; but it makes a just distinction between the ordinary outfit of trading vessels and the peculiar privileges which would enable our fishing vessels to so avail themselves of the proximity of Nova Scotia to the fishing waters, as to give our fishermen in all respects equal advantages in Nova Scotian ports.

It is certainly not in accordance with any just rules of the law of nations to compel any people in this way to share with aliens its peculiar opportunities; and moreover, while such just rules require that one nation should yield to another ordinary hospitality, there is none which permits one to compel the other to sell, or dispose of in any way except according to its own free will, any article having a peculiar or special value, or as to which it adopts a peculiar and special policy with reference to all the world.

This is precisely the condition of Nova Scotia as to her bait, her ice, her fishing supplies, shipping of men and all those other things which nature has given her in connection with her proximity to the fishing grounds as a partial offset for the sterility of her shores.

We cannot in this matter justly assert a principle in violation of the ancient policy of Massachusetts and the District, now the State of Maine, with reference to the peculiar local control maintained over our own shell fish; and we have also been brought face to face with the statute which Newfoundland has been compelled to pass for protection against French fishermen, who, by the aid of bounties, are excluding her from her accustomed foreign markets.

The Republican Opponents of the Treaty.

own fishermen without doing the least damage to the United States."

He also testified before the committee foreign relations as follows:

"Q.—Taking the cod-fishery, the value in your opinion is the value to the United States in the value of the right to fish in British shores? A.—Nothing ever."

"Q.—You would not care anything for it? A.—No, sir."

"Q.—In your halibut fishery you have the ice out from here always, do you? A.—Yes, sir."

"Q.—And stand right straight off halibut fishing ground? A.—Yes, sir, take 25 to 40 tons to a vessel."

"Q.—Taking the cod-fishery, the value in your opinion is the value to the United States in the value of the right to fish in British shores? A.—Nothing ever."

Mr. O. B. Whitten of Portland president of the Fishery Union, said in a letter last in a local paper, that Canada nothing to give us to offset free trade privileges, bait or fish."

He also testified before the committee foreign relations as follows:

"Q.—In fishing in Canadian waters halibut—I do not mean in waters under their jurisdiction, but off their coast Banks—what necessity is there for our fishermen to go into their ports for bait? Not any whatever."

"Q.—Is there any necessity of going to the ports of Canada to get fresh bait? It is not necessary; they can get it and take it with them. There are sands and thousands of barrels caught further off than Wood Island."

"Q.—Do you consider valuable the privilege of going into Canadian ports for bait? A.—I do not consider it of any value."

"Q.—Then so far as the Canadian ports concerned, other than for purposes of rest, water, wood and repairs of dunnage would be better for the fishermen if they were not permitted to go in? A.—I think so."

Mr. Charles A. Dyer of Portland whom no gentleman is more experienced testified before the same committee as follows:

"Q.—From your experience in the business do you think that our fishermen from Maine on the Banks off the Canadian shores, the Grand Banks and others, any necessity for going into port for bait? A.—I should think not."

"Q.—In your opinion, what is the value of buying bait in Canadian ports to the Maine fishermen? A.—Not a cent."

"Q.—Whether or not you concur Capt. Whitton that, as a rule, the value would be more successful if they did touch in Canadian ports at all for reason? A.—I think they would."

"Q.—Is there anything that you know that is desirable for our fishermen Canada can give us? A.—Nothing."

Also Republican Lawyers at Halifax Put Us Out of Court.

And in the formal answer of the United States filed before the Halifax Commission it was said:

"The various incidental and reciprocal advantages of the treaty of 1871 as to the privileges of traffic, purchasing and other supplies, are not the subject of compensation; because the treaty of 1871 confers no such rights on the citizens of the United States, who now enjoy them merely by sufferance, and who any time be deprived of them by the enforcement of existing laws or the repeal of former oppressive laws. Moreover, the treaty does not provide any possible compensation for such a loss, and they are far more important and valuable to the subjects of Her Majesty the United States."

Our Fishing Vessels do Not Fit in Canada.

Notwithstanding the constant mis-

fishermen without doing the least damage to the United States."

He also testified before the committee of foreign relations as follows:

Q.—Taking the cod-fishery, then, what your opinion is the value to the American fishing interest of the right to get bait from British shores? A.—Nothing whatever."

Q.—You would not care anything about A.—No, sir."

Q.—In your halibut fishery you carry ice out from here always, do you not?—Yes, sir."

Q.—And stand right straight off for the halibut fishing ground? A.—Yes, sir. We are 25 to 40 tons to a vessel."

Q.—Taking the cod-fishery, the mackerel fishery and the whole thing together, how far do you regard as of any practical value to American fishing interests the right to go ashore or inside the three-mile limit, to get for shelter and for fresh water? A.—I should not think it was of any value whatever."

Mr. O. B. Whitten of Portland, vice president of the Fishery Union, said November last in a local paper, that Canada has nothing to give us to offset free trade, "no privileges, bait or fish."

He also testified before the committee of foreign relations as follows:

Q.—In fishing in Canadian waters for halibut—do I not mean in waters within your jurisdiction, but off their coast on the banks—what necessity is there for our fishermen to go into their ports for bait? A.—Any whatever."

Q.—Is there any necessity of going into the ports of Canada to get fresh bait? A.—It is not necessary; they can get it here and take it with them. There are thousands and thousands of barrels caught no other of than Wood Island."

Q.—Do you consider valuable the privilege of going into Canadian ports to buy bait? A.—I do not consider it of any value whatever."

Q.—Then so far as the Canadian ports are concerned, other than for purposes of shelter, wood and repairs of damages, it would be better for the fishermen of Maine they were not permitted to go in at all?—I think so."

Mr. Charles A. Dyer of Portland, than no gentleman is more experienced, testified before the same committee as follows:

Q.—From your experience in the fishing line do you think that our fishermen in Maine on the Banks off the Canadian coast, the Grand Banks and others, have any necessity for going into port to buy bait? A.—I should think not."

Q.—In your opinion, what is the privilege of buying bait in Canadian ports worth to the Maine fishermen? A.—Not a cent."

Q.—Whether or not you concur with Mr. Whitten that, as a rule, the voyages would be more successful if they did not go into Canadian ports at all for any bait? A.—I think they would."

Q.—Is there anything that you know of that is desirable for our fishermen that Canada can give us? A.—Nothing."

Republican Lawyers at Halifax Put Us Out of Court.

and in the formal answer of the United States filed before the Halifax Commission, as said:

The various incidental and reciprocal advantages of the treaty of 1871 such as privileges of traffic, purchasing bait and for supplies, are not the subject of contention; because the treaty of Washington confers no such rights on the inhabitants of the United States, who now enjoy them merely by sufferance, and who can at any time be deprived of them by the enactment of existing laws or the reenactment of former oppressive laws. * * * The treaty does not provide for possible compensation for such authority, and they are far important and valuable to the subjects of Her Majesty than to the United States."

Fishing Vessels Do Not Need to Fit in Canada.

Notwithstanding the constant misrepres-

fishermen of New England are to be protected; yet the matter of freely slipping men in Nova Scotia is not in the interests of fishermen, but of the owners of fishing vessels. No one ought to object to justly aiding the latter, and on the other hand all ought to be willing to encourage them by all reasonable methods. Neither should any one oppose the free ingress to the United States of the residents of the Maritime Provinces, who in their own homes are a kind-hearted and honest people; but it is a strange thing to ask in the pretended interests of our fishermen, the exercise of the power of our government in forcing a policy whose sole object is to bring them in direct and easy competition with the cheaper paid Nova Scotians.

Right of Transhipment in Bond Abandoned by Republican Lawyers at Halifax.

Only one thing remains to be considered, and that is the matter of transhipment of fish in bond.

It cannot be doubted that the privilege is one of value; but it cannot be demanded as a right. It is not one recognized by the ordinary comity of nations, and, as already said, it never has been asserted except when granted by express treaty provisions. These propositions are too clear to need argumentation.

Therefore its only alleged basis would be the twenty-ninth article of the treaty of A. D. 1871. Apparently in the view of the commissioners the article did not sustain that construction; and in the argument of Hon. Richard H. Dana, counsel of the United States at Halifax in A. D. 1877, at a time when the matter came fairly in issue, he asked the question: "Does the treaty of 1871 give the United States the right to buy bait, ice, provisions, supplies for vessels and to tranship cargoes within the British Dominion?" He himself answered: "I say the treaty of Washington has not given us these rights."

Had Congress approved the commission recommended by the President before the beginning of these troubles, the concessions thus indicated could perhaps have been formulated, and with the consent of Congress, in some way made good otherwise than at the cost of our fishermen. That they are not now obtained, is the work of those who opposed that commission, and in no way the fault of the present negotiators. These had no proper jurisdiction over matters calling for barter, and no just power under present circumstances to bind Congress to pay for such concessions either in money, by reduction of duties, or in any other manner.

Nothing Paid by Us For What This Treaty Secures.

What has been acquired by this treaty, and this examination of its provisions must show that very much has thus been acquired, has been obtained without any consideration whatever moving from the United States, beyond the arguments persistently put forward that Canada must ultimately be an enormous loser by continuing the unfriendly course which she had heretofore marked out.

The Treaty Secures Everything Senator Frye Demanded Before It Was Made.

At this point we are in a position to review the progress marked by the treaty; and for this purpose we copy here the published interview with Senator Frye, which took place at Lewiston in October, 1886, immediately after the committee of foreign relations had closed the taking of evidence to which we have referred. He is reported to have said as follows:

"The testimony of the owners and fishermen taken at Gloucester, also at Boston, Provincetown and Portland, was entirely agreed on the following points:

First.—That there is no necessity at all for our fishing vessels to enter ports of Canada for any purposes except those provided for in the treaty of 1871, viz., for shelter, wood, water and repairs; that

fresh fish. This, if just, and if the time has now come to reverse the action of the Republican Congress and Republican President in A. D. 1870, when the duties on fish were fixed as they stand to-day, is a matter for the Legislative and not for the treaty-making power.

We invoke the most careful examination of every word contained in this statement, which was apparently prepared with care, and we challenge the pointing out of a single mischief stated therein as of consequence which this treaty does not entirely dispose of.

Relief from Oppressive Legal Proceedings and from Forfeiture Except for Illegal Fishing.

The fourteenth article must prove very beneficial. Of our vessels heretofore seized for unlawful fishing, by far the greater numbers have been condemned, and in some cases the owners found it more expensive to defend than to permit them to be sold, purchasing them back at the sales. The proceedings have been in the vice-admiralty courts, where they are unusually expensive; and this is now remedied. The mere matter of relief from giving bonds for costs is of real importance; because, although on this point there has been no discrimination against fishing vessels and the practice in the Canadian courts has been somewhat as in our own, yet before bonds can be given, so that the cases may be brought to trial, skippers and sharmen are scattered and the owners find it expensive and sometimes quite impossible to collect the proofs again.

This section provides that the penalty for unlawful fishing may extend to the forfeiture of the vessel and cargo aboard at the time of the offence, subject as in all other cases of penalties to revision by the Governor in council, thus giving the vessel the possibility of the benefit of all mitigating circumstances.

