

No. 318.

*Mr. Herbert to Mr. Hammond.—(Received August 15.)*

(Secret.)

Sir,

*Downing Street, August 14, 1873.*

I HAVE laid before the Earl of Kimberley your two letters of the 11th instant, on the subject of the appointment of a third Commissioner for the Fishery Commission which is to meet at Halifax.

His Lordship agrees in the course suggested by Earl Granville, and he proposes, with Lord Granville's concurrence, to inform Lord Dufferin by telegraph, that the United States' Government decline the Belgian Minister, and that Her Majesty's Government propose to inform the United States' Government that the choice of the third Commissioner will be left to the Austrian Ambassador.

I am, &amp;c.

(Signed) ROBERT G. W. HERBERT.

No. 319.

*Mr. Herbert to Mr. Hammond.—(Received August 15.)*

Sir,

*Downing Street, August 14, 1873.*

WITH reference to your letter of the 29th ultimo, inclosing despatches from Sir E. Thornton, respecting the difficulty as to the Newfoundland Act for carrying into effect the fishery clauses of the Treaty of Washington, I am directed by the Earl of Kimberley to transmit to you, for the information of Earl Granville, a copy of a despatch from the Governor of Newfoundland, forwarding a copy of Sir Edward Thornton's despatch of the 10th of July, which was inclosed in your letter of the 29th of July, above referred to, together with a copy of his answer to it.

I am, &amp;c.

(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 319.

*Governor Hill to the Earl of Kimberley.*

My Lord,

*Government House, Newfoundland, July 25, 1873.*

I HAVE the honour to transmit to your Lordship copy of a letter received at this office from Sir E. Thornton, by which it appears that Mr. Secretary Fish regrets, notwithstanding the explanations contained in my telegram of the 5th instant, copy of which I sent on the same date to your Lordship, that he cannot advise the President to issue a Proclamation for carrying into effect, with respect to Newfoundland, certain Articles of the Treaty of the 8th May, 1871, because the recent Act of this Colony, 36 Vic., cap. 3, was not such a consent as would allow the President, who must be guided by the Act of Congress upon the subject, to issue the Proclamation in question. I also transmit copy of my reply to the foregoing, in which I reiterate the statements made in my despatch to your Lordship of the 16th July, as to the restrictions contained in the Act of this Legislature in relation to the Washington Treaty, having reference only to the time and mode of taking herring and salmon.

I have, &amp;c.

(Signed) STEPHEN J. HILL.

Inclosure 2 in No. 319.

*Sir E. Thornton to Governor Hill.*

Sir,

*Washington, July 10, 1873.*

WITH reference to my letter of the 7th instant, I have the honour to inform your Excellency that Mr. Bancroft Davis, the Acting Secretary of State, this morning stated to me, on behalf of Mr. Fish, that the latter regretted that he was still unable, notwithstanding the explanations given in your Excellency's telegram received here on the 5th instant, to recommend to the President to issue a Proclamation for carrying into effect, with regard to Newfoundland, certain Articles of the Treaty of 8th May, 1871, because the