

Statutes could be shown to be inconsistent with the express stipulations, or even with the spirit of the Treaty, they would not be within the category of those reasonable regulations by which American (in common with British) fishermen ought to be bound; and they observe, on the other hand, with much satisfaction, that Mr. Evarts, at the close of his letter to Mr. Welsh of the 1st August, 1879, after expressing regret at 'the conflict of interests which the exercise of the Treaty privileges enjoyed by the United States appears to have developed,' expressed himself as follows:—

"There is no intention on the part of this [the United States'] Government that these privileges should be abused, and no desire that their full and free enjoyment should harm the colonial fishermen.

"While the differing interests and methods of the shore fishery and the vessel fishery make it impossible that the regulation of the one should be entirely given to the other, yet if the mutual obligations of the Treaty of 1871 are to be maintained, the United States' Government would gladly co-operate with the Government of Her Britannic Majesty in any effort to make those regulations a matter of reciprocal convenience and right, a means of preserving the fisheries at their highest point of production, and of conciliating a community of interest by a just proportion of advantages and profits."

I expressed the satisfaction with which Her Majesty's Government not only recognized in Mr. Evarts' proposal above referred to an indication that their desire to arrive at a friendly and speedy settlement of the controversy was fully reciprocated by the Government of the United States, but also discerned in it the basis of a practical solution of the difficulty; and I assured Mr. Lowell of the readiness of Her Majesty's Government to confer with the Government of the United States respecting the establishment of Regulations under which the subjects of both parties to the Treaty of Washington should have the full and equal enjoyment of any fishery which, under the Treaty, is to be used in common.

The Memorandum of the United States' Government, after reviewing certain provisions of the Newfoundland Acts, complains of partiality in their enforcement by the magistrates and other officials of the Colony (a complaint which Her Majesty's Government cannot admit to be well-founded, and in support of which no facts are adduced), and concludes with a suggestion that if the Legislature of Newfoundland cannot dispense with those provisions altogether, it should pass an Act expressly declaring that they shall have no application to the citizens of the United States.

I can only renew the expression of the regret and disappointment which is felt by Her Majesty's Government at the apparent disinclination on the part of the Government of the United States to carry out Mr. Evarts' proposal; and I have to instruct you to read this despatch to Mr. Frelinghuysen, and to leave a copy of it with him should he desire it, conveying to him at the same time the hope of Her Majesty's Government that, upon further consideration, the Government of the United States will agree to let the disputed question of Treaty rights remain in abeyance, and will unite with Her Majesty's Government in carrying out the revision of the Fishery Regulations in the spirit and with the object indicated by Mr. Evarts.

I am, &c.
(Signed) GRANVILLE.

No. 54.

Mr. Cole to Lord Tenterden.—(Received July 20.)

My Lord,

Treasury Chambers, July 19, 1882.

I AM directed by the Lords Commissioners of Her Majesty's Treasury to return to you the inclosures which accompanied Sir Julian Pauncefote's letter of the 14th instant, respecting the feeling evinced in the Colony of Newfoundland on the subject of the settlement of the claims preferred by American fishermen on account of occurrences at Fortune Bay and elsewhere, and I am to transmit to you, for the information of Earl Granville, the inclosed copy of a letter which my Lords caused to be addressed to the Colonial Office on the subject on the 1st instant.

I have, &c.
(Signed) J. H. COLE.