

Owing to the absence from Ottawa of some of my Ministers, it is not probable that I shall be able to obtain a final expression of their views for two or three days. I may, however, in the meantime, refer briefly to some of the points which will undoubtedly be raised before the proposal, even in its amended shape, can be entertained.

1. It would appear from the words of the Article that a jurisdiction in all cases of seizure is to be given to the naval officers in command of the two national vessels detailed for this service. One of these officers will presumably belong to the American, and the other to the British, Naval Service. My Government will, I have no doubt, object to empowering a Tribunal thus constituted, in which no Canadian representative will have a place, to deal with offences committed within Canadian territory and against Canadian law.

2. Such a Tribunal would not be competent to deal in a manner which would inspire public confidence with intricate questions affecting international rights, such as those which have been raised in connection with the fisheries dispute.

3. A floating Tribunal, such as that which would be constituted under the Article, would have the greatest difficulty in obtaining evidence as to matters of fact. The offences for which vessels have been, or are likely to be, seized are, as a rule, committed in close proximity to the shore, and the bulk of the evidence relating to the offence is obtained from persons resident on shore, and could not be obtained by an examination merely of the masters and crews of the seized vessel or of the vessel by which the seizure was made. This would be the case more especially in regard to such violations of the Convention as might be involved by the purchase of bait or of supplies. In the same way, evidence in regard to the precise position of a vessel alleged to have been fishing within the prescribed limits could often not be obtained except by investigation conducted on shore. Such evidence could, it is submitted, be obtained with greater ease and rapidity by the local authorities or by the Department of Marine and Fisheries, to which all cases of seizure are at once reported by telegram, and which has great facilities for conducting local inquiries upon the spot through its officers. In a large number of cases such evidence has been obtained by the Department within a few hours of the seizure, and you will see, on reference to the Reports which I have from time to time sent you, that where the facts thus elicited did not appear to point to a deliberate or serious contravention of the law, instructions for the release of the vessel were at once sent from Ottawa by telegram.

4. The most formidable of the objections which are likely to be urged against Mr. Bayard's proposal is, however, that which will be founded upon the belief that it would be impossible for the four national vessels selected as cruisers to cover the whole of the lengthy coast-line along which acts of trespass by American fishing-vessels are to be anticipated. Two of these vessels would, I apprehend, become responsible for the coast from the mouth of the St. Lawrence to Cape Breton, and two others for the whole of the coast from Cape Breton to the Bay of Fundy. These vessels would, I presume, be instructed to navigate in couples. If this were not done it would be impossible to obtain an examination such as that contemplated under the wording of the Article, by "the officer in command of one of the said national vessels in conjunction with the officer in command of another of said vessels of the different nationality." The assumption that both vessels will always be available simultaneously when a case of seizure has been reported supposes a complete agreement between the two Governments as to the instructions under which their respective vessels would act, and also between the two commanding officers as to the directions in which they would cruise. Even, however, if it were to be assumed that the two vessels would be inseparable, it is, I think, obvious that it would repeatedly happen that many days would elapse before the officer of the Canadian police-vessel by which the seizure had been made was able to report his seizure to one of the national vessels, or to obtain a hearing of the case by the officers of both those vessels. The seizure might have taken place shortly after the national vessels had passed the spot at which it was made on their way round the coast. It might be impossible to obtain a hearing of the case, or even to report it, until the trip of the two vessels had been completed. It might, again, happen that, while the hearing and examination of the case was proceeding in one locality, other seizures might be simultaneously made at different and distant points. In all such cases the vessel by which the seizure had been made would be compelled to detain her prize for an indefinite time, thereby occasioning prolonged delay and much hardship and inconvenience to the owners and crew of the seized vessel. In almost every case of seizure or detention which has hitherto occurred, the facts have, as I have already pointed out, been reported immediately by telegram to the Department of Marine and Fisheries, which has been able, often within the course