Since A. D. 1819 this forfeiture has been imposed, not only on vessels illegally fishing, but on vessels preparing to fish. It has also been claimed that vessels purchasing bait intended for deep sea fisheries were liable to forfeiture; and it was so decided in A. D. 1870, by the vice-admiralty court at Halifax, in the case of the "J. H. Nickerson." This vessel was alleged guilty of no offence except of purchasing bait with the view of fishing on the banks; and yet she was seized and condemned, the United States furnishing no assistance in her defence and obtaining no reparation for the owners.

The validity of that decision has been contested anew in the cases of the "Adams" and "Doughty," mainly at the expense of the United States.

In order that there might be no question with reference to future seizures, the Dominion Parliament in 1886 enacted a statute imposing the extreme penalty of forfeiture, not only on vessels purchasing bait, but on all entering the Dominion waters in cases not expressly authorized by treaty, thus imperiling our fishermen with the danger of forfeiture under innumerable circumstances. This law was severe, yet it was not more unjust in some respects than statutes passed in A. D. 1836, 1868 and 1870, the repeal and modification of none of which was ever secured by our government, and all of which have been permitted to stand as a continual threat to our fishermen and a constant peril to their property.

This article permits no enlargement of any penalty in excess of those heretofore constantly imposed. As already stated, it consents to a forfeiture of the vessel for illegal fishing, but carefully limits it to the value of the cargo at the time of the offence. It does not deny a like maximum punishment for illegally preparing to fish, but clearly restricts this to the cases where the preparation was within the waters of the Dominion and the fishing was intended also to be within the same jurisdiction, so that by its terms proceedings like those against the "Adams" and the "Doughty" would be impossible. Having in view also the somewhat indefinite meaning of the words "preparing to fish" and the varying degrees of

The opponents of the treaty undertake to sneer at its expressions concerning the Gut of Canso. Ordinary caution would seem to require, that in a treaty of delimitation there should be some expression which should set out the possibility of providing for the navigation thro

Moreover this has always been the case in Great Britain an open question, like all the others which have been met at the expense of our fishermen, ready to fall on some of our vessels at an unexpected time and to be contested at their expense. In the view of the enemies of the treaty who have nothing at stake, it is not wise statesmanship to foreclose such disputes; but if any of them had been an owner of one of the seventy vessels and more seized from time to time during the last half century, he would wisely prefer that Canso should be disposed of as it has been in this treaty and not at some future time at the cost of some private purse.

Relief From Customs Laws and all Dues.

Article ten, it is believed, meets thoroughly all the difficulties which our vessels have encountered, arising from the customs laws of Canada, and also relieves them from dues of all kinds when entering for the purposes of the treaty of 1818.

Of course when availing themselves of such of the privileges enumerated in article eleven, as have not heretofore been treaty rights, and which are extended only by comity, they become justly subject to the same laws and dues to which trading vessels are subject—no more and no less. So long as they enter only for the purposes guaranteed by the treaty of 1818, they may go in and depart freely.

Canada, like the United States, has a protective tariff and the severe regulations incident thereto. The difficulties which this system made for our fishing vessels arose from the fact that the customs laws of Canada require vessels to report "forthwith." In this respect article eleven conforms the practice substantially to our own statute, requiring a report after twenty-four hours, the language of which it substantially adopts. This applies, however, only to vessels entering for shelter and for such repairs as can be made aboard the vessel, and does not apply to any vessel landing within the limits of an established port of entry. It is just that all vessels thus communicating with the shore should conform to the laws of the locality, whatever they may be.

This article relieves our vessels from the annoyance of petty harbor dues charged them at some ports in the Dominion, the larger pilotage dues claimed of them at Halifax and the still larger light dues which they have been paying in Newfoundland. It also protects from further annoyance vessels touching in for shelter at such points as the outer ports of Shelburne, Nova Scotia, or of Georgetown or Malpeque in Prince Edward Island.

Ordinary Supplies Allowed and All Cases of Distress Met.

Article eleven treats substantially of two matters: The first paragraph is an enlargement of the rights guaranteed by the treaty of 1818, and contains a complete and thorough provision for cases of stress of weather and other casualties.

The latter paragraph of the article is additional to treaty rights, provides for furnishing provisions and supplies without limit to vessels homeward bound, and such "casual or needful" provisions or supplies as are ordinarily granted trading vessels whether homeward bound or otherwise. It further directs that licenses for these purposes shall be granted "promptly upon application and without charge," and is explicit against the tonnage tax which false critics are determined to affix to the treaty.

The testimony taken by the Senate committee on foreign relations in A. D. 1890, of which Senators Edmunds and Frye were

connection with her proximity to the fishing grounds as a partial offset for the sterility of her shores.

We cannot in this matter justly assert a principle in violation of the ancient policy of Massachusetts and the District, now the State of Maine, with reference to the peculiar local control maintained over our own shell fish; and we have also been brought face to face with the statute which Newfoundland has been compelled to pass for protection against French fishermen, who, by the aid of bounties, are excluding her from her accustomed foreign markets.

The Republican Opponents of the Treaty say:

"A treaty has been agreed upon in which the idea of reciprocity, which was the basis of the retaliation acts, is completely ignored."

But we are met by the fact, that, "reciprocity" is what our Canadian neighbors desire and what our fishermen oppose. To give our vessels in catching fish all the advantages of the propinquity of the Maritime Provinces to the fisheries, and to refuse Nova Scotia fishermen for the sale of fish equal advantages with our own in our markets, is not reciprocity.

The only reciprocity which can be justly demanded, is a reciprocity of maritime privileges. The present treaty secures this to the utmost. The privileges of purchasing bait and transshipping cargoes are not of this nature. The latter is never enjoyed except in accordance with treaty grant; the former is a commercial privilege like the purchase of any other product of the country, exercised by our own commercial vessels in the Dominion ports with the utmost freedom.

The distinction is perhaps illustrated in this way: The sale of bait and of other special subjects of trade, in the absence of treaty stipulation, may be prohibited by general law, and yet the prohibition cannot justly be held as unfriendly to foreign nations. The sale, however, of the usual supplies for provisioning crews and the like cannot be forbidden except in violation of general comity. The laws of Canada prohibiting sale of bait to fishing vessels do not discriminate against the United States, but have application to all foreigners. As we ship clam-bait by the cargo to Canada so Canada and Newfoundland ship frozen herrings, which are sometimes used for bait, by the cargo to the United States. Either nation could justly prohibit this traffic for sufficient local reasons. Neither would tolerate that the other should compel its involuntary continuance. Of what avail then to insist by treaty stipulation that we shall have the right to purchase bait, when Canada can lawfully and justly defend the stipulation by prohibiting its sale to all foreign vessels whatever?

"Skipper" Edmunds and All Hands Protest Against Canadian Bait.

The committee on foreign relations of the Senate, through a sub-committee consisting of Senators Edmunds, Frye, Morgan and Saulsbury, look in the summer of 1888 a vast amount of testimony at Gloucester, Portland and elsewhere and made their report to the Senate as to the result thereof, signed by Senator Edmunds for the committee. That report said as follows:

"As regards the obtaining of bait for this class of fishing, (that is, for catching cod and halibut), the testimony taken by the committee in its inquiries clearly demonstrates that there is no necessity whatever for American fishermen to resort to Canadian waters for that purpose."

Mr. George Steele of Gloucester, president of the American Fishery Union, who is now complaining of the treaty because it did not secure a right for bait, over his own hand in June last wrote to the Boston Journal: "Gloucester, Provincetown and Portland never felt better than now their ability to do without Canadian bait; and the Ottawa government will find that its measures of retaliation and exclusion have injured its

penation; because the treaty of Washington confers no such rights on the citizens of the United States, who now then merely by sufferance, and who any time be deprived of them by the enforcement of existing laws or the removal of former oppressive laws. Moreover, the treaty does not provide any possible compensation for such action, and they are far important and able to the subjects of Her Majesty the United States."

Our Fishing Vessels do Not Need to Fit in Canada.

Notwithstanding the constant misrepresentations of the eleventh article alluded to, in cases of distress it is every possible desire; and for all else cures without compensation therefore privilege of purchasing all such provisions and ordinary supplies as are obtainable in trading vessels, and this alike for the inward or the outward voyage, or when shelter, or when putting in especially for "casual or needful supplies" to which refers. In fact it meets every condition except that of original "fitting out" for any voyage, or a general "refitting" for extension of cruise.

If our vessels had the right of trading mackerel in the Gulf of St. Lawrence the latter privilege would undoubtedly be occasionally of value; but an original or indeed, except for those special cases the gulf, a general refitting would never be attempted except at the home ports, a clearly proven before the Senate committee of foreign relations.

The Republicans Demand Alien Fishermen in Competition with Our Own.

The three leading fishing ports in Maine and Massachusetts are Portland, Gloucester and Provincetown. Portland and Gloucester sail their ships generally, if not entirely on shares; so that except in the case of death, sickness or other misfortune, they are fully provided for by the treaty, they rarely occasion to run into the Dominion for men, as stated by Mr. Stanley. Fully explained by Capt. John Chisholm Gloucester, in his testimony before the committee on Foreign Relations as follows:

"Q—What is the nationality of the majority of the people on your vessel, ten men you have? A.—Four are from Provincetown; the rest are from the States of Maine and Gloucester.

"Q—Did you pick up those four Provincial men in the Provincetown? A.—No, I shipped them here; I sent them in the spring to pay their passage here; to ship with them."

"Q—Are they people you knew? Yes sir. I knew them before."

"Q—Did you send for them to take on board up there, or because it was convenient for your purposes to ship here? A.—We would rather ship here; we are never short of men here as ship men here at any time."

It is understood that the system at Provincetown is otherwise, and that that skipper engages the fishermen at so round dollars either for the trip, the month; and thus our American fishermen may be brought directly in competition with the lower paid fishermen of Scotia.

Several witnesses from Provincetown were before the Committee of Foreign Relations, who explained freely and fully matters covered in this part of this report.

James Gifford, deputy collector at Provincetown, testified that the wages of a British crew, meaning probably for the season, was from seventy-five to eighty-two dollars per man, and those paid the American crew was from one hundred and twenty to one hundred and ninety dollars per man.

It is understood Provincetown fishermen the Grand Banks about half as much as Gloucester, and three times as much as Portland.

We have had loud proclamations that

ation; because the treaty of Washington confers no such rights on the inhabitants of the United States, who now enjoy merely by sufferance, and who can at time be deprived of them by the enactment of existing laws or the re-enactment of former oppressive laws. * * *
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In fact it meets every condition except that of original "fitting out" for a fish-voyage, or a general "refitting" for an ordinary cruise.

Our vessels had the right of transhipment in the Gulf of St. Lawrence, and later privilege would undoubtedly be specially of value; but an original fitting out, except for those special cases in the Gulf, a general refitting would never be permitted except at the home ports, as was fully proven before the Senate committee on foreign relations.

