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CONFIDENTIAL.

Great Britain

2 Treaties

FURTHER CORRESPONDENCE

RESPECTING THE

5 L TERMINATION OF THE FISHERY ARTICLES

OF THE

3 L TREATY OF WASHINGTON

OF THE

4 L 8TH MAY, 1871.

6 L April to ^{Sept.} August 1887.

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CONFIDENTIAL.

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

No. 1.

Colonial Office to Foreign Office.—(Received April 1.)

Sir, *Downing Street, March 31, 1887.*
WITH reference to the letter from this Department of the 18th instant, I am directed by Secretary Sir Henry Holland to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, submitting observations on Article 3 of Mr. Bayard's proposed *ad interim* arrangement respecting the joint action of national vessels in dealing with United States' fishing-vessels seized for violating the provisions of the Convention of 1818.
I am also to inclose a paraphrase of a telegram from Lord Lansdowne upon the subject.

I am, &c.
(Signed) R. H. MEADE.

Inclosure 1 in No. 1.

The Marquis of Lansdowne to Sir H. Holland.

(Confidential.)

Sir, *Government House, Ottawa, March 10, 1887.*
I HAD the honour of receiving your telegram of the 8th instant, in which you suggested that my Government should accept, subject to certain amendments, the proposal contained in Article 3 of Mr. Bayard's Memorandum, under which Her Majesty's Government and that of the United States would send two vessels each to cruise during the fishing season in the Gulf of St. Lawrence and on the coast of Nova Scotia, for the purpose of investigating cases in which fishing-vessels of the United States might be seized for violation of the provisions of the Convention of 1818.
My Confidential despatch of the 28th December, 1886, and the Order in Council inclosed in my Secret despatch of the 1st February, contained a reference to some of the objections felt by my Government to the procedure described in this Article. The amendments which are suggested in your telegram would to some extent, but not entirely, remove those objections.

Under the Article as it would stand after the introduction of your amendments, a vessel seized for contravention of the Convention of 1818 would, except where the commanding officers of the two national vessels were unanimous in considering that the charge was not sustained, be sent for trial before the Vice-Admiralty Court at Halifax. While in this respect the Article, as amended, would be less open to objection than in its original shape, I fear that there are practical difficulties in the way of its adoption which are likely to be insurmountable, in spite of the earnest desire of my advisers to consider favourably any recommendations made in connection with these matters by Her Majesty's Government.

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

of a few hours, to deal expeditiously with the matter. The new arrangement suggested by Mr. Bayard would, beyond all doubt, in many cases operate to the disadvantage of those whom it is designed to protect, while it is not improbable that in cases where a vessel has been detained under circumstances such as those which I have described, and where the charge was subsequently not sustained, heavy claims for damages would be preferred against the Canadian Government. The force of the above objections becomes more apparent when it is taken into consideration that the length of the coast-line along which the national vessels would be required to operate extends to about 3,000 miles, while the police-vessels by which the seizures are made being, with two exceptions, sailing schooners, would be liable to prolonged detention by adverse weather, and would frequently find the utmost difficulty in placing themselves in communication with the national cruisers. The same difficulty would be experienced in an even greater degree whenever the seizure of the vessel had taken place in port by an officer on shore.

5. In the event of Article 3 being adopted in any shape, it would be necessary in line 2, after the date 1818, to insert the words, "and the Laws in force for giving effect to the same." If such words were not to be inserted, it is probable that the Government of the United States would refuse, as it has already, to admit the validity of the Acts of Parliament which have at different times been passed both in the United Kingdom and in Canada for the purpose of enforcing the Convention.

6. I observe that under the Article it is laid down that where it is decided that a vessel shall be subjected to a judicial examination she shall be sent for trial before the Vice-Admiralty Court at Halifax. As to this, I have to observe that there are Vice-Admiralty Courts at Charlottetown, Prince Edward Island, at St. John, New Brunswick, and at Quebec, and that there appears to be no reason for invoking exclusively the jurisdiction of the Court at Halifax which is possessed in an equal degree by the other Vice-Admiralty Courts mentioned.

7. As it is expressly stated that the Article under consideration is for the purpose of executing Article I of the Convention of 1818, I presume that it is not intended to interfere in any way with the operation of the Customs Law of the Dominion, which, as you are aware, has been repeatedly put in force against fishing-vessels neglecting to comply with its requirements. Care should be taken in any arrangement which may be come to with the United States that there should be no misapprehension in regard to this point.

8. I may, in conclusion, observe that although it may no doubt be the case, as stated by Mr. Bayard in his letter of the 15th November, 1886, that arrangements resembling in some respects that which he has advocated in the draft Article III have been adopted by European Governments, including that of Her Majesty, for the settlement of fisheries disputes, it is open to question whether the local and political circumstances were in these cases identical with those present in the case of the Canadian fisheries. I would suggest that it would be worth while to inquire in reference to such cases whether the extent of coast-line to be protected is as great; whether the points in dispute involve the construction of Treaties and the right of resorting to legislation for their enforcement; or whether they are not rather limited to the more trivial disputes which arise wherever fishermen of different nationalities frequent the same fishing-grounds.

9. I shall take the earliest opportunity of laying before you a fuller statement of the views of my Government. I have, however, thought it advisable to lose no time in making you aware of the general character of the objections which, in spite of its earnest desire to be guided by your recommendations in regard to these matters, it will probably urge against the adoption in any shape of the Article under consideration.

I have, &c.
(Signed) LANSLOWNE.

Inclosure 2 in No. 1.

The Marquis of Lansdowne to Sir H. Holland.

(Telegraphic.)

Ottawa, March 24, 1887.

MY telegram of 10th.

Report on Article 3 Bayard Memorandum will not be ready till next week. Meanwhile my Confidential despatch of 10th March may be treated as authoritative statement of views of the Canadian Government.

No. 2.

*Foreign Office to Colonial Office.**Foreign Office, April 2, 1887.*

[Transmits copy of Sir L. West's No. 41, Treaty, of March 20, 1887.]

No. 3.

The Marquis of Salisbury to Sir L. West.

(No. 20. Treaty. Confidential.)

Foreign Office, April 2, 1887.

[Transmits two copies of Confidential Print No. 5398, from July to December, 1886.]

No. 4.

Foreign Office to Colonial Office.

(Confidential.)

Foreign Office, April 2, 1887.

[Transmits four copies of Confidential Print No. 5398, from July to December, 1886.]

No. 5.

Colonial Office to Foreign Office.—(Received April 5.)

Sir,

Downing Street, April 4, 1887.

I AM directed by the Secretary of State for the Colonies to acknowledge the receipt of your letter of the 25th ultimo, inclosing a copy of the reply which the Marquis of Salisbury has made to Mr. Phelps' note of the 3rd December last on the subject of the proposed *ad interim* Arrangement relative to the North American fisheries.

I am to inquire whether Lord Salisbury is aware of any objection to the communication of the despatch in question to the Canadian Government.

I am, &c.

(Signed) JOHN BRAMSTON.

No. 6.

Colonial Office to Foreign Office.—(Received April 5.)

Sir,

Downing Street, April 4, 1887.

WITH reference to your letters noted in the margin, I am directed by the Secretary of State for the Colonies to acquaint you, for the information of the Marquis of Salisbury, that he has telegraphed to the Governor-General of Canada to ascertain the views of his Government as to whether Article XXIX of the Treaty of Washington is still in force, and as to its bearing on the Retaliatory Bills passed by the United States' Congress.

I am to add that Sir H. Holland would be glad if Lord Salisbury would telegraph to Her Majesty's Minister at Washington to send to the Governor-General of Canada, by the first opportunity, copies of the Bill in question as passed by Congress, should this not already have been done.

I am, &c.

(Signed) JOHN BRAMSTON.

No. 7.

