

serious interruption to an important industry, I was exceedingly unwilling that the questions arising under the award and those provoked by the occurrences in Newfoundland should be confused with each other, and least of all would I have been willing that the simultaneous presentment of the views of this Government should be construed as indicating any desire on our part to connect the settlement of these complaints with the satisfaction or abrogation of the Halifax award.

I also deemed it not unadvisable in the interests of such a solution as I am sure is desired by the good sense and good temper of both Governments that time should be allowed for the extinguishment of the local irritation, both here and in Newfoundland, which these transactions seem to have excited, and that another fishing season should more clearly indicate whether the rights to which the citizens of the United States were entitled under the Treaty were denied or diminished by the pretensions and acts of the Colonial authorities, or whether their infraction was accidental and temporary.

As soon as the violence to which citizens of the United States had been subjected in Newfoundland was brought to the attention of this Department, I instructed you, on the 2nd March, 1878, to represent the matter to Her Britannic Majesty's Government, and upon such representation you were informed that a prompt investigation would be ordered for the information of that Government. On the 23rd August, 1878, Lord Salisbury conveyed to you, to be transmitted to your Government, the result of that investigation in the shape of a Report from Captain Sullivan, of Her Majesty's ship "Sirius." In furnishing you with this Report, Lord Salisbury, on behalf of Her Britannic Majesty's Government, said: "You will perceive that the Report in question appears to demonstrate conclusively that the United States' fishermen on this occasion had committed three distinct breaches of the law, and that no violence was used by the Newfoundland fishermen, except in the case of one vessel whose master refused to comply with the request which was made to him that he should desist from fishing on Sunday, in violation of the law of the Colony and of the local custom, and who threatened the Newfoundland fishermen with a revolver, as detailed in paragraphs 5 and 6 of Captain Sullivan's Report."

The three breaches of the law there reported by Captain Sullivan, and assumed by Lord Salisbury as conclusively established, were:—

1. The use of seines, and the use of them also at a time prohibited by a Colonial Statute.

2. Fishing upon a day, Sunday, forbidden by the same local law; and,

3. Barring fish, in violation of the same local legislation.

In addition, Captain Sullivan reported that the United States' fishermen were, contrary to the terms of the Treaty of Washington, "fishing illegally, interfering with the rights of British fishermen and their peaceable use of that part of the coast then occupied by them, and of which they were actually in possession; their seines and boats, their huts and gardens, and land granted by Government, being situated thereon."

Yours containing this despatch and the accompanying Report was received on the 4th September, 1878, and on the 28th of the same month you were instructed that it was impossible for this Government duly to appreciate the value of Captain Sullivan's Report until it was permitted to see the testimony upon which the conclusions of that Report professed to rest. And you were further directed to say that, putting aside for after examination the variations of fact, it seemed to this Government that the assumption of the Report was that the United States' fishermen were fishing illegally, because their fishing was being conducted at a time and by methods forbidden by certain Colonial statutes; that the language of Lord Salisbury in communicating the Report with his approval indicated the intention of Her Britannic Majesty's Government to maintain the position that the Treaty privileges secured to United States' fishermen by the Treaty of 1871 were held subject to such limitations as might be imposed upon their exercise by Colonial legislation; and "that so grave a question, in its bearing upon the obligations of this Government under the Treaty, makes it necessary that the President should ask from Her Majesty's Government a frank avowal or disavowal of the paramount authority of provincial legislation to regulate the enjoyment by our people of the inshore fishery which seems to be intimated, if not asserted, in Lord Salisbury's note."

In reply to this communication Lord Salisbury, on the 7th November, 1878, transmitted to you the depositions which accompanied Captain Sullivan's Report, and said: "In pointing out that the American fishermen had broken the law within the territorial limits of Her Majesty's domains, I had no intention of inferentially laying