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Q.—Did you pick up those four Provincians in the Provinces? A.—No sir; I met them here; I sent them money in spring to pay their passage here; so as to slip with them."

Q.—Are they people you know? A.—No sir. I knew them before."

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and for this purpose we copy here the published interview with Senator Frye, which took place at Lewiston in October, 1886, immediately after the committee of foreign relations had closed the taking of evidence to which we have referred. He is reported to have said as follows:

"The testimony of the owners and fishermen taken at Gloucester, also at Boston, Provincetown and Portland, was entirely agreed on the following points:

First—That there is no necessity at all for our fishing vessels to enter ports of Canada for any purposes except those provided for in the treaty of 1818, viz., for shelter, wood, water and repairs; that while the Canadians admit our rights to these privileges, they are unnecessarily and without excuse interfering continuously with our enjoyment of them. If one of our vessels runs into a Canadian port in a storm for shelter, they insist upon immediate entry, no matter how inconvenient it may be to the captain of the vessel. They will not permit him to land a man, though he be a citizen of that country, send his clothing ashore, send for treatment in sickness, purchase anything whatever. A score of our fishing vessels have already been seized by them and fined \$400, for what they determined to be infractions of the peculiar rules and regulations of their customs laws, which have been obsolete for more than 40 years. In fact they do not permit us to enjoy any of the rights which they admit to be secured to us by the treaty of 1818, without putting us to more inconvenience and trouble than the right is worth.

Second—They refuse our fishermen absolutely and unqualifiedly all commercial rights whatever, and refuse to recognize as valid our customs permits to touch and trade. Their ports are almost as effectually closed against all of our fishing vessels as if there was to-day a condition of war between us and Great Britain. The fishermen also concur in saying that these commercial privileges are of no value. It has been generally understood that the right to purchase bait was a very valuable one; but the testimony not only shows that it is of no value, but the preponderance of testimony is that the right exercised does more harm than good, that the time consumed in going into and out of the port, and going thence to the banks again, costs the fishermen more than the value of the bait.

Third—Both fishermen and owners agree with great unanimity, that they require absolutely nothing of Canada other than the treaty rights of 1818; that it is better for them when they start on their cruises to provide their vessels with everything that is necessary for the cruises, bait and all, than to leave anything to be provided for in Canada.

Fourth—They agree that the privilege of fishing inside of the three-mile limit is absolutely worthless, and has been for 15 years; that nearly all the fish, both mackerel and cod, have been taken outside; that fishing with purse seines within three miles of the shore never brings compensation enough to make up for the damage to the seines in the shoal water and on the rocks.

Fifth—There seems to be no difference in opinion about the result of a treaty with Canada which would give them our markets or alter our tariff by making fish free. They believe it would be certain to destroy in ten or fifteen years the fishing industry of New England and transfer to Canada the fishing fleet; that there is nothing which Canada can give them as a compensation for this.

Sixth—Their remedy for existing troubles with their business is a higher duty on salt fish, also a duty on fresh fish."

These remarks were made near the close of the first season of these fishery troubles, and also at the close of the great mass of testimony taken by the committee, of which the senator was a member. He stood then in a position to observe what had taken place in the past, and what was needed for the future. The only recommendation he made was a higher duty on salt fish and a duty of

any penalty in excess of those heretofore constantly imposed. As already stated, it consents to a forfeiture of the vessel for illegal fishing, but carefully limits it to the value of the cargo at the time of the offence. It does not deny a like maximum punishment for illegally preparing to fish, but clearly restricts this to the cases where the preparation was within the waters of the Dominion and the fishing was intended also to be within the same jurisdiction, so that by its terms proceedings like those against the "Adams" and the "Doughty" would be impossible. Having in view also the somewhat indefinite meaning of the words "preparing to fish" and the varying degrees of criminality which that expression implies, it demands that the court shall take into consideration all the circumstances, and modify the penalty accordingly.

Had the commissioners been working new ground, strong reasons might have been urged for refusing to recognize any penalty for illegally preparing to fish; but in view of the fact that, since A. D., 1819, this has been an offence according to the statutes of Great Britain with the practical acquiescence of the United States, it is very plain that the only question was whether the punishment could be ameliorated.

As to all other matters the statute of 1866 is cut up by the roots; and any vessel alleged to be guilty of violation of the fishery laws of Canada, aside from illegally fishing or illegally preparing to fish, is at the most exposed to a penalty not exceeding three dollars per ton. This of course does not apply to proceedings under the customs laws; it would have been beyond reason to have sought by a treaty to modify the penalties of the customs laws of any foreign country.

Conclusion.

Such are the beneficent provisions of this treaty. The principle running through it is not one of barter. The privileges granted by it are only those which we were justly entitled to ask as among neighboring States, but they were the same which have been constantly refused to us from the time of the convention in 1818. It was not within the jurisdiction of the commission to offer a price, in the way of money, concessions of duties or other valuable considerations, to enable our fishermen to share all the peculiar advantages appertaining to those resident in Nova Scotia; but it is for them an assurance of peace and it is hoped will enable them to pursue their occupations unharassed and unvexed.

Extracts from the Paper of Hon. W. L. Putnam Attached to the Minority Report of the Committee of the Senate of the United States of May 17, 1888.

Remedy Which the Treaty Affords Against Harsh Canadian Legal Proceedings.

The treaty next seeks to alleviate the hardships of the legal proceedings which various statutes of the province and the Dominion have imposed on foreign vessels. These statutes extended to fishing vessels systems of procedure which are with less injustice applied to merchantmen. The latter come voluntarily into port, and are ordinarily furnished either with credit or cash through their consignees, enabling them to protect themselves in case of litigation. Fishing vessels, however, especially those putting into strange waters merely for shelter, have no such aids and frequently have with them very little cash; and the result has been that the forms of

proceedings, which might not be burdensome for merchantmen, have, with reference to fishing vessels, obstructed the course of justice. Through the intervention of counsel employed by the Secretary of State for observing the trials of the "David J. Adams" and the "Ella M. Doughty," there have been received practical lessons in the difficulties surrounding fishing vessels under the statutes and proceedings of the courts of the Dominion. As already explained, these had been allowed to thrive so long without any successful effort on the part of the United States to prevent their growth, that they had become too deeply rooted in the general mass of Canadian legislation to permit their being entirely drawn out. It is believed, however, that so far as this article may fail to remove all these difficulties detail by detail, its limitation of penalties, except for illegal fishing or preparation therefor, will do very much to prevent injustice under any circumstances; while as to vessels poaching, it is for the interest of each Government that they shall be restrained by severe punishments.

To follow out the matter more in detail: A fishing vessel is seized in the Bay of St. Ann's or up in the Gulf of St. Lawrence. Under existing statutes, first of all, and before she can claim a trial or take testimony or other steps towards a trial, she is required to furnish security for costs not exceeding \$240. The practical experience is that fishing vessels taken into strange ports are rarely provided with funds or credit, and therefore they are compelled to communicate with their owners for assistance, and by reason of the consequent delay are unable to take even the preliminary steps before the sharesmen scatter and the witnesses are lost; because sharesmen, not being ordinarily on wages, can not be held to a vessel moored to a pier. This provision of the Canadian law is not singular; in our own admiralty courts no person can ordinarily claim a fishing vessel, or whatever vessel she may be, without furnishing like security. Under the treaty this disappears; and in practice this relief will be found to be of great benefit to our fishermen.

Next, the courts into which all the cases of these fishing vessels have been brought are not provincial, but are Imperial vice-admiralty courts, established and governed by the uniform rules of the Imperial statute, although presided over by a local judge designated for that purpose. As a consequence, all the paraphernalia and fees of Imperial courts are met, and the progress of the trial requires the early disbursement of large sums of money common in all of them, but unknown in our own and in the provincial courts. These are necessarily so large that our consular correspondence shows the burden of securing the costs and advancing fees was alone sufficient in some instances to compel owners to abandon the defence of vessels of moderate value. The statutes to which we have already referred, moreover, stipulated that no vessel should be released on bail without the consent of the seizing officer; and, although it must be admitted that in practice this has not yet been found to create difficulty, it is annulled by the treaty. While it is impossible to anticipate or prevent all causes of legal delays and expenditures, yet there is no reasonable ground for denying that this thirteenth article will essentially moderate these enumerated rigors.

The punishment for illegally fishing in the prohibited waters has always been forfeiture of the vessel and cargo aboard at the time of seizure. It was not possible, nor was it for the interests of either country, to demand that the penalty imposed on actual poachers should not be severe; but this article provides that only the cargo aboard at the time of the offense can be forfeited, and the provincials can no longer back upon a vessel has taken a full cargo, and then sweep in the earnings of the entire trip for an offense committed perhaps at its inception. Moreover, the article provides the penalty shall not be enforced until reviewed by the governor-general in council, giving space for the passing away of temporary excitement and for a calm consideration of all mitigating circumstances.

Also, from the passage of the statute of 1819 the penalty for illegally "preparing to fish" has been forfeiture. This has at times been construed to extend not only to preparing to fish illegally, but also to a preparation within the Dominion waters for fish-

part "of His Britannic Majesty's dominions in America?" This having been ascertained, another question arises, whether any bay which was not jurisdictional in A. D. 1818 has since become so inclosed by the growth of population that, on the principles by which we claim as our exclusive waters Chesapeake and Delaware bays and Long Island Sound, we may properly concede it to Great Britain according to its existing circumstances, as an inducement to a suitable and just arrangement of all questions of delimitation? With reference to this question, and indeed with reference to all this branch of the case, the United States, with its extensive coasts, its numerous bays, its rapidly increasing population and commercial interests can not wisely permit a narrow precedent.

The bay of Chaleur, the shores of which in A. D. 1818 were uninhabited, has by the advance of population become a part of the adjacent territory for all jurisdictional purposes; and it has ceased to be of special value to our vessels except for shelter or supplies. The same observations apply with greater force to the bay of Miramichi. The bays of Egmont and St. Ann's are hardly more than mere sinuosities of the coast; but they and the excluded parts of the Newfoundland bays are of no value to our vessels for fishing. It is not unreasonable to grant the release of all of them, in view of the fact that as to all other waters we remove long-standing disputes. It is not to be overlooked that all these bays have long been claimed by Great Britain as of right.

At the mouths of all the bays designated in the treaty by name, the fourth article make special lines of delimitation. There seems to be an impression with some that the exclusion is three miles seaward therefrom; but this is plainly erroneous. Each of these lines is run from one powerful light to another, except one terminus at Cape Smoke, which is a promontory over seven hundred feet in height. The external periphery of visibility of these lights overlap each other very considerably on each of these lines, so that for our vessels danger is not where bays have been specifically released. This will be found at the three-mile limit from the open shore, where it always has been. There is, however, confusion about this, and some debit the treaty just negotiated with the inevitable hazards consequential on the principles of that of 1818. If the commission of delimitation is appointed as the treaty provides, this commission, of course, will, as Mr. Seward and Mr. Fish foresaw, diminish the danger on the open coast, by giving on the charts which it prepares bearings of lights and other marked points; so that vessels by the aid of these bearings will be able to protect themselves in some degree. Nevertheless, there are the nights and thick weather, but the consequences of these are inherent in the principles of the convention of 1818, and will be diminished, and not enlarged by the practical workings of the present treaty.