Question asked in the House of Commons April 5, 1887; and Answer.

Mr. Gourley asked the Under-Secretary for Foreign Affairs if he could inform the House of the nature of the *modus vivendi* submitted by the Dominion Government for the settlement of the Anglo-American fisheries disputes, and also the tenour of the reply of Her Majesty's Government; and, further, whether the Canadian proposals had been transmitted to the United States' Government; and, if so, would he be good enough to state the nature of the despatch accompanying them.

Sir J. Fergusson.—As I lately informed the House, I am about to lay upon the table the despatch addressed by Her Majesty's Government to the Government of the United States, and containing proposals for the settlement of the differences in regard to the Canadian fisheries. It will be accompanied by papers fully explanatory. I do not think that it would be in any way advantageous to anticipate those papers by a statement of their nature, which might lead to misapprehension. The proposals are made to the United States by Her Majesty's Government, but they are in harmony with the views of the Government of Canada.

No. 8.

Colonial Office to Foreign Office.—(Received April 6.)

Sir, *Downing Street, April 5, 1887.*

WITH reference to your letters (two) of the 18th ultimo relating to the instructions to be issued to the naval officers engaged in the protection of the Newfoundland fisheries for their guidance during the approaching fishing season, I am directed by Secretary Sir Henry Holland to transmit to you, for the information of the Marquis of Salisbury, a copy of a letter which has been addressed to the Admiralty upon this subject.

With regard to the concluding paragraph of your letter, relating to the instructions to naval officers in Canadian waters, Sir Henry Holland desires me to suggest that it will hardly be practicable to consider these instructions effectively until some decision has been arrived at with respect to the proposal of Mr. Bayard relating to the joint action of national vessels of Great Britain and the United States.

If, however, his Lordship concurs in Sir Henry Holland's opinion that the Dominion are right in their view that the difficulties in the way of carrying out that proposal are insurmountable, Sir Henry Holland sees no reason why the draft of the instructions should not be proceeded with at once.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure in No. 8.

Colonial Office to Admiralty.

Sir, *Downing Street, April , 1887.*

I AM directed by Secretary Sir Henry Holland to acknowledge the receipt of your letter of the 22nd February last, relating to the instructions to be issued to the naval officers engaged in the protection of the Newfoundland fisheries for their guidance during the approaching fishing season.

Sir Henry Holland has been in communication with the Marquis of Salisbury, who concurs with him in the approval of the proposed instructions, subject to the following observations and suggestions:—

So long as the French are not prevented by law from purchasing bait on the south coast of Newfoundland, there is no objection to the naval officers on the Newfoundland Station being generally instructed to carry out the spirit of the Fishery Arrangement provisionally signed at Paris in November 1885. The instruction therefore in section 10 may stand.

Section 12 of the instructions should, however, be amended by an addition respecting United States' fishermen, and it is suggested that the words, "and except

United States' subjects exercising the privileges conferred upon them under the Convention of 1818," should be inserted after the words "King of France," which occur in that section.

It appears advisable that the 1st Article of the Convention with the United States of 1818 should be printed with the instructions, but that the naval officers should receive a special direction not to take any action against United States' fishermen infringing the Convention of 1818 until further instructions upon the subject are given to them.

It would be desirable that the recent correspondence laid before Parliament in connection with the termination of the Fishery Articles of the Treaty of Washington should be available for the Senior Officer's perusal; and for this purpose I am to suggest that to the list of documents in Appendix 2 of the instructions should be added:—

"United States No. 3 (1884)," C.—3848; and "United States No. 1 (1887)," C.—4937.

I am, &c.
(Signed) JOHN BRAMSTON.

No. 9.

Colonial Office to Foreign Office.—(Received April 7.)

Sir,

Downing Street, April 6, 1887.

WITH reference to previous correspondence, I am directed by Secretary Sir Henry Holland to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, in which he ably, and, in Sir Henry Holland's opinion, conclusively, justifies the manner in which the Canadian fishery police have acted in enforcing against American fishing-vessels the provisions of the Convention of 1818, and the Acts of Parliament passed for the purpose of giving effect to that Treaty.

The general instruction under which the Canadian fishery police have acted formed one of the inclosures in the letter from this Department of the 21st April, 1886, and, as you will see from paragraph 5 of the despatch now inclosed, the Dominion Government invite Her Majesty's Government to suggest any modifications likely to diminish the friction involved in carrying out the Regulations.

Sir Henry Holland would be glad to learn if Lord Salisbury has any suggestions on this subject to make for the consideration of the Canadian Government. If he has not, Sir Henry Holland proposes, with his Lordship's concurrence, to reply to Lord Lansdowne that Her Majesty's Government gladly recognize the readiness of his Ministers to consider favourably any suggestions which may be made by them, and that they trust that great forbearance and discrimination will be exercised by the fishery police in carrying out the instructions, so as to afford no just ground for complaint to the Government of the United States.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 9.

The Marquis of Lansdowne to Sir H. Holland.

Sir,

Government House, Ottawa, March 9, 1887.

IN consequence of the repeated complaints which have been addressed to Her Majesty's Government by that of the United States of the manner in which the Canadian authorities have acted in enforcing against American fishing-vessels the provisions of the Convention of 1818 and the Acts of Parliament passed for the purpose of giving effect to that Treaty, I have thought it my duty to invite the special attention of my advisers to the action of the Dominion fisheries police during the last fishing season, and to ask them to consider, upon a general review of the events of that season, and of the different cases in which vessels had been either denied privileges or had been seized or detained within Canadian waters for alleged infractions of the law or otherwise interfered with by the officials of the Dominion; whether any amendment was called for in the instructions which had been issued by the Fisheries

Department to the officers in its employment, or in the procedure which has been resorted to in dealing with infractions of the Fishery or Customs Law.

2. With regard to the spirit in which the Government of the Dominion desires to act in regard to these questions, I am glad to refer you again to the printed instructions issued on the 16th March, 1886, to all Fishery Officers in command of Government steamers and vessels engaged in the protection of the inshore fisheries of Canada. These instructions, after carefully defining the circumstances under which foreign fishing-vessels may be detained, enjoin upon the officers to whom the instructions were addressed the duty of performing the service in which they are engaged with forbearance and discrimination. It is especially pointed out that "foreign fishing craft may be driven into Canadian waters by violent or contrary winds, by strong tides, or through misadventure, or some other cause independent of the will of the master and crew." In such cases the Fishery Officer is desired to take these circumstances into his consideration, and to "satisfy himself with regard thereto before taking the extreme step of seizing or detaining any vessels." In another passage special reference is made "to the general conciliatory spirit in which it is desirable that you should carry out these instructions," and "the wish of Her Majesty's Government that the rights of exclusion should not be strained."

3. The information given to me by my Ministers affords no reason for believing that during the past season there has been any appreciable departure from the intentions of the framers of the instructions which I have quoted.

4. In almost every case in which complaints of the kind to which I have referred have been forwarded to me by your predecessors, I have been able to supply them with full information, which has, I venture to think, been sufficient to show that, as a rule, the complaints were founded upon *ex parte* and misleading statements, and the action of the Canadian authorities entirely warranted by Treaty and Law. It is indeed, I think, a matter for congratulation, considering the fact that my Government had to deal, on the one hand, with a body of fishermen accustomed to resort without molestation to Canadian waters and likely to resent any interference with the freedom of access which such fishermen had heretofore enjoyed, and, on the other, with a newly-constituted police force, of which the members were necessarily without experience in the novel and delicate duties entrusted to them, that no serious mistake should have so far been committed.

5. I am, however, able to assure you that should there be any particular in respect to which Her Majesty's Government may desire to see the instructions already issued amended so as to prevent the possibility of hardships to vessels *bona fide* resorting to Canadian waters for any of the purposes permitted by the Convention of 1818, my Government will gladly take into its favourable consideration the suggestions which you may be disposed to make with this object.

