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FURTHER CORRESPONDENCE respecting North American Fisheries, 1887-88: with Despatch inclosing Treaty signed at Washington, February 15, 1888.

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[In continuation of "United States No. 2 (1887)":  
C.--4995.]

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*Presented to both Houses of Parliament by Com-  
mand of Her Majesty. March 1888.*

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FURTHER CORRESPONDENCE

RESPECTING

NORTH AMERICAN FISHERIES,

1887-88:

WITH DESPATCH INCLOSING

TREATY SIGNED AT WASHINGTON, FEBRUARY 15, 1888.

[In continuation of "United States No. 2 (1887)": C.—4995.]

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Further Correspondence respecting North American Fisheries,  
1887-88: with Despatch inclosing Treaty signed at  
Washington, February 15, 1888.

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[In continuation of "United States No. 2 (1887)": C.—4995.]

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No. 1.

*The Marquis of Salisbury to Her Majesty's Plenipotentiaries to the Fisheries Conference.*

Gentlemen,

*Foreign Office, October 24, 1887.*

THE Queen has been graciously pleased to appoint you to be Her Majesty's Plenipotentiaries to consider and adjust all or any questions relating to rights of fishery in the seas adjacent to British North America and Newfoundland, which are in dispute between the Government of Her Britannic Majesty and that of the United States of America, and any other questions which may arise which the respective Plenipotentiaries may be authorized by their Governments to consider and adjust.

I transmit to you herewith Her Majesty's full powers to that effect, and I have to give the following instructions for your guidance:—

The main question which you will be called upon to discuss arises in connection with the fisheries prosecuted by citizens of the United States on the Atlantic shores of British North America and Newfoundland. The correspondence which has already been placed at your disposal will have made you familiar with the historical features of the case up to the conclusion of the Treaty of Washington, and it appears, therefore, needless at the present moment to recapitulate the various negotiations which have taken place on the subject of these fisheries previously to the year 1871.

I transmit to you herewith a copy of the Treaty of Washington of the 8th May, 1871,\* from which you will perceive that by the Fishery Articles thereof (Articles XVIII to XXV, XXX, XXXII, and XXXIII), the Canadian and Newfoundland inshore fisheries on the Atlantic coast, and those of the United States north of the 39th parallel of north latitude, were thrown reciprocally open, and fish and fish-oil were reciprocally admitted duty free.

In accordance with the terms of these Articles the difference in value between the concessions therein made by Great Britain to the United States was assessed by the Halifax Commission at the sum of 5,500,000 dollars for a period of twelve years, the obligatory term for the duration of these Articles.

At the expiration of the stipulated period the United States' Government gave notice of termination of the Fishery Articles, which consequently ceased to have effect on the 1st July, 1885; but the Canadian Government, being loath to subject the American fishermen to the hardship of a change in the midst of a fishing season, consented to allow them gratuitously to continue to fish inshore and to obtain supplies without reference to any restrictions contained in the Convention of 1818† till the end of the year 1885, on the understanding that a Mixed Commission should be appointed to settle the Fisheries question, and to negotiate for the development and extension of trade between the United States and British North America.

The proposed Commission not having been constituted and no settlement having

\* See Hertslet's Commercial Treaties, vol. xiii, p. 970.

† Ibid., vol. ii, p. 392.

consequently been arrived at, the Convention of the 20th October, 1818, came into force again at the commencement of the year 1886.

Article I of that Convention is as follows:—

#### “ARTICLE I.

“Whereas differences have arisen respecting the liberty claimed by the United States, for the inhabitants thereof to take, dry, and cure fish on certain coasts, bays, harbours, and creeks of His Majesty’s dominions in America, it is agreed between the High Contracting Parties that the inhabitants of the said United States shall have for ever, in common with the subjects of His Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson’s Bay Company. And that the American fishermen shall also have liberty, for ever, to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland hereabove described, and of the coast of Labrador; but so soon as the same or any portion thereof shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. And the United States hereby renounce for ever any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on or within 3 marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty’s dominions in America, not included within the above-mentioned limits; provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter and of repairing damages therein, of purchasing wood and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them.”

