

making his report on the erection of weirs by United States' fishermen on what is known as the "middle grounds" in Lubeck Narrows, his attention has been directed to an extract from a Confidential Memorandum, written by Sir Travers Twiss in 1854, respecting the boundary between the United States and Canada in Passamaquoddy Bay.

The Minister observes that in this latter Memorandum the memorialist points out that "the Boundary Commissioners, whilst awarding the territory of Campobello Island, Deer Island, and Marvel Island to Great Britain, did not distinctly define any water boundary between these islands and the United States' mainland. He holds, therefore, that the rules of international law apply, and, therefore, that the water limits of Her Britannic Majesty's territory are co-extensive with the waters of the north-east side of the line drawn in continuation of the mid-channel between Campobello and the American mainland to the mid-channel of the St. Croix River between St. Andrew and the shore of the United States."

The Minister is of opinion that such a line is necessarily a curve, and is represented with evident fairness on the British Admiralty Chart No. 2020. Accepting this line as the true boundary, the inner "middle ground" in Lubeck Narrows is clearly within the limits of Canadian territory, and, therefore, the weirs built there by United States' citizens without licence from the Government of Canada, are illegally set and liable to confiscation, and their owners to prosecution for infraction of the Fisheries Act.

The Minister considers however, that inasmuch as these weirs have been set and worked for many years past without interference on the part of Canadian officials, the owners are entitled to a certain amount of consideration. He therefore recommends that a carefully worded Notice be drafted by the Department of Justice, informing the owners of these weirs that they are set in Canadian waters, and that, although in consideration of their undisturbed use of the sites, they will be permitted to continue to fish for the remainder of the current season, they are to take notice that licences will not be issued for these sites for the year 1893, and that they will be called upon to completely remove their weirs at the close of the fishing season, or in any event not later than the 30th November, 1892.

The Committee, concurring in the foregoing recommendation, submit the same for your Excellency's approval.

(Signed) JOSEPH POPE,
Assistant Clerk of the Privy Council.

No. 32.

Mr. Herbert to the Earl of Rosebery.—(Received October 24.)

(No. 295.)

My Lord,

Washington, October 14, 1892.

WITH reference to my despatch No. 247 of the 10th ultimo, I have the honour to inclose copy of a note, with its inclosure, which, at the request of the Governor-General of Canada, I have addressed to the United States' Government, in which I have informed them that the provision for the expenses of the Canadian Alaska Boundary Commissioner has been made, and there need, therefore, be no delay in the commencement of the work of the Commission.

I have, &c.
(Signed) MICHAEL H. HERBERT.

Inclosure 1 in No. 32.

Mr. Herbert to Mr. Foster.

Sir,

Washington, October 14, 1892.

WITH reference to your note of the 8th ultimo, I have the honour, in accordance with a request which I have received from the Governor-General of Canada, to inclose copy of an approved Minute of the Canadian Privy Council, from which you will observe that provision for the expenses of the Canadian Alaska Boundary Commissioner has been made, and that there consequently need be no further delay in the commencement of the work of the Commission.

I have the honour at the same time to draw your attention to the suggestion of the Canadian Minister of the Interior, contained in the Minute, that the two Commissioners