6. In this connection, however, I may point out that in the despatches which have been addressed to Her Majesty's Government by Mr. Bayard, as well as in the Reports presented to Congress with a view to justify legislation upon these subjects, objection has been taken not only to the interpretation which Canadian authorities have placed upon the Law which they were called upon to administer, but apparently to the allowance of any discretion whatever to Canadian officials in dealing with acts committed by American vessels in Canadian waters. Of this a conspicuous illustration is afforded by the language used in the Report recently presented to Congress by Mr. Edmunds from the Committee on Foreign Relations, which contains the following passage:—

"On the 12th May, 1870, the Dominion Act of 33 Vict., cap. 15, was passed, repealing the third section of the last-mentioned Act on the subject of bringing vessels into port, &c., and provided in lieu thereof that any of the officers or persons before mentioned might bring any vessel, being within any harbour in Canada or hovering in British waters within 3 miles of the coast, into port, search her cargo, examine her master on oath, &c., without any previous notice to depart, which had been required by the former Act. So that an American vessel fishing at sea, being driven by stress of weather, want of wood or water, or need of repairing damages, which should run into a Canadian harbour, under the right reserved to it by the Treaty of 1818, the moment her anchor was dropped or she was within the shelter of a headland, was, at the discretion of the Canadian official, to be immediately seized and carried into port, which might be, and often would be, many miles from the place where she could have her safe shelter or could obtain her wood and water, or repair her damages.

"The Committee thinks it is not too much to say that such a provision is, in view

of the Treaty and of the common principles of comity among nations, grossly in violation of rights secured by the Treaty and of that friendly conduct of good neighbourhood that should exist between civilized nations holding relations such as ought to exist between the United States and Her Majesty's dominions.

* * * * *

“From all this it would seem that it is the deliberate purpose of the British Government to leave it to the individual discretion of each one of the numerous subordinate Magistrates, Fishery Officers, and Customs officers of the Dominion of Canada to seize and bring into port any American vessels, whether fishing or other, that he finds within any harbour in Canada or hovering in Canadian waters.”

7. It is, I venture to submit, impossible to contrive any system for enforcing Regulations for the protection of the Canadian fisheries, or for the prevention of smuggling along the Canadian coast, no matter how liberal the spirit in which those Regulations might be conceived, under which the initiative to be taken in each case should not be left to “the individual discretion” of Canadian officials. If no such discretion is allowed to these, if every intruding vessel is to be free after committing an act of trespass to depart without hindrance from the place in which that act was committed, subject merely to the chances of her being made liable for subsequent legal proceedings, the protection which it was intended to afford to the interests of the Dominion would become illusory and valueless.

8. The same argument applies to the enforcement against the American fishing-vessels of the Canadian Customs Law. The acts of vessels which have been proceeded against under this Law are constantly represented, as, for instance, on p. 10 of the Report already quoted, to be “merely formal or technical violations of some Canadian Customs Statute or Regulation.” The Statute which has been enforced in these cases is, as I have more than once had occasion to point out, one which is consistently put into operation against all vessels resorting to Canadian waters; nor would it be possible to cease enforcing it against a particular class of vessels without giving to them opportunities for systematically and with complete impunity evading the law upon coasts of which the configuration is particularly favourable to the operations of smugglers.

9. For these reasons I cannot hold out the expectation that my Government will abandon the position which I have described, and which may be summed up in the statement that it cannot recognize the right of United States' fishing-vessels to resort to Canadian waters except for the purposes specified in the Convention of 1818, and that it considers that its officials should have the discretion of determining in what cases and to what extent, subject to the ultimate decision of the Courts, vessels entering those waters for a lawful purpose should comply with the requirements of the municipal law of the Dominion. With this reservation, my Government desires to afford to all foreign vessels every facility for availing themselves of the privileges to which they are entitled, and to avoid as far as possible attaching to the exercise of those privileges any condition of an irritating or vexatious character.

10. If you should be of opinion that any alterations are desirable in the procedure of the local authorities, or in the instructions to which I have already referred, I trust that you will favour me with an expression of your views.

I have, &c.
(Signed) LANSDOWNE.

No. 10.

Colonial Office to Foreign Office.—(Received April 7.)

Sir,

Downing Street, April 6, 1887.

WITH reference to my letter of this day's date, relating to the instructions to Canadian officers engaged in the protection of the fisheries, I am directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, reporting that a Sub-Collector of Customs will be stationed upon an island or at Sand Point, at the mouth of Shelburne Harbour, so as to render it unnecessary for vessels entering that harbour to report to the Collector who is stationed in the port of Shelburne, which is several miles distant from the outer harbour.

Sir H. Holland proposes, with Lord Salisbury's concurrence, to acknowledge the

receipt of this despatch with an expression of satisfaction at the action of the Canadian Government in this matter.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 10:

The Marquis of Lansdowne to Sir H. Holland.

Sir, *Government House, Ottawa, March 11, 1887.*

IN reference to the subjects mentioned in my despatch of the 9th instant, and as an illustration of the desire of my Government to remove obstacles in the way of United States' fishing-vessels resorting to Canadian waters for purposes permitted by the Convention of 1818, I may mention that a Sub-Collector of Customs will be stationed upon an island or at Sand Point, at the mouth of Shelburne Harbour, so as to render it unnecessary for vessels entering that harbour to report to the Collector who is stationed in the port of Shelburne, which is several miles distant from the outer harbour.

It will be in your recollection that a complaint was made in the case of the "Rattler," detained in this harbour in the month of August 1886, that she was delayed for some time in consequence of her being taken from the spot at which she was found by the Canadian police vessel to the port of Shelburne.

I may also mention that the Captains of police vessels have been authorized in certain cases, in which entrance at the regular Customs port would entail serious loss of time, owing to distance from the place of shelter, to act as Customs officers for the purpose of accepting reports from United States' fishing-vessels who may find it necessary to enter Canadian harbours.

The attention of the Department of Customs is specially directed to these points, and the Minister will do all in his power to enable foreign fishing-vessels to comply with the requirements of the Customs Law under conditions as little onerous as possible.

I have, &c.
(Signed) LANSDOWNE.

No. 11.

The Marquis of Salisbury to Sir L. West.

(Treaty.)
(Telegraphic.)

Foreign Office, April 7, 1887, 6.15 P.M.

SEND Canadian Government at once copies of Retaliatory Act.

No. 12.

The Marquis of Salisbury to Mr. Phelps.

Foreign Office, April 9, 1887.

[Transmits proof of Mr. Phelps' notes of December 2 and 3, 1886, and January 26, 1887.]

No. 13.

The Marquis of Salisbury to Sir L. West:

(No. 22. Treaty.)
(Telegraphic.)

Foreign Office, April 9, 1887, 2.30 P.M.

FISHERIES. Propose to publish your Treaty despatches as follows:—

Last year Nos. 69, 71, 72, 99, 104, 105, 108, 111, 115.

1, 4, 6, 7, 9, 16, 17, 19, 20, 21, 24, 25, 26, 27, 28, 31, 32, 33, 35, 41, and first paragraphs only of Nos. 15 and 29, with inclosures.

No. 14.

Foreign Office to Colonial Office.

Sir,

Foreign Office, April 9, 1887.

I AM directed by the Marquis of Salisbury to transmit to you the first revise of papers which his Lordship proposes to lay before Parliament relative to the North American Fisheries question; and I am to request that Sir H. Holland will inform his Lordship at his earliest convenience whether he concurs in this selection, which it is desirable should be published immediately.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 15.

Foreign Office to Colonial Office.

Sir,

Foreign Office, April 9, 1887.