In the case of the "Washington," Mr. Bates referred to the treaty between France and Great Britain of 1839, excluding from the common right of fishing all bays, the mouths of which did not exceed ten miles in width, and indorsed this as a proper limit. In the treaty between France and Great Britain of 1867 the same limit was adopted; and it was approved by the common judgment of Great Britain, the German Empire, Belgium, Denmark, France, and the Netherlands, in the treaty concerning the North Sea Fisheries, signed at The Hague May 6, 1882. With the weight of international consensus in its favor, and in view of the interest of the United States to aid precedents which will enable us to afford proper protection to our extensive coasts, and admitting the necessity of finding some practical method of delimitation, this rule seems on the whole convenient, wise, and not unjust. Moreover considering the inability of our mackerel vessels, substantially all of which use the purse seine to fish in shallow waters along the coast, and that very few American fishermen, perhaps none, in the pursuit of halibut or cod desire to fish there, it is impossible to believe that this rule surrenders anything of essential value to us.

It is fair to add that the ten-mile rule was apparently not congenial to Canada. In the proposals made to Great Britain in the autumn of A. D. 1886, Mr. Bayard, after reciting substantially the suggestions made by Mr. Seward, and elaborating them, of

Secretary of State, to Mr. Adams, minister at London, of April 10, A. D. 1886, Mr. Seward suggested a mixed course for the following purposes:

(1) To agree upon and define a series of lines the limits which shall separate the exclusive from the common of fishing on the coasts, and in the adjacent, of the British North America colonies, in conformity with the first of the convention of 1818; the said lines be regularly numbered, duly described also clearly marked on charts prepared for the purpose.

(2) To agree upon and establish regulations as may be necessary and to secure to the fishermen of the United States the privilege of entering bays and harbors for the purpose of shelter and repairing damages therein, of purchasing wood and of obtaining water, and to agree upon and establish such restrictions as may be necessary to prevent the abuse of the privilege reserved by said convention to the fishermen of the United States.

(3) To agree upon and recommend penalties to be adjudged, and such proceedings and jurisdiction as may be necessary to secure a speedy trial and judgment as little expense as possible for the enforcement of the rights and the transgressors limits and restrictions which may be adopted.

The "memorandum" prepared by the Department of State for the information of the commissioners who, on the part of the United States, assisted in negotiating the treaty of Washington of 1871; contains suggestions for adjustment in the following language:

(1) By agreeing upon the terms which the whole of the reserved grounds may be thrown open to American fishermen, which might be accomplished with a repeal of the obnoxious laws, the abrogation of the disputed reservations as to ports, harbors, etc.; or, failing that,

(2) By agreeing upon the construction of the disputed renunciation, upon principles upon which a line should be drawn by a joint commission to exhibit the territory from which the American fishermen should be excluded, and by repealing the obnoxious laws, and agreeing upon the mode to be taken for enforcing the correct rights, the penalties to be inflicted for forfeiture of the same, and a mixed mode to enforce the same. It may also be considered whether it should be agreed that the fish taken in the open to both nations shall be admitted of duty into the United States and British North American colonies.

It will be observed that the suggestions of Mr. Seward were substantially repeated in the instructions of A. D. 1871, and we embraced almost in terms in the sales accompanying the dispatch of Mr. Seward to Mr. Phelps of November 1871, and the treaty just negotiated, it is believed accomplishes all which was contemplated by them.

Mr. Bayard's Reply to Invitation to Speak Boston.

WASHINGTON, D. C., March 14,

My Dear Sir:—I have to thank you for your note of the 9th inst., with which I received an invitation signed by a number of the representative men of New England, of different political parties, to visit Boston, and "deliver an address on the scope and purpose of the treaty recently submitted to the United States Senate for ratification."

The "settlement upon just and equitable terms of the questions in dispute between Great Britain and the United States concerning the rights of American fishermen in British North American waters and the subject upon which I have bestowed anxious care ever since I assumed the duties of my present office, and the results of the efforts to promote such a settlement embodied in the treaty now before the Senate. But the treaty has been prepared

secretary of State, to Mr. Adams, then our minister at London, of April 10, A. D. 1866. Mr. Seward suggested a mixed commission or the following purposes:

"(1) To agree upon and define by a series of lines the limits which shall separate the exclusive from the common right of fishing on the coasts, and in the seas adjacent, of the British North American colonies, in conformity with the first article of the convention of 1818; the said lines to be regularly numbered, duly described, and so clearly marked on charts prepared in duplicate for the purpose.

"(2) To agree upon and establish such regulations as may be necessary and proper to secure to the fishermen of the United States the privilege of entering bays and harbors for the purpose of shelter and of repairing damages therein, of purchasing food and of obtaining water, and to agree upon and establish such restrictions as may be necessary to prevent the abuse of the privilege reserved by said convention to the fishermen of the United States.

"(3) To agree upon and recommend the penalties to be adjudged, and such proceedings and jurisdiction as may be necessary to secure a speedy trial and judgment with little expense as possible for the violation of rights and the transgressors of the limits and restrictions which may be hereby adopted.

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the fisherman, for the demarcation of his fishing limits is made by objects plainly in view, and if he encroaches upon the waters renounced in 1818, he will do so wilfully; and from no bay where fish are found, and purse seines can be profitably used, are our fishermen excluded by the present treaty. Every privilege—shelter, repairs, wood, water—reserved to him under the treaty of 1818, and which in the past have been so hampered and restricted by Canadian conditions, can hereafter be freely enjoyed without cost or molestation.

Hospitality and comity, as defined by civilized nations, are secured, and facilities for convenient and needful supplies "on all occasions," and relief against casualty, and

in cases of distress, are all amply provided for. Conciliation and mutual neighborly concession have together done their honorable and honest work in this treaty, and paved the way for relations of amity and mutual advantage. All this is accomplished by no enforced changes in our tariff, nor the payment of a penny as the price of a concession, nor for the enjoyment of a right.

Neither the conscience, nor self-respect, nor the pocket of any American has been invaded by any provision of the pending treaty. That the Canadians possess jurisdictional rights no fair man would wish to deny—and among such rights, to decide what may be lawfully bought or sold within their own limits. This home rule or local self-government is theirs as much as we claim it for ourselves.

The share of responsibility of myself and my respected and able associates in framing this measure for the settlement of a difficult and dangerous public question has, I believe, been fulfilled, but still in view of the far-reaching results which may attend a rejection of our work, I am anxious to have all the light possible thrown upon the treaty and its operative effects upon the well being and happiness of our country. To this end I desire to give every information, respond to every inquiry and to remove every doubt. But the duties of the office I hold are manifold and press daily for attention, so that I do not feel warranted in leaving my post, even for the pleasure of discussing before such an audience a subject so interesting and closely associated with the interests and local historic pride of New England.

I shall send as soon as possible a copy of the printed documents and the treaty to each of the gentlemen who signed the invitation, and I am, with sincere respect,

Most truly yours,

T. F. BAYARD.

To the Hon. H. L. Pierce, Boston, Mass.

What Commissioner Angell Says.

The Detroit Tribune of Feb. 24 will contain an interview with President Angell of the State University, who was one of the members of the recent Fisheries Commission, giving his views with reference to the treaty which they negotiated and which had just been sent to the Senate:

"When the representatives of the different Governments first met and compared views they differed so widely in their propositions and methods that it seemed almost hopeless to anticipate that they would ever come together. Now, I want to point out to you a few of the benefits which I think we have gained or will have gained when the treaty submitted by the commission is

by Mr. Evarts, when Secretary of State, our Plenipotentiary to China, and was the senior member of the commission which negotiated the treaty at Peking, of Nov. 17, 1880, placing restrictions on immigration into the United States of Chinese laborers.

[From the New York Herald.]

"IN A FRY."

Maine's Senator Finds Difficulty in Explaining What Fishermen Want.

[FROM OUR SPECIAL CORRESPONDENT.]

HERALD BUREAU,
Corner Fifteenth and G Streets, N. W.,
WASHINGTON, March 9, 1888.

Senator Frye, who is the great authority on the fishery treaty and on the rights and wrongs of the great American fisherman, has not been heard from for several days. When he last spoke it was to say that the fishermen wanted "three things and no more."

"Now, no man can name anything else that would be convenient to our fishermen or that our fishermen want except these three things, and those three things are not given in this treaty."

Those were his words, and the "three things" were in his own language:—

"The right to purchase provisions, bait, ice, seines, lines and all other supplies and outfits for an outgoing fishing voyage—not provisions or supplies on which to get home, but supplies to take out to the Banks. It would likewise be a convenience if our fishermen could ship crews. Let me illustrate: A vessel of fishermen sails from Gloucester for the Banks of Nova Scotia. From Gloucester to the Banks ordinarily is a voyage of six days; from Nova Scotia to the Banks a day and a half. That vessel sails short of hands. She will take in at Gloucester say twelve to complete her crew. She wants twenty hands, that is eight more. Now, if she could go to Nova Scotia or Prince Edward's Island and ship her eight men there she would avoid the expense of paying and boarding these men for the greater part of the outward trip and the return trip as well."

Last of Mr. Frye's "three things" was the right to land their catch and tranship it in bond to the United States.

Frye Against Frye.

Nevertheless, when one compares what Mr. Frye now says with what Mr. Frye said in October, 1886 when he had just completed as a member of a Senate committee a thorough investigation of the fishery troubles, there arises, alas! a new confusion. In October, 1886, Mr. Frye was just as specific, precise and definite as now. He knew then precisely as he knows now what our fishermen want, but Mr. Frye then does not at all agree with Mr. Frye now. In an interview at Lewiston in October, 1886, quoted by Mr. Putnam the other day, Mr. Frye said:

"The testimony of the owners and fishermen taken at Gloucester, also at Provincetown and Portland, was entirely agreed on the following points:—That there is no necessity at all for our fishing vessels to enter ports of Canada for any purposes except those provided for in the treaty of 1818—viz, for shelter, wood, water and repairs."

He added that the Canadians harried our people when they came for these purposes, but this the treaty will cure.

Mr. Frye continued:—

"The fishermen also concur in saying that these commercial privileges are of no value, it has been generally understood that the right to purchase bait is a very valuable one.

to demand that the penalty imposed on actual poachers should not be severe; but this article provides that only the cargo aboard at the time of the offense can be forfeited, and the provincials can not lie back until a vessel has taken a full cargo, and then sweep in the earnings of the entire trip for an offense committed perhaps at its inception. Moreover, the article provides the penalty shall not be enforced until reviewed by the governor-general in council, giving space for the passing away of temporary excitement and for a calm consideration of all mitigating circumstances.

Also, from the passage of the statute of 1819 the penalty for illegally "preparing to fish" has been forfeiture. This has at times been construed to extend not only to preparing to fish illegally, but also to a preparation within the Dominion waters for fishing elsewhere. The J. H. Nickerson, already referred to, was forfeited in A. D. 1870 on this principle, without any specific protest from the United States or any subsequent reclamation.

