

It will hardly be suggested that the French Government could be informed that Her Majesty's Government, having undertaken to give full effect to the arbitration, and having unexpectedly found their powers of carrying out the treaties and declarations imperfect, had decided that provision for the performance of their obligations should be made for the current year only, after which the present difficulties might recur.

In one respect only (putting aside the *modus vivendi* of 1891) could any part of the proposed Colonial legislation be considered temporary, that is to say, Her Majesty's Government were willing to agree that if the necessary powers to carry out the award of the arbitrators and the treaties and declarations were now secured in a Colonial Act, the question as to the respective jurisdictions of the Courts and naval officers should be considered at an early date, and if the terms of another Bill could be agreed upon, some provisions of the Colonial Act might hereafter be amended by further legislation. In this sense, and in this sense only, Her Majesty's Government were willing that the legislation should be of a temporary nature.

It is to be regretted that there should have been a misapprehension as to the nature and intention of your proposals; but, however such misapprehension may have arisen, Lord Knutsford would have thought that there could have been no misapprehension as to the meaning of the language in which Her Majesty's Government expressed their practical acceptance of the first proposal. The words were: "If by that time" (*i.e.* the second reading of the Bill in the House of Commons after Whitsuntide) "the Colonial Legislature has passed an Act which in the opinion of Her Majesty's Government sufficiently secures the observance and execution, first of the *modus vivendi* for 1891; secondly, of the decision of the arbitrators upon the lobster question; and thirdly, of the treaties and declarations, Her Majesty's Government will not go forward with this Bill." No temporary Act could be held sufficient to secure the two last objects.

Until the question whether there is to be such Colonial legislation as Her Majesty's Government can accept has been disposed of, Lord Knutsford does not think that there would be advantage in further discussing the other points referred to in your letter which have, moreover, been substantially dealt with in the correspondence and debates.

His Lordship trusts that he has clearly explained in what respects it is important, that the legislation now urgently required should be permanent in form, though subject to revision or repeal whenever an altered condition of affairs may render that course possible; and he trusts that you will yet be able to recommend to the Colonial Legislature the enactment of such a measure as may enable Her Majesty's Government, having regard to the obligations of which they cannot divest themselves, to withdraw the Bill which they introduced.

The Newfoundland Delegates.

I am, &c.,
(Signed) ROBERT G. W. HERBERT.

No. 12.

THE NEWFOUNDLAND DELEGATES to LORD KNUTSFORD.

MY LORD,

Hotel Métropole, London,

May 13, 1891.

WE have the honour to acknowledge the receipt of your Lordship's communication of the 8th instant:—*

(1.) It is still impossible for us to comprehend how Her Majesty's Government could have understood the words "for this year" in our original proposal, to apply to the *modus vivendi* for 1891 only, and not to the award of the lobster arbitration and the treaties and declarations. As the *modus vivendi* itself is expressly limited "for the fishery season of 1891," it would have been mere surplusage for us to have said that an Act to enforce it must be for this year only. Your Lordship argues that because the obligations of the Empire are permanent the Bill which we proposed to have enacted immediately must also have been intended to be permanent. That would be true if that Act were the only one proposed, but our suggestion was that the principle of a permanent Act should also be admitted, and a pledge given that its details would at once be discussed and arranged so that it might be enacted in due

* No. 11.