IN reply to your letter of the 4th instant, I am directed by the Marquis of Salisbury to request you to inform Sir H. Holland that his Lordship has no objection to the communication to the Canadian Government of his despatch of the 24th ultimo to Mr. White on the subject of the proposed *ad interim* arrangement respecting the North American fisheries.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 16.

Sir L. West to the Marquis of Salisbury.—(Received April 11.)

(No. 44. Treaty.)

My Lord,

Washington, March 29, 1887.

I HAVE the honour to acknowledge the receipt of your Lordship's telegram, marked Treaty, of the 26th instant, and to state that, on the receipt thereof, I immediately took steps to procure six additional copies of the Retaliatory Bill, which I received this morning, and have now the honour to transmit herewith.

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

Inclosure in No. 16.

An Act to authorize the President of the United States to protect and defend the Rights of American Fishing-vessels, American Fishermen, American Trading and other Vessels, in certain cases, and for other purposes.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that whenever the President of the United States shall be satisfied that American fishing-vessels or American fishermen, visiting or being in the waters or at any ports or places of the British dominions of North America, are or then lately have been denied or abridged in the enjoyment of any rights secured to them by Treaty or law, or are or then lately have unjustly vexed or harassed in the enjoyment of such rights, or subjected to unreasonable restrictions, regulations, or requirements in respect of such rights; or otherwise unjustly vexed or harassed in said waters, ports, or places; or whenever the President of the United States shall be satisfied that any such fishing-vessels or fishermen, having a permit under the laws of the United States to touch and trade at any port or ports, place or places in the British dominions of North America, are or then lately have been denied the privilege of entering such port or ports, place or places, in the same manner and under the same regulations as may exist therein applicable to trading vessels of the most favoured nation, or shall be unjustly vexed or harassed in respect thereof, or otherwise be unjustly vexed or harassed therein, or shall be prevented from purchasing

such supplies as may there be lawfully sold to trading vessels of the most favoured nation; or whenever the President of the United States shall be satisfied that any other vessels of the United States, their masters or crews, so arriving at or being in such British waters or ports or places of the British dominions of North America, are or then lately have been denied any of the privileges therein accorded to the vessels, their masters or crews, of the most favoured nation, or unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein by the authorities thereof, then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by Proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of or within the United States (with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper), whether such vessels shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States. The President may, in his discretion, apply such Proclamation to any part or to all of the foregoing-named subjects, and may revoke, qualify, limit, and renew such Proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this Act. Every violation of any such Proclamation, or any part thereof, is hereby declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such Proclamation shall be forfeited to the United States: and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may now be enforced and proceeded upon. Every person who shall violate any of the provisions of this Act, or such Proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanour, and, on conviction thereof, shall be punished by a fine not exceeding 1,000 dollars, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the Court.

Approved March 3, 1887.

No. 17.

Sir L. West to the Marquis of Salisbury.—(Received April 11.)

(No. 46. Treaty.)

My Lord,

Washington, March 29, 1887.

WITH reference to your Lordship's despatch No. 15, Treaty, of the 16th instant, I have the honour to transmit herewith three copies of the complete Report of the debate on the Retaliatory Bill, as well as copies of Reports of subsequent debates on the same subject, including a Report of a debate on Senator Hoare's Resolution, précis of which was forwarded in my despatch No. 31, Treaty, of the 27th ultimo.*

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 18.

Colonial Office to Foreign Office.—(Received April 11.)

Sir,

Downing Street, April 9, 1887.

WITH reference to the letter from this Department of the 4th instant, I am directed by the Secretary of State for the Colonies to acquaint you, for the information of the Marquis of Salisbury, that he received on the 5th instant a telegram from the Governor-General of Canada stating that the Dominion Government regard Article XXIX of the Treaty of Washington as still in force, and not to be abrogated except by two years' notice; and that they contend that the Statute passed by the United States' Congress does not affect the validity of the Article in question.

I am, at the same time, to point out that the statement of the Committee of

* Inclosures not printed.

Conference of the two Houses of the United States' Legislature, which accompanied your letter of the 18th ultimo, recognizes the continued validity of this Article.

I am, &c.
(Signed) JOHN BRAMSTON.

No. 19.

Sir L. West to the Marquis of Salisbury.—(Received April 11.)

(Treaty.)

(Telegraphic.)

Washington, April 10, 1887.

YOUR Lordship's telegram of 9th instant.

First paragraph only of No. 17. Omit last paragraph of Nos. 27 and 31.

No. 20.

Foreign Office to Colonial Office.

(Confidential)

Sir,

Foreign Office, April 11, 1887.

WITH reference to my letter of the 9th instant, inclosing the proof of papers proposed to be laid before Parliament relative to the North American Fisheries question, I am directed by the Marquis of Salisbury to transmit to you, to be laid before Sir H. Holland, a copy of a telegram from Her Majesty's Minister at Washington,* suggesting the omission of certain paragraphs in his despatches; and I am to state that his Lordship proposes to comply with Sir L. West's suggestions.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 21.

Mr. White to Foreign Office.—(Received April 13.)

MR. HENRY WHITE presents his compliments to Sir Julian Pauncefote, and has the honour to return herewith, by direction of the United States' Minister, the proofs of papers inclosed in the note of the 9th instant, with a few small corrections noted thereon.

Legation of the United States, London, April 12, 1887.

No. 22.

Foreign Office to Colonial Office.

Sir,

Foreign Office, April 13, 1887.

IN reply to your letter of the 5th instant, I am directed by the Marquis of Salisbury to request you to state to Sir H. Holland that, as there does not appear to be any probability that the proposal for the joint action of national vessels in fisheries cases can be put into practical operation, his Lordship considers that it will be desirable to proceed without loss of time to consider the nature of the instructions to be given to the Imperial cruizers for their guidance on the North America Station, on the assumption that the proposal in question will not be agreed to and put in operation at all events during the ensuing fishing season.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 23.

Foreign Office to Colonial Office.

Sir,

Foreign Office, April 13, 1887.

I AM directed by the Marquis of Salisbury to request you to express to Sir H. Holland his Lordship's concurrence in the reply which, as stated in your letter of the 6th instant, it is proposed to make to Lord Lansdowne's despatch of the 11th ultimo,

relative to the stationing of a Sub-Collector at the mouth of Shelburne Harbour, in order to avoid difficulties connected with the fisheries police.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 24.

Colonial Office to Foreign Office.—(Received April 14.)

Sir,

Downing Street, April 14, 1887.

I AM directed by the Secretary of State for the Colonies to acknowledge the receipt of your letters of the 9th and 11th instant, and to state, for the information of the Marquis of Salisbury, that he concurs in his Lordship's proposals with regard to the selection of papers to be presented to Parliament respecting the North American Fisheries question.

I am, &c.
(Signed) JOHN BRAMSTON.

No. 25.

Address communicated to Foreign Office by the London Peace Society, April 15.

THE following Address has been issued by the London Peace Society, 47, New Broad Street, E.C., to the friends of the cause in the United States:—

“To the Friends of Peace in the United States.

“Dear Friends,

“We have observed with some anxiety the difference that has arisen between your country and our own on the question of the Canadian fisheries. Not that we entertain one moment's apprehension that this matter will lead to any serious breach of the cordial friendship which for so many years has happily bound the two nations in the closest ties of mutual respect and amity. But perhaps there is some danger lest, by the use of inconsiderate and irritating language on either side, the spirit of the two nations should become unduly agitated. We venture, therefore, to invoke your aid to join with us in using all the influence in your power to throw oil on the troubled waters.

“We trust that ordinary diplomatic negotiations, conducted in a calm and conciliatory spirit, will suffice to secure a speedy solution of the existing difficulty. But should that fail, we can have no doubt that the great body of our Christian people on both sides of the Atlantic will strenuously support the reference of the points in dispute to some form of peaceful arbitration. Happily, questions of far greater gravity than that which now troubles for a moment the relations of our countries have been so disposed of between our Governments by this method of adjustment, not only to the entire contentment of these two great branches of the Anglo-Saxon race, but to the general triumph of the great cause of civilization throughout the world.

