

with equal force by other Colonial Legislatures in regard to certain other articles, whose introduction into any of the British Provinces for competition with the produce of the British soil it might seem desirable to impede; and if such a principle were to be sanctioned in one instance, it would be difficult, if not impossible, to deny its applicability to another; and the result would probably be, that the Convention, if concluded with such exceptions, would only serve to complicate, instead of simplifying, the commercial intercourse between the British Provinces and the United States in the first place, and between the British Provinces themselves in the next.

Moreover, it is scarcely to be expected that the Government of the United States would assent to such a reserve in favour of duties on particular articles as the Legislature of Newfoundland desire to make. The United States would certainly not do so without a corresponding reserve in their favour; and in what could that reserve consist? The products of the soil of Newfoundland which enter into the export trade are few and of no great value, and it is not pretended that the imposition of a duty on the admission of such of them as might be sent to the markets of the United States would tempt those States to concur in the imposition of a duty in Newfoundland on the products of the soil of the United States. The article of fish, while it would form almost the sole object of the export trade of Newfoundland to the United States, would be the only one on which the imposition of a duty would compensate the United States for any duties which the Treaty might allow to be levied in Newfoundland on the produce of those States; and, whatever might be the truth of the case, it cannot be supposed the United States would concur in a proposition that the extended right of fishery to be conceded to the United States on the coasts of Newfoundland ought in fairness to be purchased by the free admission of the produce of the British Colonial fishery to the markets of the United States.

The obstacles to the association of Newfoundland in the proposed Treaty with the United States seem, therefore, to be very great. On the one hand, the embarrassment of the Colony by the diminution of its revenue if it comes into the Treaty on the same terms and principles as the other British possessions; on the other, the certainty that the United States would not agree, as indeed they could not be expected to agree, to admit of exceptions in favour of Newfoundland wholly inconsistent with the principles on which the negotiations are carried on, and for which Newfoundland has not the means of offering or the inclination to offer any corresponding equivalent.

Under these circumstances it is a matter of no small perplexity to determine what course should be pursued. The Legislature of Newfoundland express a desire to be included in the General Convention, and might feel aggrieved if the island were not brought within its provisions; on the other hand, the United States profess to entertain the same desire, and might find in the refusal, on whatever grounds, to admit their fishermen to extended privileges on the coast of Newfoundland, a pretext either for breaking off the negotiation altogether, or for insisting with unflinching pertinacity on concessions in other quarters which might not be acceptable to others of the British Provinces.

Your Lordship will have seen in the several drafts of Treaties which have been under discussion with a view of settling with the United States the various questions arising out of the Colonial Fisheries and trade, that it has been constantly and indeed necessarily provided that the execution of any Treaty must depend on the assent of the Colonial Legislatures and of the Senate of the United States to the stipulations which might be agreed upon by the Plenipotentiaries on either side; but as regards the assent of the British Colonial Legislatures, it has always been assumed that such assent would be concurrently given by all, or if not that the Treaty would altogether fall to the ground. The reason is obvious; the British Crown could only negotiate such a Treaty, or the United States concur in it, by dealing with the British Provinces as constituting for the purposes of the Treaty, a single body. Otherwise, the intercourse between the Provinces and the United States would have to be carried on under different systems, and the United States might require security that a dissenting Province should not, by means of intercolonial communication, be partially admitted to the benefits, though exempted from the burden of the Treaty. If it were not for this obvious principle, your Lordship might without much risk of inconvenience proceed to negotiate with the United States for Newfoundland in common with the other British Provinces, on the understanding that, although by refusing to assent to the terms finally agreed upon, Newfoundland could exclude itself from the benefit of the Treaty, the Treaty would still hold good as regards the other Provinces. But for the reasons which I have stated such an expedient is out of the question; and as the Legislature of Newfoundland might under existing circumstances, withhold its assent from any Treaty