

Act of Newfoundland was not a full consent to the Articles of the Treaty, nor such a consent as would allow the President, who must be guided by the provisions of the Act of Congress upon the subject, to issue the Proclamation in question.

Mr. Bancroft Davis added that Mr. Fish admitted that, as the United States' authorities would expect British fishermen in American waters to observe the Police Regulations with regard to the fisheries, so the Government of the United States would make no objection to similar regulations being enforced against American fishermen in British waters, but it could not accept the Act of Newfoundland, which contained restrictions of which no mention had been made in the Treaty.

I have, &c.
(Signed) EDWD. THORNTON.

Inclosure 3 in No. 319.

Governor Hill to Sir E. Thornton.

Sir,

Government House, Newfoundland, July 18, 1873.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 10th instant, informing me that, notwithstanding the explanations embodied in my telegram of the 5th instant, respecting the restrictions complained of by the American Cabinet, in section 1 of the Act of this Legislature relating to the Treaty of Washington, Mr. Secretary Fish still objects to the restrictions, as being inconsistent with the operations of the Treaty in question.

2. I greatly regret the decision at which the United States' Government have arrived on the point now under consideration, as these restrictions being intended to benefit American as well as English fishermen, and being necessary for the preservation of herring and salmon, should not in all reason form an obstacle to the admission of this Colony to the participation of benefit arising from the action of a Treaty the operation of which is prospective, as far as Newfoundland is concerned; while, on the other hand, citizens of the United States have, since the season of 1871, enjoyed the privilege of fishing in these waters, a not inconsiderable right of the Convention of Washington.

3. As the inclosures which I have the honour to transmit herewith, for your Excellency's information, contain full explanations with respect to the instructions before referred to, I need not dwell further upon the subject of this despatch, but I may be permitted to express a hope that the perusal of our Crown Law Officer's Report, should your Excellency deem it expedient to communicate that document to the Government of Washington, will at least induce that Cabinet to reconsider their decision in relation to the local Act, 36 Vict. cap. 3.

4. I have to add that the Honourable F. Carter, Q.C., who is now in New York, has been requested to proceed to Washington by the St. John's Chamber of Commerce, to see if it is possible to remove the present difficulty. I feel assured that your Excellency will cause to be extended to Mr. Carter that assistance which his mission, the removal of a barrier inimical to the interests of Newfoundland, invites.

I have, &c.
(Signed) STEPHEN J. HILL.

No. 320.

Earl Granville to Sir E. Thornton.

(No. 232.)

Sir,

Foreign Office, August 15, 1873.

WITH reference to my despatch No. 30 of the 14th instant, I inclose herewith, for your information, a copy of a further letter from the Colonial Office,* respecting the objections raised by the United States' Government to the Newfoundland Fisheries Act. In accordance with the Earl of Kimberley's suggestion, I also transmit to you confidentially a copy of a Report of the Law Officers of the Crown upon this question;† and I have to instruct you to make a further endeavour to overcome the objections of the United States' Government to the Newfoundland Act.

I am, &c.
(Signed) GRANVILLE.