Under these circumstances numerous seizures of American fishing-vessels have subsequently been effected by the Canadian authorities for infraction of the terms of the Convention and of their Municipal Law and Customs Regulation.

The inclosed correspondence will place you in full possession of the various points which have consequently arisen in diplomatic correspondence between the two Governments, and I do not desire to enter upon them in detail in the present instructions, nor to prescribe any particular mode of treating them, it being the wish of Her Majesty’s Government that a full and frank discussion of the issues involved may lead to an amicable settlement in such manner as may seem most expedient, and having due regard to the interests and wishes of the British Colonies concerned.

Her Majesty’s Government feel confident that the discussions in this behalf will be conducted in the most friendly and conciliatory spirit, in the earnest endeavour to effect a mutually satisfactory arrangement and to remove any causes of complaint which may exist on either side.

Whilst I have judged it advisable thus, in the first place, to refer to the question of the fisheries of the Atlantic coast, it is not the wish of Her Majesty’s Government that the discussions of the Plenipotentiaries should necessarily be confined to that point alone, but full liberty is given to you to enter upon the consideration of any questions which may bear upon the issues involved, and to discuss and treat for any equivalents, whether by means of Tariff, concessions, or otherwise, which the United States’ Plenipotentiaries may be authorized to consider as a means of settlement.

The question of the seal fisheries in the Behring Sea, the nature of which will be explained in a separate despatch, has not been specifically included in the terms of reference, but you will understand that if the United States’ Plenipotentiaries should be authorized to discuss that subject it would come within the terms of the reference, and that you have full power and authority to treat for a settlement of the points involved, in any manner which may seem advisable, whether by a direct discussion at the present Conference or by a reference to a subsequent Conference to adjust that particular question.

If the Government of Newfoundland depute an Agent to attend at Washington

during the Conference, you will avail yourselves of his advice and assistance in any matters concerning Newfoundland which may arise in the course of the discussions.

I am, &c.  
(Signed) SALISBURY.

Inclosure in No. 1.

*Full Powers to Mr. Chamberlain, Sir L. West, and Sir C. Tupper to negotiate with the Plenipotentiaries of the United States on the North American Fisheries Conference October 24, 1887.*

Victoria R. and I.,

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India, &c., &c., &c. To all and singular to whom these presents shall come, greeting.

WHEREAS for the purpose of considering and adjusting in a friendly spirit with Plenipotentiaries to be appointed on the part of our good friends the United States of America, all or any questions relating to rights of fishery in the seas adjacent to British North America and Newfoundland which are in dispute between our Government and that of our said good friends, and any other questions which may arise which the respective Plenipotentiaries may be authorized by their Governments to consider and adjust, we have judged it expedient to invest fit persons with full power to conduct on our part the discussions in this behalf:

Know ye, therefore, that we, reposing especial trust and confidence in the wisdom, loyalty, diligence, and circumspection of our right trusty and well-beloved Councillor Joseph Chamberlain, a member of our most Honourable Privy Council, and a Member of Parliament, &c., &c.; of our trusty and well-beloved The Honourable Sir Lionel Sackville Sackville West, Knight Commander of our most distinguished Order of St. Michael and St. George, our Envoy Extraordinary and Minister Plenipotentiary to our said good friends the United States of America, &c., &c., and of our trusty and well-beloved Sir Charles Tupper, Knight Grand Cross of our most distinguished Order of St. Michael and St. George, Companion of our most Honourable Order of the Bath, Minister of Finance of the Dominion of Canada, &c., &c.

Have named, made, constituted and appointed, as we do by these presents, name, make, constitute, and appoint them our undoubted Plenipotentiaries, giving to them or to any two of them all manner of power and authority to treat, adjust, and conclude with such Plenipotentiaries as may be vested with similar power and authority on the part of our good friends the United States of America, any Treaties, Conventions, or Agreements that may tend to the attainment of the above-mentioned end, and to sign for us and in our name everything so agreed upon, and concluded, and to do and transact all such other matters as may appertain to the finishing of the aforesaid work in as ample manner and form, and with equal force and efficiency as we ourselves could do if personally present:

Engaging and promising upon our Royal word that whatever things shall be so transacted and concluded by our said Plenipotentiaries shall be agreed to, acknowledged, and accepted by us in the fullest manner, and that we will never suffer, either in the whole, or in part, any person whatsoever, to infringe the same, or act contrary thereto, as far as it lies in our power.

