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Nec araneorum sane textus ideo melior, quia ex se fila gignunt, nec noster melior quia ex alienis libamus ut apes.

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Communications.

THE FISHERIES.

THE TREATY—THE WHOLE TREATY—AND NOTHING BUT THE TREATY.

This is our motto, Brother Jonathan.—Your's appear to be somewhat after this wise:—Fools only respect Treaties—Reputation is my motto—it always was and always will be! Is it not so, Brother?—Mark, learn, and inwardly digest the following extract from the Parisian Charivari:—"The inherent and distinctive character of the American Yankee is to spurn all vulgar prejudices, and to respect nothing that is deemed respectable by other nations."

"Oh that some power the gift would gie' us,
To see ourselves as others see us."

The Fisheries are now the all engrossing topic throughout the length and breadth of the Union, and to us, who, in our quiet nook, can calmly peruse and reflect upon the sayings and doings in the Senate and out of the Senate—of fire-eating Editors, and valid penny-a-liners, it is not a little amusing to witness the susceptibility of our neighbors. But why all this fuming and ranting so vastly similar to a gale of wind in a punch bowl. In our humble judgment the whole question is easily reduced to the compass of a nut-shell. 'Tis not a question of might, but one of right, and we think the following page in our own personal history, will fairly illustrate the point at issue.

It fell to our lot some thirty years back to be shipwrecked on the coast of Ireland, in Courtmaheeny Bay, County of Cork.—The domain of Garretstown was then owned by the late lamented Mr Rocheford—a noble specimen of the true Irish Gentleman, and one of whom the Green Isle might well be proud. A somewhat prolonged residence under the hospitable roof of this truly good and warm-hearted relic of a wealthy family—being the last of his race—caused us to become acquainted with his whole personal history, and among the numerous anecdotes he was wont to relate of his progenitors the following is still fresh in our memory:

His Uncle, from whom he inherited a princely property, was in many respects, what may be termed a strange compound, and having, in consequence of some early folly, taken a dislike to his Nephew, he allowed the property to be wasted. The Estate appearing to have been managed somewhat a la Joe Smith fashion. If Pat Connors shot a Deer and appropriated it to his own use, the only satisfaction the steward got from the squire when he lodged his complaint, was that the poor devil had nothing to make broth for his sick wife! Jerry Sullivan coolly helped himself to a few sacks of his Honor's prathees—could any christian expect people to starve when plenty was in the land! Mike O'Brien fell'd a few oaks—could any man be so unreasonable as to expect Mrs O'Brien and all the little O'Briens to keep themselves warm by a turf fire, in such bitter cold weather! The Sheep disappeared by the score—still his honor had plenty of mutton, and poor people required wool for homespun and suet for candles!

This state of things continued for many years. The tenantry paid no rent, all in fact was common property. But when the Nephew succeeded to the Estates, a new order of things was established, and the depredations above enumerated, were no longer tolerated. The park walls were repaired, Game and Deer carefully preserved, and Rents duly collected. Now these good people having run riot over the Estate for a long series of years, had the same right to a continuation of the privilege as you, Uncle Sam, have to plunder our fishing grounds. The cases are precisely similar. The law of the land justified Mr Rocheford in claiming and protecting his own—and the law of Nations, i. e. the Treaty justifies us in restraining your poaching propensities.

That the Fishermen of the United States have, without molestation, trespassed on our fishing grounds in this quarter we admit, because we had not the means of preventing them. Petitions have been sent,

and remonstrances made to the Home Government, the various Commanders of Her Majesty's cruisers have been appealed to when and wherever they have landed on this coast, but to no purpose—and Captain Campbell of Her Majesty's Ship Devastation, is the only Naval Officer with whom we have had the pleasure to converse on this station, who has assented to the justice of our claim for protection, and fully understood the injury inflicted on our Merchants and Fishermen by this wholesale system of spoliation. Great credit is due to Captain Campbell, his officers, and crew, for the active and zealous manner in which the arduous duty devolving on them has been performed. The name of their noble ship is very appropriate, for she has unquestionably devastated the rovers on our coast. Her ubiquity has astonished even our old ship masters, and forcibly reminds us of the phantom ship, which, according to Jack's creed, is here, there, and every where.

The real facts of the case, so far as regards the Bay of Chaleurs, (for we will only speak of what we have witnessed) are as follows:

The American Fishermen, emboldened by the apathy of our Rulers here, until this season, not only fished within the Bay, but followed the fish to its head, regardless of any limits. We have on different occasions counted as many as forty American vessels of various sizes, sweeping the Bay until they had either completed their cargoes or cleared our waters of every Mackerel. The consequence was that our fishermen could not even get sufficient for bait.

