

terms their intention of refusing. This determination by the Colonial Government is expressed with a clearness and an emphasis which unfortunately leaves no room for doubt as to its signification.

It is impossible not to sympathize with the Colonists in their impatience at the burden of stipulations which seriously interfere both with the economical development of the island and with the prosecution of its most important industry. It is deeply to be regretted that advantage was not taken of the occasions on which, without difficulty, the rights of the French might either have been extinguished, or at least defined. But we have to deal with the facts as they stand before us. The issue raised by the attitude of the Colony is no longer the question which is the right interpretation of the summary language used by the Treaty of Utrecht, or the Declarations of Versailles. It is the question whether the French shall be allowed to exercise any rights whatever over the western shore and its territorial waters.

The existence of some French rights, whatever their exact interpretation may be, is a matter of absolute certainty. The signature of England has been pledged again and again to their acknowledgment. They cannot be repudiated so long as the binding force of any Treaty obligations made in the past is admitted. The honour of England is committed to the acceptance of them, and the nation certainly would never consent to a breach with France incurred in the support of what would be a plain infraction of Treaty right.

It is quite conceivable that the Colonial Ministers should dislike to incur any responsibility in support of Treaty rights which they have no interest in upholding, and the cogency of which may be imperfectly understood by the population of Newfoundland. But their refusal to give us their co-operation in the matter does not relieve this country from the obligations which it has incurred.

Lord Salisbury considers that Her Majesty's Government must take the shortest and plainest method of ascertaining what our international engagements in this matter are, and of carrying those engagements into effect. It appears to him that no time should now be lost in making proposals to the French Government which may lead to arbitration upon, at all events, the most urgent of the matters which are in contest between them. It is hardly to be hoped that this process can be complete before the ensuing fishing season commences. It may be therefore necessary to conclude some intermediate arrangement, which probably would follow the lines of the arrangement made last year, omitting those portions of it which have become inapplicable through the lapse of time. It will be necessary to apply to Parliament to obtain the powers for giving effect to any such arrangement; as it appears from the course of legal proceedings that there is at least doubt whether our officers, in taking steps for that purpose, would be adequately protected against an action at law. The Statute of the fifth year of George IV's reign, which unfortunately was allowed to lapse, will probably furnish the best model for legislation upon this point, as it only aims at securing the performance of international obligations, and does not interfere with the internal affairs of the island.

I am, &c.
(Signed) T. H. SANDERSON.

No. 43.

Colonial Office to Foreign Office.—(Received January 19.)*

Sir, *Downing Street, January 19, 1891.*
I AM directed by the Secretary of State for the Colonies to acknowledge the receipt of your letter of the 16th instant, in which, by the direction of the Marquis of Salisbury, you call Lord Knutsford's attention to the mode in which the foreign relations of this country are affected by the replies lately received from the Government of Newfoundland in regard to the French Fishery question.

Lord Knutsford concurs in the conclusion arrived at by Lord Salisbury, that as it has not been possible to come to a friendly arrangement with France in accordance with the stipulations of the Newfoundland Government, it has become necessary to ascertain definitively, without further delay, what are the international engagements of this country in the matter; and that, for this purpose, proposals for arbitration should be made to the French Government. And as some time must elapse before the opinion of an Arbitrator can be given, Lord Knutsford agrees that some provisional arrange-

* Copy sent to Governor of Newfoundland, January 19, 1891.