

question submitted to the Halifax Commission as adjusted through the diplomatic Conferences of the Joint High Commission, and expressed in the Treaty.

In the first place, the United States, in the Fishery Articles of the Treaty of Washington, did not intend to, and did not, waive or curtail in the least, the construction of the fishery and appurtenant privileges accorded in the 1st Article of the Convention of 1818, as claimed by them and actually possessed and enjoyed by them under such claim, at and before the negotiation of the Treaty of Washington. Neither the Protocols of the Conferences of the Joint High Commissioners, nor the text of the Treaty negotiated by them, indicate any intention of submitting to the interpretation of the Halifax Commission the degree of privilege accorded to the United States by the Convention of 1818. On the other hand, it is manifest from the instructions to Her Majesty's High Commissioners, as well as from the Protocols of the Conferences, that a settlement of the disputed interpretation of the Convention of 1818 was contemplated as possible only by the diplomatic deliberations of the Joint High Commission, and such conclusions thereon as they might find it in their power to embody in the Treaty of Washington. This task, however, they did not undertake, but provided only for a temporary possessory privilege that should supersede, during its continuance, any determination of such disputed interpretation. In this disposition of the subject, it would seem quite beyond the scope of the jurisdiction of the Halifax Commission to include in any measure of the additional privilege accorded to the United States by Article XVIII of the Treaty of Washington, any contribution for the enjoyment of the privileges accorded to the United States by the Convention of 1818, as claimed and actually possessed by them, at the time of the negotiation of the Treaty of Washington. A reference to document No. 15, filed with the Halifax Commission, in support of the case of Her Britannic Majesty's Government, and found at page 238 of the Congressional publication of the proceedings of the Halifax Commission, will substantiate this proposition.

I do not regard this point of serious importance in the exposition of the subject, except that I desire to preclude, in behalf of the United States, any implication or argument hereafter to be drawn from my passing over, without criticism, this possible element in the admeasurement of the Award. The United States still maintains its interpretation of the privilege secured by the Convention of 1818, and protests against any implication from the magnitude of the Award of the Halifax Commission, or otherwise, from its proceedings under the Treaty of Washington, that the United States have sanctioned or acquiesced in, or by payment of that Award would sanction or acquiesce in any lesser measure of the privileges secured to the United States under the Convention of 1818, than, as is well known to Her Majesty's Government, they have always insisted upon.

In the next place the United States did not submit to the Halifax Commission under the Fishery Articles of the Treaty of Washington any valuation of any general economic or political advantages, which grow out of access to fishing grounds for the development of a mercantile or naval marine, and which, therefore, it might be argued, would be enhanced by adding the area of the inshore fisheries of the Gulf of St. Lawrence to the fields for that enterprise, from the earliest period, open to, and occupied by, the bold and hardy seamen of this country. Still less did the United States submit to that Commission a pecuniary measurement of the removal of occasions of strife between the fishermen, or misunderstanding between the Governments of the two countries, by the temporary obliteration of a restrictive line, dividing the inshore from the deep-sea fisheries on portions of the coast of British North America.

Both of these subjects are considerations, Governmental in their nature, suitable to be entertained, with many others, in the diplomatic negotiations which ended in the Treaty. They are neither of them computable in money. That which relates to the maintenance of good understanding and good neighbourhood between the United States and the British North American Provinces can, least of all things, be admitted as an estimable element in a pecuniary computation. The importance of such maintenance of good understanding and good neighbourhood the United States will never under-value. In this interest large fiscal concessions were made by the United States in the adjustments of the Treaty of Washington. After such concessions the superadded submission to the Halifax Commission of the question of equalizing, by a pecuniary measure, those concessions with supposed equivalent concessions by Her Majesty's Government, was entertained and agreed to by the United States, mainly, if not entirely, in the disposition to meet any just