“We recall with sincere satisfaction the emphatic declarations made by the distinguished men who have lately occupied the Presidential chair in your country—President Grant, President Hayes, and President Garfield—in favour of submitting all disputes, especially between Great Britain and the United States, to peaceful methods of settlement. We have no reason to doubt but that our own Government would be equally ready to act upon the same principle. Let us, therefore, be ready, dear friends, should the occasion arise, to bring the whole force of an enlightened and Christian public opinion to strengthen the hands of our rulers in this respect.

“By communications to the press, by Petitions to the Legislature, by personal influence brought to bear on political leaders, and, if necessary, by Memorials to the Government, much may be done to lead to a speedy and peaceful solution of the question in dispute.

(Signed) “JOSEPH W. PEASE, Bart., M.P., *President.*
“HENRY RICHARD, M.P., *Honorary Secretary.*
“WILLIAM JONES, *Secretary.*”

No. 26.

Foreign Office to Colonial Office.

Foreign Office, April 15, 1887.

[Transmits copy of Sir L. West's Nos. 46, Treaty, of March 29, 1887: *ante*, No. 17.]

No. 27.

Sir L. West to the Marquis of Salisbury.—(Received April 18.)

(No. 48. Treaty.)

My Lord,

Washington, April 4, 1887.

I HAVE the honour to inclose to your Lordship herewith three copies of the letter of Mr. John Jay to Senator Evarts on the fisheries dispute,* called for in your Lordship's despatch No. 17, Treaty, of the 22nd ultimo.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 28.

Sir L. West to the Marquis of Salisbury.—(Received April 18.)

(No. 49. Treaty.)

My Lord,

Washington, April 7, 1887.

WITH reference to your Lordship's telegram of this day's date, I have the honour to inform your Lordship that copies of the Retaliatory Act and Treasury Circular were forwarded to the Canadian Government on the 20th ultimo.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 29.

Foreign Office to Colonial Office.

Foreign Office, April 18, 1887.

[Transmits copy of Sir L. West's No. 44, Treaty, of March 29, 1887: *ante*, No. 16]

No. 30.

Sir L. West to the Marquis of Salisbury.—(Received April 18.)

(No. 51. Treaty.)

My Lord,

Washington, April 8, 1887.

IT is reported from St. John, New Brunswick, that the Canadian cruiser "Vigilant" fired a blank shot at an American fishing-vessel within the 3-mile limit. The press is, in consequence, urging that action should be taken under the Retaliatory Act, and it is said that the Cabinet are considering the question.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 31.

Foreign Office to Colonial Office.

Foreign Office, April 19, 1887.

[Transmits copy of Sir L. West's No. 48, Treaty, of April 4, 1887: *ante*, No. 27.]

No. 32.

Colonial Office to Foreign Office.—(Received April 20.)

Sir,

Downing Street, April 19, 1887.

WITH reference to your letters of the 4th October and 15th December last, and to the letter from this Department of the 27th December, respecting the case of the United States' fishing-vessel "Mollie Adams," I am directed by Secretary Sir Henry Holland to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, inclosing a copy of an Order of his Privy Council relating to this case.

I am to request that Sir H. Holland may be informed of any communication which Lord Salisbury may make to the United States' Government in reference to this matter.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 32.

The Marquis of Lansdowne to Sir H. Holland.

(Confidential.)

Sir,

Government House, Ottawa, April 2, 1887.

I HAVE the honour to inclose herewith a certified copy of a Privy Council Order respecting the case of the United States' schooner "Mollie Adams" which formed the subject of your predecessor's despatches of the 6th October and 16th December.

I have to express my regret that it should have proved impossible to supply you with the necessary information bearing upon this case at an earlier date. Some time was, however, taken in collecting the evidence embodied in the Reports copies of which accompany the Minute, and the occurrence of the general elections for the Federal Parliament to some extent interrupted the course of business in the public Departments and increased the delay.

You will find in the Report of my Minister of Marine and Fisheries, and in the inclosures appended to it, a full and, I think, satisfactory reply to the whole of the charges made by the Government of the United States against the conduct of the Canadian officials concerned in the matter of the "Mollie Adams."

I would venture to draw your especial attention to the concluding passages of the Minister's Report, in which he earnestly deprecates the manner in which, in this, as well as in other cases in which disputes have arisen under conditions of a similar character, the Government of the United States has not hesitated to adopt without any inquiry, and to support with the whole weight of its authority, *ex parte* charges entirely unconfirmed by collateral evidence, and unaccompanied by any official attestation.

In view of the fact that, owing to the action of the Government of the United States in terminating the Fishery Clauses of the Treaty of Washington, a large body of American fishermen have suddenly found themselves excluded from waters to which they had for many years past resorted without molestation, and that the duty of thus excluding them has been thrown upon a newly-constituted force of fishery police, necessarily without experience of the difficult and delicate duties which it is called upon to perform, there would be no cause for surprise if occasional cases of hardship or of over-zealous action upon the part of the local authorities engaged in protecting the interests of the Dominion were to be brought to light. It is the earnest desire of my Government to guard against the occurrence of any such cases, to deal in a spirit of generosity and forbearance with United States' fishermen resorting to Canadian waters in the exercise of their lawful rights, and to take effectual measures for preventing arbitrary or uncalled-for interference on the part of its officials with the privileges allowed to foreign fishermen under the terms of the Convention of 1818.

The difficulty of acting in such a spirit must, however, be greatly increased by the course which has been pursued in this and in numerous other cases already brought to your notice, in founding not only the most urgent remonstrances, but the most violent and offensive charges and the most unjust imputation of motives upon complaints such as that put forward by the captain of the "Mollie Adams," a person so illiterate that he appears not to have been qualified to make out the ordinary entry papers on his arrival in a Canadian port, but whose statements, many of which bear upon the face of them evidence of their untrustworthiness, appear to have been accepted *in globo* without question by the Secretary of State.

You will, I cannot help thinking, concur in the opinion expressed in the Minister's Report that such hasty and indiscriminate accusations can only have the effect of prejudicing and embittering public feeling in both countries, and of retarding the prospect of a reasonable settlement of the differences which have unfortunately arisen between them upon these subjects.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 32.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on the 31st March, 1887.

THE Committee of the Privy Council have had under consideration a despatch dated 6th October, 1886, from the Right Honourable the Secretary of State for the

Colonies, transmitting a copy of a letter from the Foreign Office, inclosing copy of a despatch from Her Majesty's Minister at Washington, with a note from the Secretary of State of the United States, calling attention to the alleged refusal of the Collector of Customs at Port Mulgrave, Nova Scotia, to allow the master of the United States' fishing-vessel "Mollie Adams" to purchase barrels to hold a supply of water for the return voyage, and also a further despatch dated 16th December, 1886, referring to the same schooner, the "Mollie Adams," and her alleged treatment at Malpeque, Prince Edward Island, and Port Medway, Nova Scotia, and requesting an early Report on the circumstances of this case.

The Minister of Marine and Fisheries, to whom the said despatches and inclosures were referred, submits the following Report thereon.