The deep sea fishery, in decked crafts, is not followed by the inhabitants on this coast; all fish in open boats, consequently they cannot compete with the American schooners. But this shore fishery, insignificant as it may appear to the uninitiated, is not only a source of wealth but that from whence two-thirds of our population obtain a livelihood. We allude to the Cod Fishery. In years past salt Mackerel was always an important item in the winter stock of the inhabitants, but of late, in consequence of the fleet of American schooners poaching in our preserves—the number increasing year by year—that article is spoken of, but rarely seen.

The injury we thus sustain is two fold. Our fishermen are deprived of bait; in the first place, and secondly, the want of a few barrels of Mackerel for the winter provision, compels them to withhold from market a corresponding quantity of cured Cod-fish.

Such are the ruinous consequences entailed on an entire population, by the apathy and culpable neglect of their rulers.

Mark the sudden change. The War Steamer Devastation appears in our waters, the American fishermen are warned off by her active and persevering Commander, and at the present moment our Bay teems with Mackerel, bait is abundant, and our fishermen can secure not only sufficient for their own wants, but a few barrels for sale, which will enable them to procure some luxuries, possibly Yankee Notions, a new gown for the gude wife, and other finery for their bright-eyed maidens.

There is another evil which presses heavily on our fisherman. It is well known that the Codfish follow the shoals of Capelin, Herring and Mackerel, and near the shore only when the former appear in the spring. The American schooners being all furnished with Bait Mills, by feeding the Mackerel entice them away from the shore into deep water, where the fish are caught, split, &c., and the offal being thrown overboard aids in attracting, and keeps the Cod in deep water. Our small boats are consequently compelled to go a greater distance from land than formerly, at the imminent risk of their lives, besides the loss of time.

If we are severe we will nevertheless be just, and state that numbers of our poor fishermen owe their lives and often the preservation of their boats and tackling to the bold and generous disinterestedness of those of the United States. In case of sudden squalls or unexpected storm, a safe refuge is not only afforded, but the greatest kindness shown to our boats' crews; and when, as has often been the case, the frail bark could not be saved, the American Cap-

tain has left the fishing ground, and landed our people at their own door.

Great stress is laid by some American Statesmen, Editors &c., upon the true intent and meaning of the Treaty, and the Britishers are accused of giving it a false interpretation. There is, we believe, a great similitude between diplomacy and legal acumen. The Lawyer does business on a small scale between man and man—the Statesman between nation and nation—and the very essence and quintessence of perfection in either is to outwit his antagonist.—The glorious uncertainty of the law has become proverbial. And you, Uncle Sam, in this case appear determined to turn the *Lex scripta* into *Lex talionis*. If according to the wording of that Treaty, your fishermen have any right to prosecute their calling, within this the Bay of Chaleur, it is high time we should return to school, in order to become acquainted with our mother tongue, and learn the modern Anglo-American meaning of Geographical definitions. According to your mode of special pleading, the three miles from headlands does not preclude you from entering the Bays, and fishing within three miles of the shore; though none of you have, we believe, gone so far as to decide if your claim extends to high or low water-mark—the former no doubt. A similar clause exists in the Treaty between England and France, and no dispute that we are aware of, has ever arisen between the two nations on that point. In the present instance we are accused of interpreting the Treaty to suit our own views,—let us reverse the case and bring to the notice of our neighbors the Oyster Fisheries between the Island of Jersey, and the French Coast. This Fishery is as important to England generally, and to Jersey more particularly as the Mackerel fishery in our waters is to the United States. Hundreds of smacks as they are called rendezvous from all parts of England at Goray, the eastern port of the island, at stated periods of the year, to dredge for Oysters, which are intended for the London Market.

