

the fishing grounds, and represented the outrage to their Government, thus acting in entire conformity with the principle so justly stated by Lord Salisbury himself, that "if it be admitted, however, that the Newfoundland Legislature have the right of binding Americans who fish within their waters by any laws which do not contravene existing Treaties, it must be further conceded that the duty of determining the existence of such contravention must be undertaken by the Governments, and cannot be remitted to the judgment of each individual fisherman." There is another passage of Lord Salisbury's despatch to which I should call your attention. Lord Salisbury says: "I hardly believe, however, that Mr. Evarts would, in discussion, adhere to the broad doctrine which some portion of his language would appear to convey, that no British authority has a right to pass any kind of laws binding Americans who are fishing in British waters; for if that contention be just, the same disability applies, *a fortiori*, to any other Powers, and the waters must be delivered over to anarchy." I certainly cannot recall any language of mine in this correspondence which is capable of so extraordinary a construction. I have nowhere taken any position larger or broader than that which Lord Salisbury says: "Her Majesty's Government will readily admit what is, indeed, self-evident—that British sovereignty, as regards those waters, is limited in its scope by the engagements of the Treaty of Washington, which cannot be affected or modified by any municipal legislation." I have never denied the full authority and jurisdiction either of the Imperial or Colonial Governments over their territorial waters, except so far as by Treaty that authority and jurisdiction have been deliberately limited by these Governments themselves. Under no claim or authority suggested or advocated by me could any other Government demand exemption from the provisions of British or Colonial law, unless that exemption was secured by Treaty; and if these "waters must be delivered over to anarchy," it will not be in consequence of any pretensions of the United States' Government, but because the British Government has, by its own Treaties, to use Lord Salisbury's phrase, limited the scope of British sovereignty. I am not aware of any such Treaty engagements with other Powers, but if there are, it would be neither my privilege nor duty to consider or criticize their consequences where the interests of the United States are not concerned.

After a careful comparison of all the depositions furnished to both Governments, the United States' Government is of opinion that the following facts will not be disputed:—

1. That twenty-two vessels belonging to citizens of the United States, viz., "Fred. P. Frye," "Mary and M.," "Lizzie and Namari," "Edward E. Webster," "W. E. McDonald," "Crest of the Wave," "F. A. Smith," "Hereward," "Moses Adams," "Charles E. Warren," "Moro Castle," "Wildfire," "Maud and Effie," "Isaac Rich," "Bunker Hill," "Bonanza," "H. M. Rogers," "Moses Knowlton," "John W. Bray," "Maud B. Wetherell," "New England," and "Ontario," went from Gloucester, a town in Massachusetts, United States, to Fortune Bay, in Newfoundland, in the winter of 1877-78, for the purpose of procuring herring.

2. That these vessels waited at Fortune Bay for several weeks (from about December 15th, 1877, to January 6th, 1878), for the expected arrival of shoals of herring in that harbour.

3. That on Sunday, January 6th, 1878, the herring entered the Bay in great numbers, and that four of the vessels sent their boats with seines to commence fishing operations, and the others were proceeding to follow.

4. That the parties thus seining were compelled by a large and violent mob of the inhabitants of Newfoundland to take up their seines, discharge the fish already inclosed, and abandon their fishery, and that in one case at least the seine was absolutely destroyed.

5. That these seines were being used in the interest of all the United States' vessels waiting for cargoes in the harbour, and that the catch undisturbed would have been sufficient to load all of them with profitable cargoes. The great quantity of fish in the harbour, and the fact that the United States' vessels, if permitted to fish, would all have obtained full cargoes, is admitted in the British depositions.

"If the Americans had been allowed to secure all the herrings in the Bay for themselves, which they could have done that day, they would have filled all their vessels, and the neighbouring fishermen would have lost all chance on the following week-days." (Deposition of James Searwell.)

"The Americans, by hauling herring that day, when the Englishmen could not, were robbing them of their lawful and just chance of securing their share in them; and, further, had they secured all they had barred, they would, I believe, have filled every vessel of theirs in the Bay." (Deposition of John Cluett.)