

consented to allow them gratuitously to continue to fish inshore and to obtain supplies without reference to any restrictions contained in the Convention of 1818 till the end of the year 1885, on the understanding that a Mixed Commission should be appointed to settle the Fisheries question, and to negotiate for the development and extension of trade between the United States and British North America.

The proposed Commission not having been constituted and no settlement having consequently been arrived at, the Convention of the 20th October, 1818, came into force again at the commencement of the year 1886.

Article I of that Convention is as follows:—

“ARTICLE I.

“Whereas differences have arisen respecting the liberty claimed by the United States, for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of His Majesty's dominions in America, it is agreed between the High Contracting Parties that the inhabitants of the said United States shall have for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company. And that the American fishermen shall also have liberty, for ever, to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland hereabove described, and of the coast of Labrador; but so soon as the same or any portion thereof shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce for ever any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America, not included within the above-mentioned limits; provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter and of repairing damages therein, of purchasing wood and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.”

Under these circumstances numerous seizures of American fishing-vessels have subsequently been effected by the Canadian authorities for infraction of the terms of the Convention and of their Municipal Law and Customs Regulation.

The inclosed confidential correspondence* will place you in full possession of the various points which have consequently arisen in diplomatic correspondence between the two Governments, and I do not desire to enter upon them in detail in the present instructions, nor to prescribe any particular mode of treating them, it being the wish of Her Majesty's Government that a full and frank discussion of the issues involved may lead to an amicable settlement in such manner as may seem most expedient, and having due regard to the interests and wishes of the British Colonies concerned.

Her Majesty's Government feel confident that the discussions in this behalf will be conducted in the most friendly and conciliatory spirit, in the earnest endeavour to effect a mutually satisfactory arrangement and to remove any causes of complaint which may exist on either side.

Whilst I have judged it advisable thus, in the first place, to refer to the question of the Atlantic Coastal Fisheries, it is not the wish of Her Majesty's Government that the discussions of the Plenipotentiaries should necessarily be confined to that point alone, but full liberty is given to you to enter upon the consideration of any questions which may bear upon the issues involved, and to discuss and treat for any equivalents, whether by means of Tariff, concessions, or otherwise, which the United States' Plenipotentiaries may be authorized to consider as a means of settlement.

The question of the seal fisheries in the Behring Sea, the nature of which will

* “Correspondence respecting the Termination of the Fishery Articles of the Treaty of Washington,” from January 1, 1884, to September 30, 1887.