Mr. Bayard's note of the 10th September calls attention to the alleged refusal of the Collector of Customs at Port Mulgrave, Nova Scotia, to allow the master of the "Mollie Adams" to purchase barrels to hold a supply of water, for which the vessel had put into port. The Report of the Sub-Collector of Customs at Port Mulgrave, which is hereto annexed, and which he expresses his readiness to verify upon oath, shows that the "Mollie Adams" was fitted out with a water-tank, which was reported as leaking, that the Collector offered to borrow barrels for carrying the water on board if the tank were made tight, and even offered to send a man on board to perform this work; that while the captain of the schooner and he were in conversation, one of the crew brought the information that the cook had succeeded in caulking the tank. That thereupon the Sub-Collector borrowed the seven barrels, with which the crew supplied water for their vessel, that the barrels were returned to the Collector, and the captain appeared well pleased with what had been done. The good-will of the Sub-Collector is also shown in his giving the men a letter to his superior officer, in explanation of the circumstances, and recommending that the purchase of barrels be allowed, a step which was rendered unnecessary by the arrangements later made.

The Sub-Collector, in answer to his inquiry as to what had become of the water-barrels in use on board the vessel, was informed that they had been filled with mackerel. This answer goes to prove that Mr. Murray was acting strictly within the scope of his duty in ascertaining that the barrels sought to be purchased were not to be used for an illicit purpose.

The Colonial Secretary's despatch of the 16th December, 1886, refers to the same schooner, the "Mollie Adams" and her alleged treatment at Malpeque, Prince Edward Island, and Port Medway, Nova Scotia.

In this case Mr. Bayard's representations are based solely upon a letter written to him by the captain of the vessel, under date the 12th November, which is unsupported by any other evidence, and upon the strength of which Mr. Bayard proceeds to charge the Canadian authorities with "churlish and inhospitable treatment," and with exhibiting a coldness and rudeness of conduct at variance with the hospitable feelings of common humanity.

The Minister of Marine and Fisheries submits, as a complete reply to the allegations contained in Captain Jacobs' letter—(1) The statement of the Collector of Customs at Malpeque, Prince Edward Island; (2) the statement of Captain McLaren, of the Canadian cruiser "Critic;" and (3) the Report of the Collector of Customs at Port Medway.

The two former officers, although giving their Reports without concert, agree upon the main points at issue, and the statements of all three are clear, straightforward, and reasonable, and in marked contrast to the sensational and improbable story related by Captain Jacobs.

Captain Jacobs declares that on or about the 26th September last, during very heavy weather, he fell in with the barque "Neskilita," which had run on a bar at Malpeque Harbour, and become a total wreck. That he took off the crew, seventeen in number, at 12 o'clock at night, carried them to his own vessel, fed them for three days, and then gave them 60 dollars with which to pay their fare home, and provisions to last them on their way. He states that the Captain of the Canadian cruiser "Critic" came on board, was told the circumstances, but offered no assistance, and that no one on shore would take the wrecked men unless he became responsible for the payment of their board.

The Collector at Malpeque in his Report says that early on the morning after the wreck, so soon as the news reached him, he repaired to the harbour to see what assistance could be given; that he then met the captain of the "Neskilita" in company with Captain Jacobs, and was told by the latter that the crew of the wrecked vessel were comfortably cared for on his vessel, and that nothing more could be done.

Captain McLaren, of the "Critic," says that he at once visited the "Mollie Adams," and was told by Captain Jacobs that "he had made all arrangements for the crew."

The Collector and Captain McLaren agree in stating, from information gathered by them, that the crew of the wrecked vessel came to shore in their own boat unassisted, and after boarding a Nova Scotia vessel, were invited by Captain Jacobs, with whom the captain of the "Neskilita" had beforetime sailed out of Gloucester, to go on board the "Mollie Adams."

The Collector was asked by the captain of the "Neskilita" if he could assist himself and crew to their homes, and answered that he could not unless assured that they were themselves without means for that purpose, in which case he would have to telegraph to Ottawa for instructions. The captain of the "Neskilita" made no further application.

The Minister observes that it is the practice of the Dominion Government to assist shipwrecked and destitute sailors, in certain cases of great hardship, to their destination or homes, but in all cases it must be clear that they are destitute, and the application for assistance must be made to Ottawa through the Collector of Customs. Had such an application been made by the captain of the "Neskilita" it would have received due consideration.

In answer to the charge that board could not be obtained for the wrecked crew, it is stated by Captain McLaren that the crew of a United States' vessel wrecked about the same time found no difficulty in getting board, and that the captain of the "Neskilita" had himself arranged to board with the Collector, who expressed surprise at his failing to come.

Captain Jacobs complains that he was not allowed to land from his vessel the material saved from the wreck. To this charge the Collector replies that he received no intimation of any wrecked material, except the crew's luggage, being on board the "Mollie Adams," and Captain Jacobs made no request to him regarding the landing of wrecked material, and that he (the Collector) gave all assistance in his power to the captain of the "Neskilita" in saving material from the wreck.

It was subsequently discovered that Captain Jacobs had on board the "Mollie Adams" a seine from the wrecked vessel belonging to the underwriters, for taking care of, which, when obliged to give it up, Captain Jacobs claimed, and was paid, the sum of 10 dollars.

Captain Jacobs states that he was put to a loss of ten days' fishing by his detention with the "Neskilita." The Reports of both the Collector and Captain McLaren agree in giving a very different and sufficient reason, viz., very bad weather, and consequent inability to fish, a disability experienced by the whole fishing fleet at that time anchored in Malpeque.

The second complaint of Mr. Bayard is that when Captain Jacobs, experiencing a dearth of provisions as a consequence of his charitable action, shortly after put into Port Medway and asked to purchase half-a-barrel of flour and enough provisions to take him home, the Collector, "with full knowledge of all the circumstances," refused the request, and threatened him with seizure if he bought anything whatever.

The Collector's Report, hereto annexed, shows that Captain Jacobs entered his port on the 25th October, fully one month after the occurrence at Malpeque; that in entering he made affirmation that he called for shelter and repairs, and for no "other purpose whatever;" that, just before leaving, he asked permission to purchase half-a-barrel of flour, and, when asked by the Collector if he was without provisions, he replied that he was not, adding that he had "a good supply of all kinds of provisions except flour, and enough of that to last him home unless he met some unusual delay."

Under these circumstances, the Collector did not give the permission asked, but he made no threat of seizure of vessel or imposition of a penalty.

Mr. Bayard supports the complaint of Captain Jacobs that he was charged fees for entering his vessel at Canadian Customs, and that these fees varied at different ports; being, for instance, 15 cents at Souris, Prince Edward Island, 50 cents at Port Mulgrave, and 50 cents at Port Hood, at which latter port Captain Jacobs sent his brother to enter for him, but was informed that his entry was illegal, and that he, as master, must himself enter his vessel.

He complains of being obliged to pay twice, once for his brother's entry, and once for his own.

The Minister states, with regard to this, that no Collector of Customs in Canada is authorized to charge a fee for entering or clearing a vessel, nor for any papers necessary

to do this. Sailing-masters, however, who are unused to the law, or not competent to make out their papers, are in the habit of employing persons as Customs brokers to make out their papers for them, and for this service these brokers charge a small fee. These are not Government officers, nor under Government control, and their services are voluntarily paid for by those who employ them. The small fees of which Captain Jacobs complains need not have been paid by him if he had been willing or qualified to make out his own papers. That he was not so willing or qualified, and that he employed a broker to make out his papers, is conclusively shown by the following telegram received from the Collector at Port Hood, the charges at which port Mr. Secretary Bayard so vigorously denounces:—

“ Copies of Telegrams. ”

“ Deputy Minister of Fisheries to Collector, Port Hood, N.S. ”

“ Ottawa, March 16, 1887. ”

“ Did you during last season exact from Captain Solomon Jacobs, of schooner ‘ Mollie Adams,’ any charge for reporting, or other service, at Port Hood? If so, please state amount received, and for what? ”

“ Collector, Port Hood, to Deputy Minister of Fisheries. ”

“ Port Hood, N.S., March 16, 1887. ”

“ Solomon Jacobs, of schooner ‘ Mollie Adams,’ sent one of his crew to report 13th September last; he made a report. I told him, however, that the report should be made by the master. A few hours afterwards Jacobs himself came and reported. They got Dan McLennan, who is now in Halifax, to write out the reports. I believe he charged them 25 cents each for brokerage. No other charges whatever were made.”

