

of a few hours, to deal expeditiously with the matter. The new arrangement suggested by Mr. Bayard would, beyond all doubt, in many cases operate to the disadvantage of those whom it is designed to protect, while it is not improbable that in cases where a vessel has been detained under circumstances such as those which I have described, and where the charge was subsequently not sustained, heavy claims for damages would be preferred against the Canadian Government. The force of the above objections becomes more apparent when it is taken into consideration that the length of the coast-line along which the national vessels would be required to operate extends to about 3,000 miles, while the police-vessels by which the seizures are made being, with two exceptions, sailing schooners, would be liable to prolonged detention by adverse weather, and would frequently find the utmost difficulty in placing themselves in communication with the national cruisers. The same difficulty would be experienced in an even greater degree whenever the seizure of the vessel had taken place in port by an officer on shore.

5. In the event of Article 3 being adopted in any shape, it would be necessary in line 2, after the date 1818, to insert the words, "and the Laws in force for giving effect to the same." If such words were not to be inserted, it is probable that the Government of the United States would refuse, as it has already, to admit the validity of the Acts of Parliament which have at different times been passed both in the United Kingdom and in Canada for the purpose of enforcing the Convention.

6. I observe that under the Article it is laid down that where it is decided that a vessel shall be subjected to a judicial examination she shall be sent for trial before the Vice-Admiralty Court at Halifax. As to this, I have to observe that there are Vice-Admiralty Courts at Charlottetown, Prince Edward Island, at St. John, New Brunswick, and at Quebec, and that there appears to be no reason for invoking exclusively the jurisdiction of the Court at Halifax which is possessed in an equal degree by the other Vice-Admiralty Courts mentioned.

7. As it is expressly stated that the Article under consideration is for the purpose of executing Article I of the Convention of 1818, I presume that it is not intended to interfere in any way with the operation of the Customs Law of the Dominion, which, as you are aware, has been repeatedly put in force against fishing-vessels neglecting to comply with its requirements. Care should be taken in any arrangement which may be come to with the United States that there should be no misapprehension in regard to this point.

8. I may, in conclusion, observe that although it may no doubt be the case, as stated by Mr. Bayard in his letter of the 15th November, 1886, that arrangements resembling in some respects that which he has advocated in the draft Article III have been adopted by European Governments, including that of Her Majesty, for the settlement of fisheries disputes, it is open to question whether the local and political circumstances were in these cases identical with those present in the case of the Canadian fisheries. I would suggest that it would be worth while to inquire in reference to such cases whether the extent of coast-line to be protected is as great; whether the points in dispute involve the construction of Treaties and the right of resorting to legislation for their enforcement; or whether they are not rather limited to the more trivial disputes which arise wherever fishermen of different nationalities frequent the same fishing-grounds.

9. I shall take the earliest opportunity of laying before you a fuller statement of the views of my Government. I have, however, thought it advisable to lose no time in making you aware of the general character of the objections which, in spite of its earnest desire to be guided by your recommendations in regard to these matters, it will probably urge against the adoption in any shape of the Article under consideration.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 1.

The Marquis of Lansdowne to Sir H. Holland.

(Telegraphic.)

Ottawa, March 24, 1887.

MY telegram of 10th.

Report on Article 3 Bayard Memorandum will not be ready till next week. Meanwhile my Confidential despatch of 10th March may be treated as authoritative statement of views of the Canadian Government.