The Oyster Beds are not on our coast, but near to that of France, and in some of the Bays, that of Caccalle, for instance, they are so abundant that they can be collected by hand at low water. Caccalle is a deep Bay which would admit of our smack loading in a very short period if they were allowed to approach within three miles of the shore; but the limits of one league from the headlands are rigidly enforced by the French, and scarce a season passes without some of our Dredgermen being captured. In one of the last Jersey papers we read of four cutters having been seized by the French cruisers. In this instance the interest of England would be to claim and adopt the American interpretation of the limits. Let these Colonies fit out a large fleet for the prosecution of the Mackerel or other fishery and dare to trespass within three miles of the shore in any of the Bays on the U. States coast, and you, Uncle Sam, would not hesitate to seize and confiscate all you can catch. What says Mr Webster in his Official document, as Secretary of State? does he plainly and emphatically deny that we have assumed a false position, that the opinion delivered by the Law Officers of the Crown respecting the limits, is incorrect? No, but he cautiously states that he does not agree that the construction thus put upon the Treaty is conformable to the intentions of the contracting parties—which we beg leave to interpret thus. It is very true that the then Government of the United States did in 1818 agree to certain stipulations because at that remote period they could not foresee that the Mackerel fishery in British waters would be so important, we therefore protest against that clause of the Treaty as wholly unsuited to our wants and sovereign wishes and in order to obtain for our fishermen all that they can desire, we will do our best to convince that worthy and venerable gentleman Mr Bull, that he is laboring under some strange delusion.

Umbrage is taken at the number of ships of War sent out to protect us, if these vessels had been ordered to cruise on the shores of the Union, then the American Eagle might justly plume his wings and sharpen his talons; but surely England has a right to send them to sail or steam

amid her own waters. For years past the Colonies have remonstrated with the Home Government on your encroachments, and the Nova Scotians, in a spirit worthy of commendation, fitted out small armed vessels to protect their own coast.—Finally, the other Colonies have imitated their example, and the Derby Administration has sent steamers to assist, nineteen sail of various descriptions being now on the coast including the Colonial schooners. Yet this force, large as it may appear, is far from adequate to keep the spoilers in check; our coast, literally swarming with American schooners. Here, for instance, the Devastation no sooner leaves for the North Shore or Magdalen Islands, than your fishermen return to their old haunts, keeping to the mouth of the Bay on either side, but regardless of distance from the shore; Captain Campbell has consequently been compelled to station an Officer and boat's crew at various points. Each successive year since we are on this coast, we have seen the numbers increasing and unless they are kept in check, in a few years more, they would light upon our shores as flights of locusts in the East, and so thoroughly devastate our ocean harvest that we should be starved out. Nothing could better illustrate the opinion our Canadian Rulers entertain of your doings in this quarter than the simple fact that the commandant of our protecting expedition is not a half-pay Officer in our Navy, or a Captain in the Merchant service, but the *ex-chief* of the *Montreal House Police Force*.—We are next told that this tardy act of justice on the part of our Government is with a view to coerce you into free trade with these Colonies, what, we will ask, has free trade to do with vested rights. Are we to sell our birth-right for a mess of Pottage.—No Minister of the British Crown will, we trust, ever concede to you or any other nation the right to fish along our shores without let or hindrance. This would be free trade with a vengeance, as well might thousands of your citizens cross our border and argue that reciprocity, according to the American interpretation of the term, meant all things in common, a la Joe Smith fashion, claiming the right to appropriate to themselves any quantity of waste lands.—We are advocates for free trade, so far as the products of each Country are concerned, and the free navigation of our seaboard and our inland waters, but the inhabitants of this coast have too deep an interest at stake in the shore fishery, ever to consent to your fishing in our waters without reservation.

Some of your Senators, &c., are made to say, according to the Journals we read that England wishes to bully you into free trade with her North American Colonies. To which we reply that there is much more disposition to bully on your side than on ours. We only wish to protect our property and you dare us so to do, threatening us with fire and sword, unless we tamely yield to your behest. Even your fishermen bid us look out for squalls, and boast of the castigation Uncle Sam will inflict upon us for our presumption. A war with England we are told, would at this moment be a popular one throughout the Union. Really, Brother Jonathan, you are a funny fellow.—'Twas but yesterday you told us that should Napoleon the Second attempt to invade Old England, you would not look tamely on and allow your venerable Parent to be insulted and torn to pieces by the talons of the Gallic Eagle, and now you suddenly turn round and threaten to blow the old fellow out of the water, because he sends a few extra Game Keepers to prevent your roistering lads from poaching in his preserves. Seriously speaking, we entertain too high an opinion of the good sense, the high moral character and christian feeling of the majority of the American people to believe that they are anxious for war either with us or any other nation.

MERCATOR.

New Carlisle, 19th August, 1852.

TO CORRESPONDENTS.—We regret that the above Communication did not reach us in due course; it was handed to us on Wednesday last. We trust our New Carlisle correspondent will in future send his communications by mail.