If the plenipotentiaries had been working new ground, in views of the indefiniteness of the words and of the fact that preparation is ordinarily accepted as of lower grade than actual acceptance, it may be that the penalty of forfeiture under any circumstances for this offense would have been surrendered; but a statute which has stood for nearly seventy years without successful objection, cannot easily be wholly overthrown. The treaty, however, clearly eliminates every principle on which was based the forfeiture of the "J. H. Nickerson," and the proceedings against the "Adams" and the "Doughty," and also, taking into consideration the other elements already referred to, it makes forfeiture the extreme penalty, but directs that the punishment shall be fixed by the court not exceeding the maximum, so that, if circumstances justify in any case, it may be reduced to a minimum. In lieu of all the other penalties rising to forfeiture, imposed by the Dominion statutes concerning the fisheries for technical offenses known and unknown, the maximum for all all such will be \$3 for every ton of the boat or vessel concerned. Under the provisions of this treaty the "Ella M. Doughty," caught in the ice, would have gone free, and the "David J. Adams," which ran across from Eastport into Digby basin for bait, if she had found herself snarled in the intricacies of foreign statutes and legal proceedings, had the option to pay \$3 per ton, or less than \$200—in other words, less than the amounts heretofore required as security for costs and to pay expenses of defence in the vice-admiralty court and go free—or she could have demanded a summary and inexpensive trial at the place of detention.

It should be borne in mind that the statute of Canada which we have been discussing are not aimed particularly at vessels of the United States, but includes all foreign fishing vessels. While in all respects, even with the modifications which the thirteenth article imposes on them, they are not our statutes, and therefore not what we would make them, yet several of these modifications are concessions from principles and provisions which are found in our own statutes and concessions which we ourselves would not willingly make in behalf of foreign vessels. On the whole, a careful examination of this section, taken in the light of the ordinary methods of criminal proceedings wherever the common law exists, will show a present desire on the part of Great Britain and Canada to remove just cause of offence, and to cultivate the friendship of the United States; and take it by and large, the net result must be a modicum of those evils and misfortunes, through legal proceedings, which inevitably await strange vessels in foreign ports."

Further Explanation About the Fishery Lines Established by the New Treaty.

Therefore, under the convention of 1818, the question arises in every case: What is a jurisdictional bay, that is, a British bay, or, in other words, a bay which was then a

different political parties, to visit and "deliver an address on the scope and purpose of the treaty recently submitted to the United States Senate for ratification." The "settlement upon just and equitable terms of the questions in dispute between Great Britain and the United States concerning the rights of American fishermen in British North American waters and fisheries" is a subject upon which I have bestowed assiduous care ever since I assumed the duties of my present office, and the result of the efforts to promote such a settlement embodied in the treaty now before the Senate. But the treaty has been preceded by a voluminous correspondence, and the result of complete publication has been prepared, and its printing has been ordered by the Senate. The whole matter will be laid before the American people, and will be fully and publicly debated in the Senate.

I am convinced that the welfare and interests of our country and a just and equitable treatment of the British-American fishermen on our Northern frontier alike call for the adoption of the treaty. In its initiation, negotiation and conclusion I can truly say for my associates and myself, no view of those of single-minded, patriotic interest has been allowed place or expression, nor trace or suggestion of partisanship been alleged.

The sole and difficult question to which the treaty relates—"The fishery rights of one nation in the jurisdictional waters of another"—began with the first dawn of recognized independent existence as a nation, and ever since has conspicuous and ever since has conspicuous manifested itself at intervals, exciting bitter controversy, and never has been satisfactorily or permanently disposed of. Near the surrounding circumstances have constantly changed and advanced with rapid and vast growth, but the treaty of 1818 entered, and remains unaffected in its provisions by seventy years of such material progress and development in this continent, as to-day are the witnesses.

Concerning the Arrangement of 1830.

"Much has been said by the opponents of the treaty concerning the reciprocal arrangement of A. D. 1830; and indeed some of them apparently suppose a treaty with Great Britain was then made. The most convenient way of understanding that arrangement is to turn to Jackson's proclamation of May 29, A. D. 1830, by which it was brought to its completion; and its entire practical effect is made clear from the circular of the Secretary of the Treasury to the collectors of customs of October 6, A. D. 1830, and by the order in council of November 5 of the same year.

While this marked a long step forward in reciprocal arrangements with the neighboring provinces, so that it afforded the Secretary of State, Mr. Bayard, very just and persuasive arguments in favor of the most liberal treatment by Canada of our fishing vessels, yet its very letter, as well as its spirit, related exclusively to vessels engaged in commerce and to merchandise carried from the ports of one country to the ports of another. Not only did it not contemplate the purchase of fishing supplies to be used on the ocean and other facilities for fishing vessels, but its phraseology clearly excluded any such purpose. Are we any more entitled to demand under it as a right reciprocity in matters of this sort than Great Britain or Canada can demand under it reciprocity in the coasting trade or in the registering of vessels? And is there anything either in this reciprocal arrangement or in any other between the United States and Great Britain or Canada which renders the refusal to our fishermen of the special benefits of the near locality of Nova Scotia to the fishing grounds more unfriendly, in that sense which justifies retaliation, than our refusal to permit British, including Canadian, vessels to enter our coasting trade, while ours freely engage in the larger coasting trade of the British Empire; or than the refusal to permit the sale by the British, including the Canadians, of their vessels to our citizens with registration, while we may freely sell and register our vessels in any part of the British possessions? There is a wide gulf between this class of privileges which nations grant or refuse in accordance with their own broad or narrow views of their own interests and that class which affects the comfort of strangers and their property in foreign ports. All the latter the treaty just negotiated secures and perpetuates."

The Treaty is in the Line Marked Out by Mr. Seward and Mr. Fish.

In the dispatch of Mr. Seward, then

different political parties, to visit and "deliver an address on the scope and purpose of the treaty recently submitted to the United States Senate for ratification."

The "settlement upon just and equitable terms of the questions in dispute between Great Britain and the United States concerning the rights of American fishermen in British North American waters and fisheries" is a subject upon which I have bestowed assiduous care ever since I assumed the duties of my present office, and the result of the efforts to promote such a settlement embodied in the treaty now before the Senate. But the treaty has been preceded by a voluminous correspondence, and the result of complete publication has been prepared, and its printing has been ordered by the Senate. The whole matter will be laid before the American people, and will be fully and publicly debated in the Senate.

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The sole and difficult question to which the treaty relates—"The fishery rights of one nation in the jurisdictional waters of another"—began with the first dawn of recognized independent existence as a nation, and ever since has conspicuous and ever since has conspicuous manifested itself at intervals, exciting bitter controversy, and never has been satisfactorily or permanently disposed of. Near the surrounding circumstances have constantly changed and advanced with rapid and vast growth, but the treaty of 1818 entered, and remains unaffected in its provisions by seventy years of such material progress and development in this continent, as to-day are the witnesses.

Unless the treaty of 1818 shall be abrogated and recurrence necessary to the dangerous status that John Adams so ably but unavailingly dealt with the Earl of Bathurst in 1811, which had resisted all efforts of the plenipotentiaries at Ghent in the year previous to manifest that a joint and equitable solution, in consonance with their existing conditions and mutual needs, must be upon between Great Britain and the United States, and this I affirm, is done in the present treaty. There is not a reasonable cause of just and reasonable complaint against an American fisherman against Canadian administration since 1886 for which the treaty does not provide a remedy or promise a safeguard in the future which will receive the published record of years that have elapsed since the signing of the treaty of 1871, when you are obliged to fall back upon the treaty of 1818 and you can select any case or cases of just treatment of our fishermen as you may wish, and test my statement by the terms of the treaty now proposed.

Many Canadian contentions have been put forth with more or less insistence withdrawn. Imaginary lines upon the coast drawn from one distant headland to another—neither being visible from the sea—can no longer cause doubt and an

rent political parties, to visit Boston and deliver an address on the scope and scope of the treaty recently submitted to United States Senate for ratification. "The settlement upon just and equitable basis of the questions in dispute between Great Britain and the United States concerning the rights of American fishermen in the North American waters and parts," subject upon which I have bestowed anxious care ever since I assumed the duties of my present office, and the results of my efforts to promote such a settlement embodied in the treaty now before the Senate. But the treaty has been preceded by voluminous correspondence, and the time for complete publication has properly expired, and its printing has been ordered by the Senate. The whole matter will thus be made known before the American people, and I trust will be fully and publicly debated by the people.

I am convinced that the welfare and true interests of our country and a just and wise settlement of the British-American population on our Northern frontier alike counsel the adoption of the treaty. In its initiation, negotiation and conclusion I can truly say that my associates and myself, no views but those of single-minded, patriotic intent have been allowed place or expression, nor can a charge or suggestion of partisanship be justly made.

The sole and difficult question to which the treaty relates—"The fishery rights of the nation in the jurisdictional waters of the other"—began with the first dawn of our recognized independent existence as a nation, and ever since has conspicuously pre-occupied itself at intervals, exciting bitter controversy, and never has been satisfactorily permanently disposed of. Meanwhile, the surrounding circumstances have importantly changed and advanced with rapid and constant growth, but the treaty of 1818 is unaltered, and remains unaffected in its terms seventy years of such material progress and development in this continent, as we of this day are the witnesses.

Unless the treaty of 1818 shall be wholly abrogated and recurrence necessarily had to the dangerous status that John Quincy Adams so ably but unavailingly discussed with the Earl of Bathurst in 1816—and which had resisted all efforts of the negotiators at Ghent in the year previous—it is manifest that a joint and equitable construction, in consonance with their existing relations and mutual needs, must be agreed upon between Great Britain and the United States, and this I affirm, is done by the present treaty. There is not a recorded instance of just and reasonable complaint by an American fisherman against Canadian administration since 1886 for which this treaty does not provide a remedy and promise a safeguard in the future. You will receive the published record of the two years that have elapsed since the abrogation—on June 30, 1885—of the fishery articles of the treaty of 1871, when we were obliged to fall back upon the treaty of 1818, and you can select any case or cases of unjust treatment of our fishermen so reported and test my statement by the terms of the treaty now proposed.