In witness whereof we have caused the Great Seal of our United Kingdom of Great Britain and Ireland to be affixed to these presents, which we have signed with our Royal hand.

Given at our Court at Balmoral, the 24th day of October, 1887, and in the fifty-first year of our reign.

*Her Majesty's Plenipotentiaries to the Fisheries Conference to the Marquis of Salisbury.—*  
(Received February 27.)

My Lord,

Washington, February 15, 1888.

WE have the honour to transmit herewith a Treaty signed this day by the Plenipotentiaries of Great Britain and of the United States for the settlement of the Fishery question on the Atlantic coast of North America, together with two Protocols establishing a *modus vivendi* of a temporary character to prevent the occurrence of disputes pending the ratification of the Treaty.

We have, &c.  
(Signed) J. CHAMBERLAIN.  
L. S. SACKVILLE WEST.  
CHARLES TUPPER.

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Inclosure 1 in No. 2.

*Treaty between Great Britain and the United States for the Settlement of the Fishery Question on the Atlantic Coast of North America. Signed at Washington, February 15, 1888.*

WHEREAS differences have arisen concerning the interpretation of Article I of the Convention of the 20th October, 1818; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America, being mutually desirous of removing all causes of misunderstanding in relation thereto, and of promoting friendly intercourse and good neighbourhood between the United States and the possessions of Her Majesty in North America, have resolved to conclude a Treaty to that end, and have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Joseph Chamberlain, M.P.; the Honourable Sir Lionel Sackville Sackville West, K.C.M.G., Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America; and Sir Charles Tupper, G.C.M.G., C.B., Minister of Finance of the Dominion of Canada:

And the President of the United States, Thomas F. Bayard, Secretary of State; William L. Putnam, of Maine; and James B. Angell, of Michigan:

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

ARTICLE I.

The High Contracting Parties agree to appoint a Mixed Commission to delimit, in the manner provided in this Treaty, the British waters, bays, creeks and harbours of the coasts of Canada and of Newfoundland, as to which the United States, by Article I of the Convention of the 20th October, 1818, between Great Britain and the United States, renounced for ever any liberty to take, dry, or cure fish.

ARTICLE II.

The Commission shall consist of two Commissioners to be named by Her Britannic Majesty, and of two Commissioners to be named by the President of the United States, without delay, after the exchange of ratifications of this Treaty.

The Commission shall meet and complete the delimitation as soon as possible thereafter.

In case of the death, absence, or incapacity of any Commissioner, or in the event of any Commissioner omitting or ceasing to act as such, the President of the United States or Her Britannic Majesty, respectively, shall forthwith name another person to act as Commissioner instead of the Commissioner originally named.

ARTICLE III.

The delimitation referred to in Article I of this Treaty shall be marked upon British Admiralty charts by a series of lines regularly numbered and duly described. The charts so marked shall, on the termination of the work of the Commission, be signed by the



Commissioners in quadruplicate, three copies whereof shall be delivered to Her Majesty's Government, and one copy to the Secretary of State of the United States. The delimitation shall be made in the following manner, and shall be accepted by both the High Contracting Parties as applicable for all purposes under Article I of the Convention of the 20th October, 1818, between Great Britain and the United States.

The 3 marine miles mentioned in Article I of the Convention of the 20th October, 1818, shall be measured seaward from low water mark; but at every bay, creek, or harbour, not otherwise specially provided for in this Treaty, such 3 marine miles shall be measured seaward from a straight line drawn across the bay, creek, or harbour, in the part nearest the entrance at the first point where the width does not exceed 10 marine miles.

