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UNITED STATES. No. 3 (1884).

CORRESPONDENCE respecting the Termination of the
Fishery Articles of the Treaty of Washington of
the 8th May, 1871.



*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1884.*

LONDON :

PRINTED BY HARRISON AND SONS.

JOSEPH POPE

UNITED STATES. No. 3 (1884).

DEPARTMENT OF
EXTERNAL AFFAIRS
1884

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CORRESPONDENCE

REFERENCE

RESPECTING THE

TERMINATION OF THE FISHERY ARTICLES

OF THE

TREATY OF WASHINGTON

OF THE

8TH MAY, 1871.

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Presented to both Houses of Parliament by Command of Her Majesty.
1884.

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Correspondence respecting the Termination of the Fishery Articles of the Treaty of Washington of the 8th May, 1871.

No. 1.

Mr. West to Earl Granville.—(Received April 3.)

My Lord,

Washington, March 18, 1883.

I HAVE the honour to inclose copies of the Resolution, as passed by both Houses of Congress and approved by the President, providing for the termination of Articles XVIII to XXV, inclusive, and Article XXX of the Treaty between the United States of America and Her Britannic Majesty, concluded at Washington on the 8th May, 1871.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 1.

PUBLIC RESOLUTION—No. 20.

Joint Resolution providing for the Termination of Articles numbered XVIII to XXV, inclusive, and Article numbered XXX of the Treaty between the United States of America and Her Britannic Majesty, concluded at Washington, May 8, 1871.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,—That, in the judgment of Congress, the provisions of Articles numbered XVIII to XXV, inclusive, and of Article XXX of the Treaty between the United States and Her Britannic Majesty, for an amicable settlement of all causes of difference between the two countries, concluded at Washington on the 8th day of May, A.D. 1871, ought to be terminated at the earliest possible time, and be no longer in force; and to this end the President be, and he hereby is, directed to give notice to the Government of Her Britannic Majesty that the provisions of each and every of the Articles aforesaid will terminate and be of no force on the expiration of two years next after the time of giving such notice.

Section 2. That the President be, and he hereby is, directed to give and communicate to the Government of Her Britannic Majesty such notice of such termination on the 1st day of July, A.D. 1883, or as soon thereafter as may be.

Section 3. That on and after the expiration of the two years' time required by said Treaty, each and every of said Articles shall be deemed and held to have expired and be of no force and effect, and that every Department of the Government of the United States shall execute the laws of the United States (in the premises) in the same manner and to the same effect as if said Articles had never been in force; and the Act of Congress approved on the 1st March, A.D. 1873, entitled "An Act to carry into effect the provisions of the Treaty between the United States and Great Britain, signed in the city of Washington the 8th day of May, 1871, relating to the fisheries," so far as it relates to the Articles of said Treaty so to be terminated, shall be and stand repealed and be of no force on and after the time of the expiration of said two years.

Approved, March 3, 1883.

No. 2.

NOV 22 1996

Mr. Lowell to Earl Granville.—(Received April 20.)

My Lord,

Legation of the United States, London, April 18, 1883.

I HAVE received to-day from Mr. Frelinghuysen a despatch inclosing the copy of a joint Resolution of both Houses of Congress of the United States, providing for the termination of certain Articles of the Treaty between the United States of America and Her Britannic Majesty, concluded at Washington on the 8th May, 1871, which Articles, under the Protocol signed on the 7th June, 1873, took effect on the 1st July, 1873, and, by the terms of the original Treaty, are subject to termination by either party on two years' notice given at the expiration of ten years from the 1st July, 1873. This Resolution, which was approved on the 3rd March, 1883, directs the President to give notice to the Government of Her Britannic Majesty that the provisions of each and every of the Articles numbered XVIII to XXV, inclusive, and of Article XXX of the Treaty of the 8th May, 1871, will terminate and be of no force on the expiration of two years next after the time of giving such notice, which the President is further directed to give on the 1st July, 1883, or as soon thereafter as may be.

I am therefore instructed to comply with the directions of Congress in this matter, as set forth in this Resolution, by giving the notice required, and as the 1st July falls on Sunday, I am directed to give this notice on the next succeeding day.

I beg also, in compliance with further directions, to inform your Lordship of the purport of this instruction, and of my contemplated action under it.

I have, &c.

(Signed) J. R. LOWELL.

No. 3.

Earl Granville to Mr. Lowell.

Sir,

Foreign Office, April 27, 1883.

I HAVE the honour to acknowledge the receipt of your note of the 18th instant, in which you acquaint me that, in compliance with the instructions you have received from your Government, you propose to give notice on Monday, the 2nd July (the 1st July falling on a Sunday), of the intention of the United States to terminate Articles XVIII to XXV, inclusive, and Article XXX of the Treaty of the 8th May, 1871, between Great Britain and the United States, which will cease to be in force on the expiration of two years from the date of such notice being given.

I have, &c.

(Signed) GRANVILLE.

No. 4.

Mr. Lowell to Earl Granville.—(Received July 2.)

My Lord,

Legation of the United States, London, July 2, 1883.

REFERRING to my note to your Lordship of the 18th April last, and to your Lordship's reply of the 27th of the same month, I have the honour to recapitulate the statements I made in that note, to the following effect: That I received on the said 18th April a despatch from Mr. Frelinghuysen, inclosing the copy of a Joint Resolution of both Houses of Congress of the United States, providing for the termination of certain Articles of the Treaty between the United States of America and Her Britannic Majesty, concluded at Washington on the 8th May, 1871; which Articles, under the Protocol signed on the 7th June, 1873, took effect on the 1st July, 1873, and, by the terms of the original Treaty, are subject to termination by either party on two years' notice given at the expiration of ten years from the 1st July, 1873. This Resolution, which was approved on the 3rd March, 1883, directs the President to give notice to the Government of Her Britannic Majesty that the provisions of each and every of the Articles numbered XVIII to XXV inclusive and of the Article XXX of the Treaty of the 8th May, 1871, will terminate and be of no force on the expiration of two years next after the time of giving such notice; which the President is further directed to give on the 1st July, 1883, or as soon thereafter as may be.