Many Canadian contentions heretofore put forth with more or less insistence, are withdrawn. Imaginary lines upon the sea, drawn from one distant headland to another—neither being visible from the other—can no longer cause doubt and anxiety to

an interview with President Angell of the State University, who was one of the members of the recent Fisheries Commission, giving his views with reference to the treaty which they negotiated and which had just been sent to the Senate:

"When the representatives of the different Governments first met and compared views they differed so widely in their propositions and methods that it seemed almost hopeless to anticipate that they would ever come together. Now, I want to point out to you a few of the benefits which I think we have gained or will have gained when the treaty submitted by the commission is ratified by all the parties in interest. The chief source of trouble to our fishermen here has been that when they ran within three miles of the Canadian shore for shelter they were obliged to sail their vessels at times a distance to some Custom House and enter and clear. By the treaty of 1818 our vessels were allowed the privilege of entering to port for four objects, shelter, repairs, wood and water. But this section of the treaty was so incumbered and lumbered by the laws of the Dominion Government that the privilege was entirely stripped of its value. These conditions by the treaty will all be taken off and charges for dues, pilotage fees, &c., have all been dispensed with. Why, when our vessels ran into a port in distress they were not allowed to purchase a single article of food or sell a dollar's worth of their cargo. This is now changed, and they can sell and buy food, and get all casual and needful supplies the same as other vessels. The judicial procedure was one of the greatest annoyances and troubles to our fishermen. Now this is all simplified and made inexpensive. Formerly our fishermen did not know and could not tell when they were within the three-mile limit. This is to be rectified so that they will all be able to know their whereabouts by charts and buoys.

"We left the matter of selling bait optional, as our men say they don't have to buy bait in Canada, while the Canadians do have to buy our bait. For this reason we left that point optional, as we might wish some time to restrict them from buying. We were a long time getting down to the real work of the commission, the interests of all parties being so varied. The British and Canadian consumers were especially anxious to make a reciprocal free trade a part of this negotiation before they would settle on the fishery question. More than half the time was occupied in this endeavor. The real work has been done within the past month. We told them over and over again that the tariff was a matter which must be settled by Congress, that we could do nothing about it. I must say that if the treaty is not ratified by the Senate they will make a great mistake in my judgment. What adds decidedly to the strength of my opinion, in that we have been able to get decidedly the best of the case in the treaty, is that the radical Canadian papers are all so opposed to it.

Commissioner Angell

is the president of Michigan University, the largest educational institution in the United States except Harvard. He is a gentleman of the highest character and attainments, a Republican, and was appointed

men taken at Gloucester, also at Provincetown and Portland, was entirely agreed on the following points:—That there is no necessity at all for our fishing vessels to enter ports of Canada for any purposes except those provided for in the treaty of 1818—viz, for shelter, wood, water and repairs."

He added that the Canadians harried our people when they came for these purposes, but this the treaty will cure.

Mr. Frye continued:—

"The fishermen also concur in saying that these commercial privileges are of no value, it has been generally understood that the right to purchase bait is a very valuable one, but the preponderance of testimony is that the right exercised does more harm than good—that the time consumed in going into and out of the port and going thence to the Banks again costs the fishermen more than the value of the bait.

Both fishermen and owners agree with great unanimity that they require absolutely nothing of Canada other than the treaty rights of 1818; that it is better for them when they start on their cruises to provide their vessels with everything that is necessary for the cruises, bait and all, than to leave anything to be provided for in Canada."

Increasing Wants.

In March, 1888, Mr. Frye's fishermen want "three things and no more"—namely, the right to buy bait, ice, seines, lines, provisions and all other supplies; the right to ship crews, and the right to tranship their catch.

What is an anxious inquirer to believe of the great fishery question when Mr. Frye, the only man who has spoken with the precision of full and complete knowledge on the subject, fails utterly to agree with himself?

They Wanted Protection.

Oh, but Mr. Frye, in October, 1886, said they (the fishermen) wanted one thing more. Even this is not among the "three things" which he declared solemnly the other day—these and no more—they wanted. Still they wanted it, according to Mr. Frye, in October, 1886, and while he forgot to put it in his category of "three things" the other day, it should be mentioned. They (the fishermen) wanted Congress to change a law passed by a Republican Congress, which Republican legislation they believed injurious to them. Here is Senator Frye's account of this want:

"Their remedy for existing troubles with their business is a higher duty on salt fish, also a duty on fresh fish."

That is to say, if Mr. Frye's testimony is good for anything—and he is the great defender of the fishermen:

They want and they don't want to buy bait.

They want and they don't want to buy seines, lines and supplies in general.

They want and they don't want to ship crews in Canada.

They want and they don't want commercial privileges.

Their sole grievance—aside from those the treaty cures—is that a Republican law injures them; and they want this Republican legislation changed. That is a matter for Congress, not for the Executive. Mr. Frye can at any time he choose denounce Republican legislation.

Extract from Portland Daily Advertiser, (Independent Republican) of Feb. 23, 1888.

Coming to the treaty negotiated at Washington, it appears first, that none of the privileges reserved to American fishermen by the convention of 1818, have been abated or qualified in any degree. The right to fish on the designated shores of Newfoundland and the Magdalen islands and Labrador, and the right to dry and cure fish on the unsettled portions of these coasts, or on the settled portions, with the consent of the owners, remain unimpaired. Some complaint has been made of the exclusion of American fishermen from Fortune and Placentia bays on the southern coast of Newfoundland; but these bays are beyond the easterly limit fixed by the convention of 1818—the Rameau islands. There has been no surrender of any rights conceded in 1818.

The three-mile limit established by the consent of the United States in 1818, has been a fruitful source of misunderstanding. There was no agreement even upon the principle on which the limit should be established—whether the line should follow the contour of the coast, or be drawn three miles away from the headlands marking the entrance of bays. The treaty establishes a rule on this point, placing the line three miles seaward from the first place where the width of the bay contracts to ten miles. But this line is not to be left to the judgment of the Canadian coast guard. The treaty provides for an international commission to trace the line by accurate surveys and mark it on the admiralty charts, so that every fisherman may know positively whether he is or is not within the forbidden limits. This is a great gain, since it puts an end to accidental trespassing and arbitrary seizures. For some of the great bays, like Fortune bay and Placentia bay, already mentioned, the bay of Chaleurs, Miramichi, Egmont, Harrington, &c., the lines are agreed upon in the treaty. The first nine articles provide for this visible delimitation on the charts.

Next comes the interpretation of the proviso, that American fishermen may enter bays and harbors from which they would otherwise be excluded, for shelter, to make repairs, or to obtain wood or water, but for no other purpose. The provision has been construed by the Canadians with great severity. The treaty provides that American fishermen seeking shelter, or wood or water, need not report, enter or clear, unless they remain more than twenty-four hours or communicate with the shore; nor shall they be liable to compulsory pilotage or port dues of any kind. Under stress of weather or other casualties, they may tranship or sell their fish, in order to repair; may replenish damaged boats and may ship crews to replace those who are disabled. These are privileges which have been claimed under the right to enter shelter or make repairs, but have been withheld by the Canadian government. They are conceded by the treaty.

The proceedings against vessels seized for unlawful fishing are regulated by the treaty. There is to be no delay, and as little ex-

American ports. This needs no discussion. If the privileges offered are worth the price asked, our fishermen can take the licenses; if not, and that is probably the case, nobody is obliged to buy a license.

Extracts From Communication of the Hon. Nelson Thompson to the Rockland Opinion, March 2, 1888.

The administration, wishing to have all matters of irritation adjusted, and disputed points settled, undertook to fix matters by a treaty which should be fair and honorable to both parties. And it seems to us that it has acted wisely and well, and succeeded admirably where former administrations had failed ingloriously.

Our fishermen complained of annoyance when entering Canadian ports under stress of weather and to repair damages. Well, article 10 of the treaty fixes that matter in a clear and honorable way, without requiring our fishermen to enter under 24 hours and without expense. Another complaint was that the boundaries were not defined. Well, article 12 gives our fishermen boundaries which when fixed need not be misunderstood.

But the great point imagined against the administration, was that it was laboring in the interests of "free trade," and to get Canadian fish admitted to the United States free of duty; but in this they are doomed to disappointment, as fish are still subject to duty under the provisions of the treaty.

Now, what do we gain by the treaty? We gain the undisputed right in the free navigation of the straits of Canso. We gain the right, outside of the limits of ports of refuge, to enter for shelter to repair damages, or for purchasing wood and obtaining water and remain 24 hours without entering. We have gained the right, under certain conditions of distress and disaster, to enter their ports and unload and reload, reship or sell, replenish outfits, provisions or supplies damaged by disaster, and in case of death or sickness shall be allowed all needed facilities, including the shipping of crews. We have gained the right to purchase under a license, which license shall be granted by Canadian officials free of charge, for homeward bound voyages, all supplies necessary for the voyage. We have gained the right in case of alleged violation of the treaty, to demand a speedy and inexpensive trial, at the place of seizure, and not be towed to some distant port and wait the meeting of some tribunal. All these things we have gained and given really nothing in return.

Complaint is made also about the \$1.50 yearly tonnage dues. Let us consider this matter. The duty on Nova Scotia fish, we think, is about half a dollar a quintal. A vessel of 100 tons register would naturally catch in the year about 2,000 quintals of fish, on which would amount to \$1,000, while it would cost the vessel for all the privileges in Canadian waters and ports \$150, a difference of \$850 in our favor, and yet these unreasonable are crying "fire."

Not many years in the past, the fishing bounty was remorselessly torn from our fishermen, and all the burdens imaginable and

their dexterous treatment, so rapid a growth that it has now attained the proportion of a full-fledged monopoly, and is of power that it easily controls a large portion of the Eastern halibut trade. Scarcely a halibut is sold in Boston but has first passed through the hands of the combination, Fulton Market in New York is thoroughly permeated with its influence. There, the wharf in Boston, the majority of the wholesale halibut dealers are in close conjunction with the Gloucester pool, and are by agreement bound to purchase their fish of the companies comprising the pool. These companies are three in number, namely, the New England Halibut Company, the most extensive of the trio; the Atlantic Halibut Company, composed of Major Ineson of Gloucester and Messrs. Garth Poole and Parsons; and a third, controlled by Messrs. Stockbridge and Hodge of the firm name of Stockbridge & Co.

There seems to be but one opinion as to the purpose of the combination, namely, it is seeking to monopolize the halibut trade, to the exclusion of all competitors. The greater number of the fishing vessels used in Gloucester are owned by members of the combination, so that the shippers are compelled to sell their fish to them at whatever price they offer, and the captain of most of the other ships, so it is stated, are pledged to sell their fish to the combination only.

[From the Boston Post, March 23, 1888.]

ALIEN FISHERMEN

GLoucester, March 22.—[SPECIAL.] The exposure of the gigantic halibut monopoly has been the common conversation among the fishermen on the street corners around the wharves and on board the vessels wherever one may chance to go. "We said the spokesman of a crowd of men who were on Parkhurst wharf," the Post and Herald declared, "credit for the enterprising spirit we have shown in giving the public some information on this halibut pool and how it has been using the fishermen." "But," interrupted another, "there are other things we want to be shown up which are of more importance to the fishermen. One is the importing of men from the Provinces to the vessels. That is the worst outrage we have committed upon the rights of our American fishermen. The reporter, out of curiosity, perambulated the wharves to get what knowledge could be gained. He got the aid of two ex-skippers, who volunteered their services, nearly every wharf visited, and it was found that the largest of vessels which have been hauled in winter were being rapidly fitted out for various fishing grounds. The first part of the season there was some difficulty in securing crews to man the early fleet of Georges and Western Bank. Since the first of March a large number of men have arrived here to engage in fishing from ports, principally from Provincetown and N. S.

