

MAINE STATE LEGISLATURE

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Sixty - Third Legislature.

SENATE.

No. 30.

STATE OF MAINE.

From a careful examination of the reports concerning the treatment of our fishermen at the hands of Canadian officials during the past year, and in view of the legislation recently enacted by the Dominion Government, and the same having received the royal approval of the Queen, it would appear to be the deliberate purpose of the British Government to leave it to the individual discretion of each of the numerous subordinate officers of the Dominion Government to seize and bring into port any American fishing vessel that may be found anywhere within the three-mile limit, whether such vessel be there for the purpose of the enjoyment of proper treaty and common rights or not. And were it the circumspect intention of the British Government to so harass and embarrass American fishermen as to make it impracticable for them to conduct their business in a peaceful and profitable manner, such legislation would have been in perfect adaptation to that end.

Some of the instances in which this sort of legislation of the Dominion Government has been applied, to the great detriment of our fishing interests and injury to the rights of American citizens (for some of which there may have been some slight excuse), are as rendered in the following "Statement of Facts":

EXTRACT FROM GOVERNOR BODWELL'S INAUGURAL ADDRESS.

"In addition to this, we are vexed with a serious trouble to the American fishing interests. It is evident that our fishermen are now to be antagonized by every possible effort on the part of the Canadian Government.

The Imperial Government of Great Britain, it is now announced, has sanctioned an act of the Canadian Parliament by which every harsh and unreasonable condition of the Treaty of 1818 is to be revived and enforced against American fishermen. The plain motive of this is to coerce the United States into conceding trade relations

which, under the name of "reciprocity," are hostile to many interests of our people.

It is always desirable to maintain the most friendly relations with our neighbors, but I think it is the plain duty of our National Government to teach Canada that the spirit of vindictive aggression which she is showing toward our fishermen, cannot bring any advantage to her. A simple and direct remedy would be to levy such increased duty on the fish which Canada sends to the United States as would stimulate our own fishermen, and partially, if not wholly exclude Canadian fishermen from the advantages of our market. It would, I think, be advantageous to demonstrate to the Canadian Government that retaliation is very easy, and that, reluctant as we should be to resort to it, we could soon throw the loss incident to the existing dispute wholly upon the fishermen of the Dominion.

It may, upon investigation, seem expedient for you to make a proper representation to the National Government on this subject, which closely touches the interest of many of our citizens."

ARTICLE 1ST OF THE TREATY OF 1818.

WHEREAS: Differences have arisen respecting the liberty claimed by the United States, for the inhabitants thereof to take, dry and cure fish on certain coasts, bays, harbors and creeks of his Britannic Majesty's dominions in America, it is agreed between the high contracting parties that the inhabitants of the said United States shall have forever, in common with the subjects of his Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands; on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands; on the shores of the Magdalen Islands, and also on the coasts, bays, harbors and creeks, from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson Bay Company. And that the American fishermen shall also have the liberty forever to dry and cure fish in any of the unsettled bays, harbors and creeks of the southern part of the coast of Newfoundland, above described, and of the coast of Labrador; but so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the

United States hereby renounce forever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of his Britannic Majesty's dominions in America not included within the above-mentioned limits; *Provided, however,* that the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water; and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.

STATEMENT OF FACTS.

Vessels Denied the Right or Privilege of Purchasing Coal or Ice, or of Transshipping Fish at Ports of the Dominion, or refused other rights or privileges therein.

{ U. S. Senate Report No. 1683, }
 { and accompanying papers. }

NOVELTY (Steamship).

Denied the right to take in coal, or purchase ice, or transship fish in bond to the United States at Pictou, N. S., July, 1886.

MOLLIE ADAMS of Gloucester, Mass.

Solomon Jacobs, master. His water supply having become exhausted by accident, Capt. Jacobs put into Port Mulgrave, N. S., on the 31st of August, 1886, to replenish the same, but was refused the privilege of buying barrels, and notified that if he did purchase barrels his vessel would be seized. A serious loss was occasioned through this action.

A. R. CRITTENDEN of Gloucester, Mass.

Joseph E. Graham, master. Stopped at Steep Creek, Strait of Canso, July 21st, 1886, homeward bound from the open sea fishing grounds, to obtain supply of water, which was refused, the customs officer notifying Capt. Graham that if he took in water his vessel would be seized.

PEARL NELSON of Provincetown, Mass.