#### ARTICLE IV.

At or near the following bays the limits of exclusion under Article I of the Convention of the 20th October, 1818, at points more than 3 marine miles from low water mark, shall be established by the following lines, namely:—

At the Baie des Chaleurs the line from the light at Birch Point on Miscou Island to Macquereau Point light; at the Bay of Miramichi, the line from the light at Point Escuminac to the light on the eastern point of Tabisintac Gully; at Egmont Bay, in Prince Edward Island, the line from the light at Cape Egmont to the light at West Point; and off St. Ann's Bay, in the Province of Nova Scotia, the line from Cape Smoke to the light at Point Aconi.

At Fortune Bay, in Newfoundland, the line from Connaigre Head to the light on the south-easterly end of Brunet Island, thence to Fortune Head; at Sir Charles Hamilton Sound, the line from the south-east point of Cape Fogo to White Island, thence to the north end of Peckford Island, and from the south end of Peckford Island to the east headland of Ragged Harbour.

At or near the following bays the limits of exclusion shall be 3 marine miles seaward from the following lines, namely:—

At or near Barrington Bay, in Nova Scotia, the line from the light on Stoddard Island to the light on the south point of Cape Sable, thence to the light at Baccaro Point; at Chedabucto and St. Peter's Bays, the line from Cranberry Island light to Green Island light, thence to Point Rouge; at Mira Bay, the line from the light on the east point of Scatari Island to the north-easterly point of Cape Morien; and at Placentia Bay, in Newfoundland, the line from Latine Point, on the eastern mainland shore, to the most southerly point of Red Island, thence by the most southerly point of Merasheen Island to the mainland.

Long Island and Bryer Island, at St. Mary's Bay, in Nova Scotia, shall, for the purpose of delimitation, be taken as the coasts of such bay.

#### ARTICLE V.

Nothing in this Treaty shall be construed to include within the common waters any such interior portions of any bays, creeks, or harbours as cannot be reached from the sea without passing within the 3 marine miles mentioned in Article I of the Convention of 20th October, 1818.

#### ARTICLE VI.

The Commissioners shall from time to time report to each of the High Contracting Parties such lines as they may have agreed upon, numbered, described, and marked as herein provided, with quadruplicate charts thereof; which lines so reported shall forthwith from time to time be simultaneously proclaimed by the High Contracting Parties, and be binding after two months from such proclamation.

#### ARTICLE VII.

Any disagreement of the Commissioners shall forthwith be referred to an umpire selected by Her Britannic Majesty's Minister at Washington and the Secretary of State of the United States; and his decision shall be final.

#### ARTICLE VIII.

Each of the High Contracting Parties shall pay its own Commissioners and officers. All other expenses jointly incurred, in connection with the performance of the work, including compensation to the umpire, shall be paid by the High Contracting Parties in equal moieties.

## ARTICLE IX.

Nothing in this Treaty shall interrupt or affect the free navigation of the Strait of Canso by fishing-vessels of the United States.

## ARTICLE X.

United States' fishing-vessels entering the bays or harbours referred to in Article I of this Treaty shall conform to harbour regulations common to them and to fishing-vessels of Canada or of Newfoundland.

They need not report, enter, or clear, when putting into such bays or harbours for shelter or repairing damages, nor when putting into the same, outside the limits of established ports of entry, for the purpose of purchasing wood or of obtaining water; except that any such vessel remaining more than twenty-four hours, exclusive of Sundays and legal holidays, within any such port, or communicating with the shore therein, may be required to report, enter, or clear; and no vessel shall be excused hereby from giving due information to boarding officers.

They shall not be liable in such bays or harbours for compulsory pilotage; nor, when therein for the purpose of shelter, of repairing damages, of purchasing wood, or of obtaining water, shall they be liable for harbour dues, tonnage dues, buoy dues, light dues, or other similar dues; but this enumeration shall not permit other charges inconsistent with the enjoyment of the liberties reserved or secured by the Convention of 20th October, 1818.

## ARTICLE XI.

United States' fishing-vessels entering the ports, bays, and harbours of the eastern and north-eastern coasts of Canada or of the coasts of Newfoundland under stress of weather or other casualty may unload, reload, tranship, or sell, subject to customs laws and regulations, all fish on board, when such unloading, transshipment, or sale is made necessary as incidental to repairs, and may replenish outfits, provisions and supplies damaged or lost by disaster; and in case of death or sickness shall be allowed all needful facilities, including the shipping of crews.