The owners here who so strenuously clamored for protection by excluding Canadian fishermen from the markets of the United States, threw their arms wide open and hailed with great joy the advent of those men, and they want to man their vessels and they could not get along without.

On their arrival here they go on to

dexterous treatment, so rapid a growth it has now attained the proportions full-fledged monopoly, and is of such that it easily controls a large portion of the Eastern halibut trade. Scarcely a fish is sold in Boston but has first passed through the hands of the combination, and the Market in New York is thoroughly controlled with its influence. There, as on wharf in Boston, the majority of whole-halibut dealers are in close conjunction with the Gloucester pool, and are by their covenant bound to purchase their fish solely of the companies comprising the pool. There are three in number, namely, the New England Halibut Company, the most extensive of the trio; the Atlantic Halibut Company, composed of Mayor Robt. of Gloucester and Messrs. Gardner, and Parsons; and a third, controlled by Messrs. Stockbridge and Hodge under the firm name of Stockbridge & Co.

There seems to be but one opinion as to the purpose of the combination, namely, that of seeking to monopolize the halibut business to the exclusion of all competitors. A greater number of the fishing vessels in Gloucester are owned by members of the combination, so that the shippers feel obliged to sell their fish to them at whatever price they offer, and the captains of the other ships, so it is stated, are obliged to sell their fish to the combination

from the Boston Post, March 23, 1888.]
ALIEN FISHERMEN.

GLoucester, March 22.—[SPECIAL.] The exposure of the gigantic halibut monopoly has been the common conversation of the fishermen on the street corners, and the wharves and on board the vessels, wherever one may chance to go. "Well," the spokesman of a crowd of who were on Parkhurst wharf, Post and Herald deserve credit for the enterprising spirit they have shown in giving the public some light on the halibut pool and how it has been managed by the fishermen." "But," interrupted another, "there are other things which ought to be shown up which are of vast importance to the fishermen. One is the importing of men from the Provinces to man the vessels. That is the worst outrage that has been committed upon the rights of the American fishermen. The reporter, out of curiosity, perambulated the wharves to see what knowledge could be gained. With the aid of two ex-skippers, who volunteered their services, nearly every wharf was visited, and it was found that the large fleet of vessels which have been hauled up all over were being rapidly fitted out for the new fishing grounds. The first part of the reason there was some difficulty in procuring crews to man the early fleet for the Atlantic and Western Bank. Since the 1st of March a large number of men have arrived here to engage in fishing from this point, principally from Pictou and Argyle.

The owners here who so strenuously cry for protection by excluding Canadian fish from the markets of the United States, with their arms wide open and hail with joy the advent of those men, whom they want to man their vessels and whom they could not get along without. At their arrival here they go on board,

Knights of Labor.

THAT HALIBUT POOL.

Resolutions of a Gloucester Knights of Labor Assembly.

GLoucester, March 25.—[SPECIAL.] Deep Sea Assembly, 5,066, K. of L., of this city, has adopted the following self-explanatory resolutions:

Whereas, there exists and has existed for years in this city a fresh halibut monopoly, which absolutely controls the halibut market, to the detriment of the fishermen and consumers; a monopoly whose methods deprecate the price paid the toilers of the sea for their products and make the same an expensive luxury to the consumers; a monopoly so unrelentless in its avariciousness as to render it well nigh impossible for anyone outside of its circle to pursue the halibut business; and

Whereas, said halibut monopoly has flourished in the past with little or no publicity given to its mercenary movement by which the hardy fishermen have been deprived of a just share of the wealth they create; and

Whereas, The Boston Post and Boston Herald have in recent issues laid bare the schemes and methods of this stupendous "fish trust" to which the public pay tribute, therefore be it

Resolved, That the thanks of Deep Sea Assembly, No. 5,066, K. of L., be and are hereby extended to the Boston Post and Boston Herald for their timely exposition of the iniquitous system of said monopoly.

Resolved, That it is the prayer of this assembly that the above mentioned newspapers will continue their good work, for the field is large, and by running the plough of investigation thoroughly through it abuses will be unearthed, besides which the treatment of the fishermen by our Canadian neighbors will sink into utter insignificance.

Resolved, That these resolutions be spread upon the records and copies be sent to the Boston Post and Boston Herald.

[From Boston Post of April 21, 1888.]

GLoucester Seamen.

A Very Small Proportion of Them Americans.

GLoucester, April 23.—[SPECIAL.] The following list of Gloucester vessel owners, together with the number of vessels owned and foreign fishermen employed by each firm, has been compiled for the Post by gentlemen thoroughly conversant with the existing status of the fishing industry at this port. The number of foreign employees is necessarily arrived at by estimation, as no exact figures bearing up this subject exist. In estimating, the results are based upon crews of these vessels during the last three years. The statement is believed to be rather an under than an over estimate:

- Daniel Allen & Son, 9 vessels, 60 foreigners.
- James S. Ayer, 10 vessels, 20.
- D. C. & H. Babson, 10 vessels, 60.
- George Clark & Co., 8 vessels, 40.
- Cunningham & Thompson, 11 vessels, 50.
- George Dennis, 7 vessels, 40.
- Joseph Friend, 5 vessels, 80.
- Thomas Hodge, 6 vessels, 35.
- Samuel Lane & Bro., 8 vessels, 30.
- Andrew Leighton, 18 vessels, 80.
- T. A. Langford & Son, 7 vessels, 45.

tion for American labor and industries. It is the same story told over again. Like the protected coal barons of Pennsylvania, who have imported into that State thousands of Huns and other cheap alien workmen, all the while crying out for more protection for the American miner, the fish monopolists of Cape Ann have now been caught in the act of bringing cheap Nova Scotian labor here to the injury of American fishermen, for whose welfare, however, they never weary of professing the greatest solicitude.

Senator Hoar's Speech.

[Extracts from the Portland Advertiser (Independent Repub) July 11, 1888.]

Mr. Hoar is of the opinion that Mr. Bayard, Mr. Putnam and Mr. Angell were poorly qualified to meet such diplomats as the Right Hon. Joseph Chamberlain, Sir Lionel Sackville and Sir Charles Tupper. Under the circumstances, he thinks the plenipotentiaries should have conferred with him during the progress of the negotiations, and intimates that if he had been President he would have appointed in behalf of the United States Senator Frye, Mr. Trescott or Mr. Woodbury, all of whom are opposed to any treaty on the subject. Mr. Trescott was counsel for the United States at Halifax in 1878, and that negotiation has been criticised quite as severely as the treaty now pending. Indeed it has become quite the fashion in the Senate to decry the diplomatic representatives of the United States, as if we were incapable of producing men capable of dealing wisely and firmly with foreign diplomats; though our whole diplomatic history contradicts that aspersion. Mr. Chamberlain does not deserve the humble reverence with which Mr. Hoar appears to regard him; Mr. Putnam was fully his match; nor was Sir Charles Tupper any more familiar with the dispute about the fisheries than Secretary Bayard.

Mr. Hoar deprecates the suggestion that the alternative to a peaceful settlement of the dispute is likely to be something else. Yet he himself objects to the treaty because it shows an utter insensibility to the national honor, dignity and character." In the grievances of our fishermen he finds "matter for a hundred wars," yet he does not talk of war. With provocation for a hundred wars, he declares that all expectation of war is "supremely silly." What remedy does he propose?

The equality of right and privilege for which Mr. Hoar clamors is expressly defined and set forth in the treaty which he assails. Article 12 reads as follows:

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 vessels in the aforesaid waters of Canada and Newfoundland.

"The rule, whatever it is," Mr. Hoar says must apply alike to both parties." Well, it does. That is what "we propose to say to Great Britain," Mr. Hoar says. We have said it in the treaty, and Great Britain has acquiesced. That being the case, it would appear that Mr. Hoar can have no further objection to the execution of a plan which he himself has formulated without knowing that he had been anticipated by the plenipotentiaries.

remain more than twenty-four hours or communicate with the shore; nor shall they be liable to compulsory pilotage or port dues of any kind. Under stress of weather or other casualties, they may tranship or sell their fish in order to repair; may replenish damaged boats and may ship crews to replace such boats or disabled. These are privileges which have been claimed under the right to seek shelter or make repairs, but have been withheld by the Canadian government. They are conceded by the treaty.

The proceedings against vessels seized for unlawful fishing are regulated by the treaty. There is to be no delay, and as little expense as may be. The trial shall be at the place of detention, unless the defence prefers some other place. The defence shall have an appeal from the judgment. Reasonable bail shall be accepted. Judgments of forfeiture shall be reviewed by the Governor General of Canada in council, or by the Governor of Newfoundland in council, as the case may be. These regulations ensure to American fishermen a fair and prompt hearing, and ample remedies for hasty judgments or extravagant penalties.

The British commissioners have seen fit to append to these provisions, an offer of free bait, supplies, shipmen, of crews and transhipment of catch, in return for free fish, if the United States should at any time choose to remove the duties on the imported product of the Canadian fisheries. This offer is not likely to be accepted, but if our neighbors choose to commit themselves by a contingent promise of this kind, it can do the United States no harm.

In judging the treaty, it must be remembered that the commissioners were not instructed and did not attempt to make a new treaty, but to agree upon a reasonable and friendly construction of the convention of 1818. It was not expected that our rights on the coasts of Newfoundland, Labrador and the Magdalen Islands would be surrendered; or that the Canadian rights to the inshore fisheries would be imperilled; or that our privileges in British American ports would be enlarged. Complaint is made that our commissioners did not secure the privilege of buying bait; but the convention of 1818 grants no such privilege, and besides our fishermen have testified publicly and positively that they neither need nor want it. What was to be desired and has been accomplished, is an exact definition of the three-mile limit, a precise statement of the rights of our fishermen in British ports, and provision for the prompt and just trial of alleged trespassers. Under the new treaty, neither party has been cheated, neither has given something for nothing, but both have agreed upon a neighborly way of living together in peace and amity. This is better than retaliation. The treaty should be ratified.

The British commissioners, who appear to have been very free with their offers, have also volunteered a temporary arrangement, to continue not over two years, while the treaty is pending. For a fee of \$1.50 a ton, they propose to license American fishermen to buy bait and all other supplies, ship crews and tranship fish, in British

Complaint is made also about the \$1.50 yearly tonnage dues. Let us consider this matter. The duty on Nova Scotia fish, we think, is about half a dollar a quintal. A vessel of 100 tons register would naturally catch in the year about 2,000 quintals, a tariff on which would amount to \$1,000, while it would cost the vessel for all the privileges in Canadian waters and ports \$150, a difference of \$850 in our favor, and yet these unreasonable are crying "fire."

Not many years in the past, the fishing bounty was remorselessly torn from our fishermen, and all the burdens imaginable and conceivable were heaped upon them; tariff extortionate was imposed upon them, on everything that entered into the construction of vessels and materials used in the business, until the industry lies fettered, prostrate, helpless and lifeless under burdens too heavy to be borne, while corporations have grown rich and trusts and combinations have sprung into life by legislative and administrative aid, until they threaten to control and dominate all other interests. Which party is the fishermen's friend? Which has shown the more diplomatic skill? We think it was in 1871 that some of these same people, now so clamorous against this administration, negotiated a treaty with Great Britain giving them \$5,500,000, for fishing privileges, and free fish besides; and now they are crying against the impolicy and obtuseness of this administration. Place the treaty of 1871 and the treaty of 1888 side by side and see how they compare.