Murdock Kemp, master. Was seized in the harbor of Arichat, N. S., Sept. 8th, 1886, and compelled to pay commercial fees, but was denied privileges which such fees are paid to secure.

LAURA SAYWARD of Gloucester, Mass.

Medo Rose, master. Was on the 6th day of October, 1886, while in the port of Shelburne, N. S., refused permission to buy provisions, &c., sufficient to last the crew on the homeward trip of the vessel; the vessel's papers were retained by the collector for an undue length of time.

JENNIE AND JULIA of Eastport, Me.

W. H. Farris, master. While in Digby Harbor, N. S., April (?) 18th, 1886, was denied the privilege of buying herring.

ABBIE A. SNOW of Gloucester, Mass.

Jeremiah Hopkins, master. Subjected to constant surveillance in the harbor at Shelburne, N. S., by Capt. Quigley of the Dominion cruiser Terror, who finally boarded her with an armed guard, and threatened him with trouble if he revisited Shelburne.

ELIZA A. THOMS of Portland, Me.

Having gone ashore at Malpeque, laden with a fare of fish, the owners were not permitted to ship home either the fish, boats or seines by vessels, but were, after delay, compelled to ship them by rail.

MARION GRIMES of Gloucester, Mass.

Alexander Landry, master. Was in port of Shelburne, N. S., October 11, 1886, under detention for alleged infraction of customs regulations, and while so there, Capt. Quigley of the Dominion cruiser Terror, *compelled* Capt. Landry to haul down his (the United States) flag. Upon its being run up a second time, Capt. Quigley went on board the Grimes and hauled the flag down with his own hands.

STATEMENT OF CAPTAIN JACOBS.

On or about the 26th of September, when off Malpeque, Prince Edward Island, I fell in with British schooner Neskilita of Lockeport, N. S., which had run on Malpeque bar in making a harbor. It was blowing heavy; sea running high. The crew was taken off by my vessel about 12 o'clock at night. There were seventeen men in all. We took care of them and fed them for three days. The Neskilita became a total wreck. We saved some material.

The cutter Critic, Captain McClennan, one of the Canadian cruisers, was lying in the harbor of Malpeque. The captain boarded my vessel, and I reported to him the facts of the wreck and the condition of the men.

He neither offered to care for the wrecked crew, to feed them, nor to give them or myself any assistance whatever. Having some of the wrecked material on board, I asked the captain of the cutter for permission to land it. He referred me to the local collector. I went to the collector and he referred me back to the captain of the cutter. As the cutter had gone out, the captain of the Neskilita assumed the responsibility and took the things ashore.

Having to feed so many on my vessel, left me short of provisions, and in a short time afterwards I put into Port Medway, and stated the circumstances and asked permission to buy enough provisions to take my vessel and crew home. This was absolutely refused, and the collector threatened me, that if I bought anything whatever, he would seize my vessel. Now I would most respectfully state that the official service throughout is actuated apparently from a principle of annoyance wherever and whenever it can be so applied; and that local laws and regulations are enforced against us without regard to any rights we may have under treaty. The right of shelter, obtaining wood and water, and making repairs, guaranteed by treaty of 1818.

I, Alexander Landry, master of schooner Marion Grimes, being duly sworn, do depose and say:

That on Monday, Oct. 4th, 1886, I sailed from Gloucester on a fishing trip to Western Bank. On the night of Thursday, October 7th, the wind blowing almost a gale from the southeast, and a heavy sea running, we came to anchor in the entrance of Shelburne harbor, about midnight, for shelter. We were then fully ten miles from the custom-house at Shelburne. At 4.30 A. M. of the next day we hove up our anchor to continue our voyage, the wind having died away almost a calm. Just as we had got our anchor on the bow, an officer and boat's crew from Canadian cruiser Terror, came on board and told me we must come to an anchor at once and go to the custom-house at Shelburne and enter and clear. I at once anchored the vessel, and, taking my boat and two of my crew, started for the custom-house. When we reached the Terror, Capt. Quigley ordered me to come on board his vessel, leave my boat and men, and go with him in his boat to Shelburne. I arrived at the custom-house at about 8.30 A. M., and waited until 9 A. M., when Collector Attwood arrived. I then entered and cleared my vessel and was about to pay the charges and depart, when Capt. Quigley entered the office and told the collector he ought not to clear my vessel as I had attempted to leave the harbor with-

out reporting, and that the case should be laid before the authorities at Ottawa.