I am, therefore, instructed by the President of the United States to comply with the directions of Congress in this matter, as set forth in the Resolution, by giving the notice required; and as the 1st July falls on Sunday, I am further instructed to give this notice on the succeeding day.

I do, therefore, this second day of July, 1883, on behalf of the President of the United States, hereby give notice to the Government of Her Britannic Majesty that the provisions of each and every of the Articles numbered XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, and XXX of the Treaty of the 8th May, 1871, between the United States of America and Her Britannic Majesty, will terminate and be of no force on the expiration of two years next after the time of giving such notice.

I have, &c.

(Signed) J. R. LOWELL.

No. 5.

Earl Granville to Mr. Lowell.

Sir,

Foreign Office, August 22, 1883.

I HAVE the honour to acknowledge the receipt of your note of the 2nd ultimo, in which you give notice that the provisions of Articles XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, and XXX of the Treaty of the 8th May, 1871, between Great Britain and the United States will terminate and be of no force on the expiration of two years next after the date of the said notice.

In accepting this notice on behalf of Her Majesty's Government, I have the honour to inquire whether Her Majesty's Government correctly understand the intention of the United States' Government to be that the provisions of Article XXXII, which relate to Newfoundland, shall cease to be in force and operation at the same time as the Articles recited in the notice, which relate to the Dominion of Canada.

I have, &c.

(Signed) GRANVILLE.

No. 6.

Mr Lowell to Earl Granville.—(Received November 19.)

My Lord,

Legation of the United States, London, November 16, 1883.

REFERRING to your Lordship's note of the 22nd August last, in which your Lordship inquired whether, in accepting the notice which I gave to Her Majesty's Government on the 2nd July last that the provisions of Articles XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, and XXX of the Treaty of the 8th May, 1871, between the United States and Great Britain, will terminate and be of no force on the expiration of two years from the date of said notice, Her Majesty's Government correctly understand the intention of the United States' Government to be that the provisions of Article XXXII, which relate to Newfoundland, shall cease to be in force and operation at the same time as the Articles recited in the notice, which relate to the Dominion of Canada, I have the honour to acquaint you that I lost no time in transmitting a copy of your Lordship's note to the Department of State.

I have now received a reply from Mr. Frelinghuysen, in which I am instructed to inform your Lordship that Her Majesty's Government correctly understand the intention of the Government of the United States to be that the provisions of Article XXXII of the Treaty of Washington which relate to Newfoundland shall cease to be in force and operation at the same time as the Articles recited in the notice of the termination given by me on the 2nd July last, which relate to the Dominion of Canada.

Mr. Frelinghuysen states that your Lordship's inquiry does not appear to invite any discussion of the points involved, or to ask anything more than a simple declaration of the intention of the United States' Government as to the scope of the notice of the termination so given. He states, however, for my information, the reasons why the XXXIInd Article must be considered as in force only so long as the other Articles which are specifically terminable are in force. As his views on this subject may be

interesting to your Lordship, I venture to send you a copy of his despatch, although I have no instructions to do so.

I have, &c.
(Signed) J. R. LOWELL.

Inclosure in No. 6.

Mr. Frelinghuysen to Mr. Lowell.

Sir, *Department of State, Washington, October 16, 1883.*

ANSWERING your despatch of the 28th August last, I have to instruct you to inform Earl Granville that Her Majesty's Government correctly understand the intention of the United States' Government to be that the provisions of Article XXXII of the Treaty of Washington, which relate to Newfoundland, shall cease to be in force and operation at the same time as the Articles recited in the notice of termination given by you on the 2nd July last, which relate to the Dominion of Canada.

His Lordship's inquiry of the 22nd August does not appear to invite any discussion of the points involved, or to ask anything more than a simple declaration of the intention of this Government as to the scope of the notice of termination so given. For your information I may, however, observe that, while the Treaty itself does not in terms provide for terminating Article XXXII, that Article, so far as it concerns the extension of the fisheries stipulations to Newfoundland, is dependent wholly upon the Articles specified as terminable, and that such extension can only last so long as the privileges to be extended continue to exist, as they do, by virtue of the Treaty and of the ascertained and proclaimed fact of legislation being in force for the execution of the Treaty in both the United States and Newfoundland. The United States' Statute to that end of the 1st March, 1873, in terms continues effective so long as the specifically terminable Articles of Treaty shall continue, and no longer. The XXXIInd Article, therefore, loses all valid operative force with the removal of the sole bases of conjoined Treaty and legislation upon which it rested.

I am, &c.
(Signed) FREDK. T. FRELINGHUYSEN.

No. 7.

Earl Granville to Mr. Lowell.

Sir, *Foreign Office, January 16, 1884.*

I HAVE the honour to acknowledge the receipt of your note of the 16th November last, in which you state that it is the intention of the Government of the United States that the provisions of Article XXXII of the Treaty of Washington which relate to Newfoundland shall cease to be in force and operation at the same time as the Articles recited in the notice of termination given by you on the 2nd July last, which relate to the Dominion of Canada.

I have to state to you, in reply, that Her Majesty's Government accept this notice as applying to Newfoundland as well as to the Dominion of Canada.

I have, &c.
(Signed) GRANVILLE.