Licences to purchase in established ports of entry of the aforesaid coasts of Canada or of Newfoundland, for the homeward voyage, such provisions and supplies as are ordinarily sold to trading vessels, shall be granted to United States' fishing-vessels in such ports, promptly upon application and without charge; and such vessels having obtained licences in the manner aforesaid, shall also be accorded upon all occasions such facilities for the purchase of casual or needful provisions and supplies as are ordinarily granted to trading vessels; but such provisions or supplies shall not be obtained by barter, nor purchased for resale or traffic.

## ARTICLE XII.

Fishing-vessels of Canada and Newfoundland shall have on the Atlantic coasts of the United States all the privileges reserved and secured by this Treaty to United States' fishing-vessels in the aforesaid waters of Canada and Newfoundland.

## ARTICLE XIII.

The Secretary of the Treasury of the United States shall make regulations providing for the conspicuous exhibition by every United States' fishing-vessel of its official number on each bow; and any such vessel, required by law to have an official number, and failing to comply with such regulations, shall not be entitled to the licences provided for in this Treaty.

Such regulations shall be communicated to Her Majesty's Government previously to their taking effect.

## ARTICLE XIV.

The penalties for unlawfully fishing in the waters, bays, creeks, and harbours, referred to in Article I of this Treaty, may extend to forfeiture of the boat or vessel and appurtenances, and also of the supplies and cargo aboard when the offence was committed; and for preparing in such waters to unlawfully fish therein, penalties shall be fixed by the Court not to exceed those for unlawfully fishing; and for any other violation of the laws of Great Britain, Canada, or Newfoundland relating to the right of fishery in such waters, bays, creeks, or harbours, penalties shall be fixed by the Court, not exceeding in all 3 dollars for every ton of the boat or vessel concerned. The boat or vessel may be holden for such penalties and forfeitures.

The proceedings shall be summary and as inexpensive as practicable. The trial (except on appeal) shall be at the place of detention, unless the Judge shall, on request of the defence, order it to be held at some other place adjudged by him more convenient. Security for costs shall not be required of the defence, except when bail is offered. Reasonable bail shall be accepted. There shall be proper appeals available to the defence only, and the evidence at the trial may be used on appeal.

Judgments of forfeiture shall be reviewed by the Governor-General of Canada in Council, or the Governor in Council of Newfoundland, before the same are executed.

#### ARTICLE XV.

Whenever the United States shall remove the duty from fish-oil, whale-oil, seal-oil, and fish of all kinds (except fish preserved in oil), being the produce of fisheries carried on by the fishermen of Canada and of Newfoundland, including Labrador, as well as from the usual and necessary casks, barrels, kegs, cans, and other usual and necessary coverings containing the products above mentioned, the like products, being the produce of fisheries carried on by the fishermen of the United States, as well as the usual and necessary coverings of the same, as above described, shall be admitted free of duty into the Dominion of Canada and Newfoundland.

And upon such removal of duties, and while the aforesaid articles are allowed to be brought into the United States by British subjects, without duty being reimposed thereon, the privilege of entering the ports, bays, and harbours of the aforesaid coasts of Canada and of Newfoundland shall be accorded to United States' fishing-vessels by annual licences, free of charge, for the following purposes, namely:—

1. The purchase of provisions, bait, ice, seines, lines, and all other supplies and outfits;

2. Transhipment of catch, for transport by any means of conveyance;

3. Shipping of crews.

Supplies shall not be obtained by barter, but bait may be so obtained.

The like privileges shall be continued or given to fishing-vessels of Canada and of Newfoundland on the Atlantic coasts of the United States.

#### ARTICLE XVI.

This Treaty shall be ratified by Her Britannic Majesty, having received the assent of the Parliament of Canada and of the Legislature of Newfoundland; and by the President of the United States, by and with the advice and consent of the Senate; and the ratifications shall be exchanged at Washington as soon as possible.

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty, and have hereunto affixed our seals.

Done in duplicate, at Washington, this 15th day of February, in the year of our Lord 1888.

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Inclosure 2 in No. 2.