Collector Attwood then withheld my papers until a decision should be received from Ottawa. I tried to find the American Consul, calling at his office three times during the day, and was unable to find him. But in the afternoon found a Mr. Blatchford in the Consul's office, who informed me my vessel had been fined \$400, and I wired my owners accordingly.

At 4 P. M. returned with Capt. Quigley on board the Terror, and when on board he informed me that my vessel was fined \$400.

He then sent a boat's crew on board my schooner, telling me to go with them, but detained my boat and two men, and ordered me to take my schooner up to Shelburne at once. We started and got as far as Sand Point and came to anchor for want of wind at about 10 o'clock P. M., and alongside of the Terror. At 3 o'clock A. M., on Saturday, Oct. 9th, accompanied by the Terror, we started again for Shelburne inner harbor, arriving there about 7 o'clock A. M., and then the boat's crew left us and my two men came on board in my boat. I then went on shore and found the American Consul, who informed me he could not give me any assistance. During Saturday, Sunday and Monday I awaited dispatches from my owner in regard to the payment of the fine.

On Monday morning, it being the anniversary of my birthday, I hoisted the American flag to the masthead, and immediately Capt. Quigley (speaking from the deck of his vessel) ordered me to haul it down, which I did; but after thinking the matter over I concluded that as no regular seizure of my vessel had been made, no broad arrow put upon my mast, but my vessel only detained until a deposit of the fine had been made, Capt. Quigley had acted beyond his authority, and acting on this conclusion I again set my flag at the masthead. Capt. Quigley again ordered me to haul down the flag, which I refused to do; upon which he came on board my vessel with eight men and asked, "Who gave authority to hoist that flag?" I replied that I took the authority myself. He then said, "Well, I'll haul it down myself," which I forbid him to do; but without heeding me he immediately hauled down the flag, unbent it, unrove the halliards, and passed the flag to me.

I passed it back to him, telling him as he had hauled it down he had better take charge of it himself. He then ordered his men to haul the vessel in to the wharf, which they did, and Collector Attwood came on board and put a broad arrow on the mainmast, and placed two watchmen on the wharf to watch the vessel. On Tuesday, October 12th, at 10 A. M., Collector Attwood informed me that the vessel was released, but I must pay the bill for watching, amounting to \$8.00, and to save further delay I did so.

RESOLVE in relation to our Trade Relations with the
Dominion of Canada.

Resolved, That WHEREAS : The Dominion Government has
2 placed such interpretation upon existing treaties, and has
3 recently enacted legislation in support of the same, as to
4 greatly abridge the just rights and privileges of American
5 fishermen in Canadian waters, and said interpretation and
6 legislation having received the sanction of the Imperial
7 Government, and

WHEREAS : The course pursued by the officials of the
9 Dominion of Canada during the past year, in their treat-
10 ment of American fishing vessels entering within its juris-
11 diction, has been in direct violation of the principles of
12 comity and good neighborhood that ought to exist in re-
13 spect of nations having friendly commercial intercourse
14 each with the other, and

WHEREAS : The protection of our fishing industry is of
16 paramount importance to the people of Maine, therefore,

Resolved, That if the Canadian Government shall con-
18 tinue the same vindictive and aggressive line of policy
19 that has marked her course for the year last past, the
20 Legislature of Maine, now in session favors the enactment
21 of such laws, and the adoption of such rules and regula-
22 tions on the part of our Government, and the strict en-
23 forcement of the same as shall place their fishermen coming
24 within the jurisdiction of the United States under the same
25 interdictions, as regards rights and privileges of harbor,
26 the purchase of supplies and bait, and trade and traffic of
27 whatever sort or character, as our fishermen are subjected

28 to by the established rules and regulations, and recently
29 enacted laws of the Dominion Government, and that for
30 the further protection of our fishing industry an increased
31 duty be levied upon the fish which Canada sends to the
32 United States, to such extent, if need be, as to practically
33 exclude her fishermen from the advantages of our markets.

Resolved, That a copy of this preamble and resolutions
35 be forwarded to our Senators and Representatives in
36 Congress and by them laid before their respective bodies.

STATE OF MAINE.

IN SENATE, February 9, 1887.

Reported by Mr. WALLACE, from Committee on Federal Relations, and
laid on table to be printed under joint rules.

C. W. TILDEN, Secretary.