The Minister states that he has no doubt that the other payments at Customs ports alluded to by Mr. Bayard were made for services rendered Captain Jacobs by persons making out his entry papers, and which he does not appear to have been qualified to do himself.

With reference to Mr. Bayard’s reiteration of Captain Jacobs’ complaint that in different harbours he was obliged to pay a different scale of dues, the Minister of Marine submits that in Canada there are distinct classes of harbours. Some are under the control of a Commission appointed wholly or in part by the Government, under whose management improvements are made, and which regulates, subject to the approval of Government, the harbour dues which are to be paid by all vessels entering such ports and enjoying the advantages therein provided.

Others are natural harbours, in great part unimproved, whose limits are generally defined by Order in Council, and for which a Harbour-master is appointed by Government, to whom all vessels entering pay certain nominal Harbour-master’s fees, which are regulated by a General Act of Parliament, and which constitute a fund out of which the Harbour-master is paid a small salary for his services in maintaining order within the harbour. The port of St. John, New Brunswick, is entirely under municipal control, and has its own stated and uniform scale of charges.

Harbour dues are paid whenever a vessel enters a port which is under a Commission, and Harbour-master’s fees are paid only twice per calendar year by vessels entering ports not under a Commission. Sydney belongs to the first class, and at that port Captain Jacobs paid the legal harbour dues. Malpeque and Port Mulgrave belong to the second class, and in those Captain Jacobs paid the legal Harbour-master’s fees, which for a vessel like his, of from 100 to 200 tons, is 1 dollar 50 c. That he paid only 1 dollar in Malpeque is due to an error of the Harbour-master, who should have charged him 1 dollar 50 c., and by this error Captain Jacobs saved 50 cents, of which he should not complain. For full information as to the legal status of Canadian harbours Mr. Bayard is respectfully referred to the Canadian Statutes 36 Vict., cap. 63, 42 Vict., cap. 30, and 38 Vict., cap. 30.

The Minister of Marine and Fisheries believes that, after a thorough perusal of these, Mr. Bayard will not cite the payments made by Captain Jacobs as evidences of

the "irresponsible and different treatment to which he was subjected in the several ports he visited, the only common feature of which seems to have been a surly hostility."

The Minister submits that, from a careful consideration of all the circumstances, he cannot resist the conviction that in this whole transaction Captain Jacobs was more concerned in making up a case against the Canadian authorities than in unobtrusively performing any necessary acts of hospitality, and that his version of the matter, as sent to Mr. Bayard, is utterly unreliable.

The "Neskilita" was wrecked off a Canadian harbour; the crew, it is stated, came ashore in their own boat and unassisted; a Canadian Collector was at hand offering his services, and within easy appeal to the Government, and the Captain of a Canadian cruizer was in port, yet Captain Jacobs would appear, by his own story, to have taken complete charge of the captain, to have ignored all proffers of assistance, and to have constituted himself the sole guardian and spokesman of the wrecked crew, to have been, in short, the one sole man actuated by kindly, humane feelings among a horde of cruel and unsympathetic Canadians.

For any exercise of good-will and assistance to Canadian seamen in distress, by either foreign or native vessels, the Canadian Government cannot but feel deeply grateful, and stands ready, as has been its invariable custom, to recognize suitably and reward such services, and when Captain Jacobs performs any necessary act of charitable help towards Canadian seamen in distress without the obvious aim of manufacturing an international grievance therefrom, he will not prove an exception to Canada's generous treatment.

The Minister observes that, in a despatch to the Governor-General, dated the 27th December, 1886, and in reference to this same case, Mr. Stanhope writes: "With reference to my despatch of the 16th instant, relating to the case of the United States' fishing-vessel "Mollie Adams," and referring to the general complaints made on the part of the United States' Government of the treatment of American fishing-vessels in Canadian ports, I think it right to observe that, whilst Her Majesty's Government do not assume the correctness of any allegations without first having obtained the explanations of the Dominion Government, they rely confidently upon your Ministers taking every care that Her Majesty's Government are not placed in a position of being obliged to defend any acts of questionable justice or propriety."

The Minister, while thanking Her Majesty's Government for the assurance conveyed that it will not "assume the correctness of any allegations without having obtained the explanations of the Dominion Government," and whilst assuring Her Majesty's Government that every possible care has been, and will be, taken that no "acts of questionable justice or propriety" are committed by the officers of the Dominion Government, cannot refrain from calling attention to the loose, unreliable, and unsatisfactory nature of much of the information supplied to the United States' Government, and upon which very grave charges are made and very strong language officially used against the Canadian authorities. For instance, as stated in a previous part of this Report, the strong representations made by Mr. Bayard in the case of the "Mollie Adams" are based solely upon a letter written by Captain Jacobs, not even accompanied by an official attestation, and not supported by a tittle of corroborative evidence.

It does not appear that any attempt was made to investigate the truth of this story, unreasonable and improbable as it must have appeared, as the letter written by Captain Jacobs bears date the 12th November, while Mr. Bayard's note based thereupon is dated the 1st December. It would seem only fitting that, in so grave a matter, involving alike the good name of a friendly country and the continued subsistence of previous amicable relations, great care should have been taken to avoid the use of such strong and even hostile language, based upon the unsupported statements of an interested skipper, and one whose reputation for straightforward conduct does not appear to be above reproach, if credence is to be given to the attached description, taken from the "Boston Advertiser," of a transaction said to have occurred in his native city, and in which Captain Jacobs appears to have played no enviable part.

Numerous other instances of like flimsy and unreliable foundations for charges made against the Canadian authorities in regard to their treatment of United States' fishing-vessels cannot have failed to attract the attention of Her Majesty's Government in the despatches which, from time to time, have reached it from the United States.

The master of a United States' fishing-vessel, imperfectly understanding the

provisions of the Conventions of 1818, the requirements of the Canadian Customs Law, or the Regulations of Canadian ports, having, perhaps, an exaggerated idea of his supposed rights, or, it may be, desirous of evading all restrictions, is brought to book by officers of the law. He feels aggrieved and angry, and straightway conveys his supposed grievance to the authorities at Washington. Thereupon, without any seeming allowance for the possibility of the statement being inaccurate or the narrator unfriendly, and with apparently no attempt to investigate the truth of the statement, it is made the basis of strong and unfriendly charges against the Canadian Government. Canada has suffered from such unfounded representations, and against the course adopted by the United States in this respect the Minister enters his most earnest protest.

As an additional instance of the manner in which evidence is gathered and used to the prejudice of the Canadian case, the Minister calls attention to a communication submitted to the Senate of the United States by Mr. Edmunds, and which forms printed document No. 54 of the 49th Congress, 2nd Session. This is the Report of Mr. Spencer F. Baird, United States' Fish Commissioner, containing a list, with particulars of sixty-eight New England fishing-vessels which had, as he alleged, "been subjected to treatment which neither the Treaty of 1818 nor the principles of international law would seem to warrant."

The Minister observes that it will appear from a perusal of this Report that these sixty-eight cases were made up by Mr. Baird's officer from answers of owners, agents, or masters of fishing-vessels, in response to a Circular letter sent to all New England fishing-vessels inviting them to forward statements of any interference with their operations by the Canadian Government.

Not a single statement was investigated by the Commissioner, or any one acting for him, and not a single statement is accompanied by the affidavit of the person making it, or by corroborative evidence of any kind. In most instances, neither date, locality, nor name of Canadian officer is given, and an analysis of many of the cases affords *prima facie* evidence that they embody no real cause for complaint. Yet Mr. Baird and his officer, Mr. Earle, vouched for the correctness and entire reliability of these sixty-eight statements; they were gravely submitted to the Senate as trustworthy evidence of Canadian aggression, and became, no doubt, powerful factors in influencing Congressional legislation hostile to Canadian and British interests.