*Protocol, dated February 15, 1888.*

THE Treaty having been signed, the British Plenipotentiaries desire to state that they have been considering the position which will be created by the immediate commencement of the fishing season before the Treaty can possibly be ratified by the Senate of the United States, by the Parliament of Canada, and the Legislature of Newfoundland.

In the absence of such ratification the old conditions which have given rise to so much friction and irritation might be revived, and might interfere with the unprejudiced consideration of the Treaty by the legislative bodies concerned.

Under these circumstances, and with the further object of affording evidence of their anxious desire to promote good feeling and to remove all possible subjects of controversy, the British Plenipotentiaries are ready to make the following temporary arrangement for a period not exceeding two years, in order to afford a *modus vivendi* pending the ratification of the Treaty:—

1. For a period not exceeding two years from the present date, the privilege of entering the bays and harbours of the Atlantic coasts of Canada and of Newfoundland shall be granted to United States' fishing-vessels by annual licences at a fee of 1½ dollars per ton—for the following purposes:

The purchase of bait, ice, seines, lines, and all other supplies and outfits.

Transshipment of catch and shipping of crews.

2. If, during the continuance of this arrangement, the United States should remove the duties on fish, fish-oil, whale and seal oil (and their coverings, packages, &c.), the said licences shall be issued free of charge.

3. United States' fishing-vessels entering the bays and harbours of the Atlantic coasts of Canada or of Newfoundland for any of the four purposes mentioned in Article I of the Convention of the 20th October, 1818, and not remaining therein more than twenty-four hours, shall not be required to enter or clear at the custom-house, providing that they do not communicate with the shore.

4. Forfeiture to be exacted only for the offences of fishing or preparing to fish in territorial waters.

5. This arrangement to take effect as soon as the necessary measures can be completed by the Colonial authorities.

(Signed)

J. CHAMBERLAIN.  
L. S. SACKVILLE WEST.  
CHARLES TUPPER.

*Washington, February 15, 1888.*

Inclosure 3 in No. 2.

*Protocol, dated February 15, 1888.*

THE American Plenipotentiaries having received the communication of the British Plenipotentiaries of this date conveying their plan for the administration to be observed by the Governments of Canada and Newfoundland in respect of the fisheries during the period which may be requisite for the consideration by the Senate of the Treaty this day signed, and the enactment of the legislation by the respective Governments therein proposed, desire to express their satisfaction with this manifestation of an intention on the part of the British Plenipotentiaries, by the means referred to, to maintain the relations of good neighbourhood between the British possessions in North America and the United States; and they will convey the communication of the British Plenipotentiaries to the President of the United States, with a recommendation that the same may be by him made known to the Senate, for its information, together with the Treaty, when the latter is submitted to that body for ratification.

(Signed)

T. F. BAYARD.  
WILLIAM L. PUTNAM.  
JAMES B. ANGELL.

*Washington, February 15, 1888.*

No. 3.

*Mr. J. Chamberlain, M.P., to the Marquis of Salisbury.—(Received February 27.)*

My Lord,

*Washington, February 16, 1888.*

I HAVE the honour to inform you that the lengthened deliberations of the Conference have at last terminated in an Agreement accepted by all the Plenipotentiaries as a just and honourable settlement of the difficult questions which have arisen in connection with the North Atlantic fisheries.

This satisfactory result is largely due to the conciliatory spirit manifested on both sides, and to the strong sense entertained by all the conferrees of the importance of removing all cause of irritation and of promoting good neighbourhood and friendly intercourse between the United States and Canada and Newfoundland.

The main issues involved in the discussion are familiar to your Lordship.

The successive abrogation by the United States of the Reciprocity Treaty of 1854, and recently of the fishery Articles of the Treaty of Washington, had subjected the relations between the two countries to the stipulations of the anterior Convention of 1818, by one of the clauses of which United States' fishermen were expressly precluded from entering the bays and harbours of Canada and Newfoundland, except on certain specified portions of the coast, for any other purposes whatever besides wood, water, shelter, and repairs. The Canadian Government have construed strictly this right of exclusion, with the express object of

preventing United States' fishermen from fishing in Canadian waters, and also from making Canada a base of supplies for their operations in connection with the deep-sea fisheries.

