

was subsequently vested in Newfoundland by the grant from the Crown of a Constitution conferring upon the British subjects within the Colony, legislative and executive powers of Government.

The Reciprocity Treaty of 1854, and the Washington Treaty of 1871, conceded further fishery privileges to American fishermen within the territorial coast-waters of Canada and Newfoundland, with reciprocal fishery privileges to British colonial fishermen within the territorial coast-waters of the United States on the Atlantic coast; but as the former treaty was terminated by the United States in 1866, and as the fishery articles in the latter were revoked by the United States in 1885, it will only be necessary to refer to the diplomatic discussions between the two Governments respecting their provisions.

Owing to the diplomatic controversy over the Fortune Bay disturbances of 1878, the British Government appointed Captain Sullivan, R.N., senior naval officer at Newfoundland, to investigate the facts of the disturbances; and his report was furnished to the Government of the United States with the following observations by Lord Salisbury:

"You will perceive that the report in question appears to demonstrate conclusively that the United States fishermen on this occasion, had committed three distinct breaches of the law; and, that no violence was used by the Newfoundland fishermen, except in the case of a vessel whose master refused to comply with the request which was made to him that he should desist from fishing on Sunday, in violation of the law of the colony, and of the local custom, and who threatened the Newfoundland fisherman with a revolver."²

The three distinct breaches of law, so found by the investigating British Naval Officer were: (1) Fishing on Sunday—forbidden by an Act of 1876. (2) Fishing during the close season for fish—forbidden by an Act of 1862; (3) Fishing by seines—forbidden by an Act of 1862. The Naval Officer fur-

²Foreign Relations (U.S.), 1878-9, page 284.