We honor the administration for the course it has taken in this matter, in its successful diplomacy over the vexatious problem of defining and fixing the rights of American fishermen in Canadian waters; and have no doubt that, whether the treaty as presented shall be accepted or rejected by the senate, it will be approved, emphatically approved, by that higher and final tribunal, the American people.

NELSON THOMPSON.

Friendship, Feb. 29.

[From the Boston Post, March 15, 1888.]

THE HALIBUT POOL.

HOW THE TRADE IS CONTROLLED BY THE COMBINATION.

Fishermen and Consumers Almost Entirely at Its Mercy.—Its Methods of Overcoming Competition.

Some of those gentlemen at Gloucester who have so strenuously opposed the fisheries treaty in the few weeks since its contents were made public have for a much greater length of time been themselves the objects of a stout opposition which, though undemonstrative, has been none the less earnest. While they have been raising an outcry against the alleged injustice of the treaty, clamoring for protection in no uncertain voice, they have themselves been engaged in a business which leaves fishermen and consumers alike unprotected and almost entirely at their mercy. The halibut pool which has been so carefully fostered through half a score of years has had, under

various fishing grounds. The first part of the season there was some difficulty in curing crews to man the early fleet Georges and Western Bank. Since the 1st of March a large number of men have arrived here to engage in fishing from port, principally from Pabuco and A. N. S.

The owners here who so strenuously for protection by excluding Canadian from the markets of the United States throw their arms wide open and hail great joy the advent of those men, they want to man their vessels and they could not get along without.

On their arrival here they go on board when the vessel is used for a board house, they in most every case buy their own food. They take out balls put in, as the case may require; put salt; put the vessel on the railway and pier, and, in fact, every conceivable is done to make her ready for the voyage. Now, this is what our men are claiming an injustice on the part of the owners the men who brave the storms of winter are often turned on shore to make for the imported foreigners. This once was all done by the fishermen longshoremen who live here and who families to support, receiving a considerable sum during the season.

[Extracts from the Boston Post of March 24, 1888.]

The Treaty and the Trade

Enough has been shown in the account of the methods of the halibut pool printed in our news columns, to demonstrate how little sympathy exists between the interests of New England fishermen and the purposes of the combination seeking to control the trade in fish. The statement published yesterday as the result of observation among the fishing fleet now fitting at Gloucester illustrate another phase of the same matter showing that not even the laws of the United States avail to destroy the selfish monopoly from importing foreign labor to take the places of American fishermen. Yet it is from this source that the loudest protestations of regard for the interests of the fishermen as affected by relations between the United States and Canada, the bitterest opposition to the proposed treaty, and frantic protests whenever the subject of free fish is mentioned.

How much of sincerity there is in assumed championship of American fishermen may be judged by the acts of those who profess it. So far as the combination at Gloucester is concerned, the opposition to a settlement with Canada is in a large measure the result of a rivalry between that place and Boston, or rather the leavor of the former to secure the halibut trade which the latter holds.

If the combination of vessel owners and fish traders at Gloucester were able to control the Nova Scotia trade, it is not beyond the bounds of credibility that the denunciations of the treaty and even the opposition to free fish would disappear; while quite in harmony with the selfishness displayed in other relations that, since the trade cannot be thus controlled, it should be a wish to stop it altogether.

... fishing grounds. The first part of reason there was some difficulty in procuring crews to man the early fleet for the Atlantic and Western Bank. Since the last year a large number of men have arrived here to engage in fishing from this country, principally from Dublin and Argyle.

The owners here who so strenuously cry for protection by excluding Canadian fish from the markets of the United States, with their arms wide open and hail with joy the advent of those men, whom they want to man their vessels and whom they could not get along without.

On their arrival here they go on board, and the vessel is used for a boarding-school, they in most every case buying their own food. They take out ballast or iron, as the case may require; put in their own fuel, and put the vessel on the railway and clean it, in fact, every conceivable thing to make her ready for the voyage. This is what our men are claiming is justice on the part of the owners; for men who brave the storms of winter and often turned on shore to make room for the imported foreigners. This work was all done by the fishermen and shoremen who live here and who have families to support, receiving a considerable amount during the season.

Extracts from the Boston Post of March 24, 1888.]

The Treaty and the Trust.

It has been shown in the accounts of the methods of the halibut pool, as published in our news columns, to demonstrate that little sympathy exists between the fishermen of New England and the fishermen of the United States and the purposes of the combination seeking to control the trade in fish. The statements published yesterday as the result of observations among the fishing fleet now fitting out in Gloucester illustrate another phase of the same matter showing that not even the fishermen of the United States avail to deter a fish monopoly from importing foreign fish to take the places of American fishermen.

Yet it is from this source that come the loudest protestations of regard for the interests of the fishermen as affected by the relations between the United States and Canada, the bitterest opposition to the proposed treaty, and frantic protests when the subject of free fish is mentioned. How much of sincerity there is in this pretended championship of American fishermen may be judged by the acts of those who profess it. So far as the combination in Gloucester is concerned, the opposition to settlement with Canada is in a very real sense the result of a rivalry between that place and Boston, or rather the favor of the former to secure the job-trade which the latter holds.

The combination of vessel owners and traders at Gloucester were able to control the Nova Scotia trade, it is not beyond bounds of credibility that the denunciation of the treaty and even the opposition to the fish would disappear; while it is in harmony with the selfishness displayed in other relations that, since this cannot be thus controlled, there should be a wish to stop it altogether.

no exact figures bearing upon this subject exist. In estimating, the results are based upon crews of these vessels during the last three years. The statement is believed to be rather an under than an over estimate:

Daniel Allen & Son, 9 vessels, 60 foreigners.
 James S. Ager, 10 vessels, 50.
 D. C. & H. Babson, 10 vessels, 60.
 George Clark & Co., 8 vessels, 40.
 Cunningham & Thompson, 11 vessels, 50.
 George Dennis, 7 vessels, 40.
 Joseph Friend, 5 vessels, 30.
 Thomas Hodge, 6 vessels, 35.
 Samuel Lane & Bro., vessels, 30.
 Andrew Leighton, 18 vessels, 80.
 T. A. Langsford & Son, 7 vessels, 45.
 Benjamin Low, 11 vessels, 60.
 Maddocks & Co., 6 vessels, 25.
 James Mansfield & Sons, 5 vessels, 25.
 John H. McDonough, 3 vessels, 20.
 McKenzie, Hardy & Co., 5 vessels, 25.
 B. Montgomery & Son, 6 vessels, 15.
 George Norwood & Sons, 6 vessels, 35.
 Oakes & Foster, 7 vessels, 30.
 William Parsons, 2d, & Co., 8 vessels, 40.
 William H. Perkins, 1 vessel, 10.
 Pettingill & Cunningham, 6 vessels, 25.
 John Pew & Sons, 18 vessels, 100.
 Pool, Gardner & Co., 7 vessels, 50.
 Joseph O. Proctor, Jr., 9 vessels, 40.
 Reed & Gamage, 7 vessels, 20.
 Rowe & Jordan, 14 vessels, 70.
 Sayward Brothers, 6 vessels, 20.
 David B. Smith, 5 vessels, 20.
 Sylvanus Smith & Co., 12 vessels, 60.
 George Steele, 9 vessels, 65.
 James G. Tarr & Brothers, 14 vessels, 80.
 Benjamin H. Spinney, 3 vessels, 25.
 Michael Walen & Son, 5 vessels, 35.
 John F. Wanson & Co., 15 vessels, 60.
 William C. Wanson & Son, 5 vessels, 15.
 Total, 292 vessels, 1500 foreigners.

[From the Republic of April 4, 1888.]

A Good Move.

The action of the custom house authorities in this city in preventing the landing at this port of some Nova Scotian fishermen who came here under contracts, stipulating, of course, that they should work for lower wages than American fishermen demand for services, similar to those they were to perform, is highly commendable and in full keeping with the law which forbids the importation of alien contract labor into this country. The evil of allowing alien fishermen to come here under contract has been tolerated altogether too long, and it is certainly high time that a stop was made of it, in the interests of American fishermen. The law which forbids the importation of such labor has been in force for nearly three years now, and yet, singular as it may seem, the detentions of last week are said to have the first instance of its enforcement at this port, where, however, it is admitted that alien fishermen have annually been in the habit of landing.

The return of these Nova Scotian fishermen also illustrates how little sincerity there is in the regard which capitalists profess to have for American labor. These alien laborers were under contract to work here for lower wages than American fishermen would accept, and the men who endeavored to secure their services are the very ones who are continually crying out for more protec-

tion for the 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 vessels in the aforesaid waters of Canada and Newfoundland.

"The rule, whatever it is," Mr. Hoar says must apply alike to both parties." Well, it does. That is what "we propose to say to Great Britain," Mr. Hoar says. We have said it in the treaty, and Great Britain has acquiesced. That being the case, it would appear that Mr. Hoar can have no further objection to the execution of a plan which he himself has formulated without knowing that he had been anticipated by the plenipotentiaries.

Statement of Mutual Concessions of the Fishing Grounds Under the Treaty.

The following statistics are taken from the minority report made in the Senate in May, 1888, and are undoubtedly correct:

The waters always admitted by the United States to Canada are 16,424 marine square miles. In addition the Canadian clam from headland to headland would add 6164 marine square miles, making a total of 22,588 marine square miles claimed by Canada, and in dispute 6164 marine square miles.

Under the proposed treaty of 1888, of the 6164 marine square miles from headland to headland, as claimed by the Canadians, the Americans concede to them as follows:

First. At bays of 10 miles or less in width—

In Newfoundland, 8 bays of	200
In New Brunswick, 8 bays of	67
In Prince Edward Island, 3 bays of	18
In Cape Breton, 2 bays of	13
In Nova Scotia, 11 bays of	85

In all, 32 bays of 383

Second. At the bays named between lines 63 and 80, Article IV, proposed treaty, 1888.

At Baie Chaleur, New Brunswick	500
At Bay of Miramichi, New Brunswick	23
At Egmont's Bay, Prince Edward's Island	20
At St. Anne's Bay, Nova Scotia,	5
At Fortune's Bay, Newfoundland,	160
At St. Charles Hamilton's Sound, Newfoundland	2

In all, at 6 bays, 710

Third. At bays named between lines 81 and 93 in Article IV, of proposed treaty of 1888.

At Barrington Bay, Nova Scotia,	2
At Chedabucto and St. Peter's Bays, Nova Scotia	18
At Mira Bay, Nova Scotia,	7
At Placentia Bay, Newfoundland	7

In all, 4 bays 34

This gives of a total concessions by Americans under the proposed treaty of 1888 of 1,127

In lieu of a total concession by the Canadians from their headland to headland claim of 5,037