They have, however, always been willing to share either or both these advantages with the fishermen of the United States, provided that a fair equivalent were conceded in the shape of a modification of the American Tariff in favour of Canadian products.

The United States' Government have contended that while the Canadian Government were justified in preventing fishing in their territorial waters, the refusal of ordinary commercial facilities to American fishermen was contrary to the comity of nations, and tended to pervert a Treaty of Amity, relating solely to the fisheries, into an instrument of injury to commercial intercourse.

The United States' Government have on the present occasion repudiated any desire to share the inshore fisheries of Canada, and the point in dispute has therefore been limited to the question of commercial facilities.

In the course of the discussion, it became evident that there existed a substantial agreement on the main facts of the case, and that while on the one hand the United States were ready to recognize the right of Canada to guard the interests of her fishermen in competition with those of the United States, and to withhold any special advantages conferred by the proximity of her ports and harbours to the common fishery grounds, and not expressly secured to the United States by Treaty, the Canadian Government, on the other hand, were ready to afford all possible convenience and assistance which the claims of humanity or the courtesy of nations would justify, provided that these concessions were not abused or construed into the surrender of privileges essential, or, at the least, important, to the successful prosecution of the fishing industry.

The Treaty now submitted gives expression to these views. It provides for the full concession of all commercial facilities to fishing-vessels of the United States, whenever and so long as the products of Canadian fisheries are admitted free into the United States.

In the absence of such an arrangement, the Treaty establishes the future position of the respective parties and defines their rights. It provides for the delimitation of the exclusive fishing waters of the British Colonies, substantially on the basis of the North Sea Fishery Convention. It establishes a prompt and economical procedure for dealing with breaches of the Treaty or of any laws and regulations affecting the fisheries; and while expressly excluding American fishermen from obtaining fishing supplies, it pledges the Governments of Canada and Newfoundland to afford to them every assistance and convenience that can be fairly asked for on grounds of humanity or international courtesy.

It also enlarges the conditions under which American fishermen have hitherto enjoyed the rights secured to them by the Convention of 1818.

Your Lordship will observe that the Plenipotentiaries have exchanged Protocols on the subject of a *modus vivendi* for a period of two years, in order to allow ample time for the consideration by the Senate of the United States and by the Legislatures of Canada and Newfoundland of the principal instrument.

By this arrangement, United States' fishermen will enjoy temporarily the advantages and commercial facilities contemplated by the Treaty in consideration of a licence issued at a moderate fee by the Governments of Canada and Newfoundland.

It may be hoped that in this way all possibility of the recurrence of the irritating incidents which marked the fishery season of 1886, and in a less degree that of 1887, may be obviated. I venture to hope that these arrangements will be approved by Her Majesty's Government, and that they may assist in confirming and extending the friendly and cordial relations between the United States and Great Britain.

I have great pleasure in saying that the relations between the British Plenipotentiaries have been of the most cordial and harmonious character throughout the whole of this protracted discussion. The desire felt by Sir Lionel West and myself to remove all just cause of irritation has been fully shared by Sir Charles Tupper, whose intimate knowledge of the subject of controversy has materially contributed to the successful issue of the negotiations. I have also to acknowledge the great advantage I have derived from the tact and large experience of Sir Lionel West.

Mr. Winter, Attorney-General of Newfoundland, was in Washington during the greater part of the proceedings, and was able to keep the British Plenipotentiaries fully informed of the views of his Government. At the request of the British Plenipotentiaries, Mr. Winter was invited to lay before the Conference the special case of Newfoundland, and presented a Memorandum dealing with the subject, which has already been forwarded to your Lordship.

I desire to call your Lordship's attention to the services rendered to me by my Secretaries, Mr. Bergne and Mr. Maycock.

The staff of the Commission was, at my own desire, on a much smaller scale than has been usual in Missions of this character. This has necessarily thrown on the two gentlemen who accompanied me a great amount of labour and responsibility which have been cheerfully borne by them, and I cannot over-estimate the value of the assistance they have given to me, and of the experience and knowledge of the subject which they have placed at my disposal.

I have, &c.  
(Signed) J. CHAMBERLAIN.

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