The Minister, while inviting attention to, and strongly deprecating, such action as above recited on the part of the United States, takes occasion at the same time to express his entire confidence that the rights of Canada will not thereby be in any degree prejudiced in the eyes of Her Majesty's Government.

The Committee concur in the foregoing Report of the Minister of Marine and Fisheries, and they recommend that your Excellency be moved to transmit a copy of this Minute, if approved, to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE,
Clerk, Privy Council, Canada.

Inclosure 3 in No. 32.

Mr. Murray, Jun., to Mr. Tilton.

Sir,

Port Mulgrave, N.S., November 1, 1886.

REFERRING to your letter of the 28th October, I beg to say that on Monday, the 30th August, the schooner "Mollie Adams," of Gloucester, Massachusetts, Solomon Jacobs master, passed two Customs ports in the Straits of Canso before coming to my port. In fact, he sent his boat (dory) with his brother and a Captain Campbell to me to see if I would allow him to get seven empty barrels to put water in. I asked the men what they did with their water-barrels. They told me that they filled them with mackerel, and that their tank leaked. I told the men that I had no power to allow them to purchase barrels, but I would borrow barrels to fill with water if they would caulk the tank. I also gave them a letter to take to my superior asking him to allow Captain Jacobs to purchase the barrels. They went on board, told their story, and the captain anchored his vessel and came ashore to see me. I offered to send a man on board to caulk the tank. In the meantime, one of the crew came on shore,

and said that the cook had succeeded in tightening the tank, that it held salt water. I then borrowed the seven barrels to fill the water, which they did, and I returned the barrels again, and the captain was well pleased, as he appeared so.

If this is not satisfactory, I can make oath to the foregoing.

I am, &c.

(Signed)

DAVID MURKAY, JUN.,
Sub-Collector, Customs.

Inclosure 4 in No. 32.

Mr. MacNutt to Mr. Tilton.

Sir, *Malpeque, Prince Edward Island, January 7, 1887.*

I HAVE the honour to acknowledge the receipt of your letter of the 29th December, covering statements made by Captain Jacobs, and now adjoin statement of facts as personally known by and communicated to me of wreck of the "Neskilita" on Malpeque Bar on Sunday night, the 26th September last. Information reached me early on the following morning, and I at once proceeded to the harbour to see what assistance could be given in the case, where I met Captain Thornborne, of the "Neskilita," and Captain Jacobs in company, and was informed by the latter that the crew were on board his vessel, and assured that everything that could be done for their comfort had been done. I was also given to understand that during the night the crew had abandoned their schooner and came in the harbour unassisted in their seine boat and boarded a Nova Scotia schooner lying in the harbour, and were the next morning invited by Captain Jacobs to make his vessel their home. I was also informed by Captain McLaren, Commander of the Canadian cruiser "Critic," that he also tendered his assistance, and was rather haughtily received by Captain Jacobs, with the information that the crew were aboard his vessel, and that he (Captain McLaren) did not think the case demanded him to force his assistance.

With regard to the wrecked material aboard of Captain Jacobs' vessel, I have only to say that this is the first intimation I have ever had of such material being aboard his vessel, except the crew's luggage, and that assuredly Captain Jacobs did not, so far as I can recollect, make any request of me whatever with regard to the landing of wrecked material.

With reference to the saving of material from the wrecked vessel, I would wish to say that I rendered the captain of the "Neskilita" all necessary assistance in procuring suitable men to do that work (and who were thus employed by him), and although I am aware that Captain Jacobs did accompany the captain of the "Neskilita" to the wreck, I cannot say in what capacity or under what authority he did so.

So far as the assertion that the crew received the means to take them home from Captain Jacobs is concerned, I know nothing positive, except that he (Captain Jacobs) asked me if the Canadian Government would remunerate him for his attention to the crew, and feeling that I had nothing to do with him, I merely replied that I did not know. But I may say that shortly after the wreck occurred the captain of the "Neskilita" asked me if I could render them (the crew) any assistance in getting home, and I answered that I could not unless I was assured that they themselves were without the means of doing so, and that in any case I would have to telegraph to the Department at Ottawa for instructions. Here the matter stopped, the captain making no further application.

With regard to the delay of ten days said to be occasioned (Captain Jacobs) by reason of the shipwrecked crew, I may say that during the ten or fourteen days following on the said shipwreck we had an almost continuous period of stormy weather, with the exception of a couple or so fine days, which were taken advantage of by the fishing-fleet, and one at least by Captain Jacobs himself, but by all reports received by me, resulting in little or no catches of mackerel.

These, so far as I can now recall them to memory, are the true facts in the case.

I am, &c.

(Signed)

JAMES M. MACNUTT, Sub-Collector.

Inclosure 5 in No. 32.

Mr. McLaren to Mr. Tilton.

Dear Sir,

Georgetown, Prince Edward Island, January 6, 1887.

YOURS of the 29th ultimo to hand. In reference to the first part of the statement made by Captain Jacobs, I would say that he may have been off Malpeque at the time the wreck occurred, but I do not think he took the crew off, as, so far as I could learn at the time, they came ashore in one of their own seine-boats, and went first to a Nova Scotia vessel, and afterwards on board the "Mollie Adams."

On the morning after the wreck occurred I went on board the "Mollie Adams," and was immediately told by Captain Jacobs that he had made all arrangements for the crew, and having secured a team, was going with the captain of the "Neskilita" to the Custom-house to note a protest. As I could see by the conduct of both captains that I was not wanted, I returned to my own vessel. Afterwards, in the course of a conversation with the captain of the "Neskilita," he informed me that he had sailed out of Gloucester for some time, and in the course of that time with Captain Jacobs.

As to the statement that he could not get a boarding-house for his crew, I think it is false, as the crew of one of the American vessels wrecked about the same time had no difficulty in getting the people to board them. Once while talking with Mr. MacNutt, the Collector of Customs at Malpeque, he mentioned that the captain of the "Neskilita" had engaged to board at his place, and he expressed his surprise that he was not coming. Both Captain Jacobs and the captain of the "Neskilita" were committing a fraud in trying to get off with the seine of the wrecked vessel, as it belonged to the underwriters, and I think that it was the prospect of getting Captain Jacobs to get away with the seine that prevented the captain of the "Neskilita" from asking me for assistance. However, Captain Jacobs, on finding he could not carry out his fraud, presented a claim of 10 dollars for the salvage of the seine and gear, which sum was paid him by Mr. Lemuel Poole, of Charlottetown, who was acting on behalf of the underwriters. It may be possible that Captain Jacobs stayed at Malpeque after I sailed, but, if so, it was his own fault, as the crew of the "Neskilita" had gone home before then.

It is my opinion that Captain Jacobs need not have lost one hour of time, for during the time the "Neskilita's" crew were on board his vessel, the fleet, with the exception of one or two small vessels, was anchored in Malpeque and unable to put to sea owing to the heavy sea on the bar.

After the occurrence of the wreck about the 20th September, Captain Jacobs cruized in the North Bay and on the Cape Breton coast, and not until the 24th October was he reported as passing through Canso, bound home.

As to the paying of the crew's passage home, I can say nothing, except that, if he did, he did it voluntarily, as the captain of the "Neskilita" could have sent his crew home without his assistance.

Yours, &c.

(Signed) WM. McLAREN.

Inclosure 6 in No. 32.

Mr. Letsom to the Deputy Minister of Fisheries, Ottawa.

Sir,

Custom-house, Port Medway, January 6, 1887.

IN reply to your letter of the 30th ultimo, inclosing extract of statement made by Captain S. Jacobs, of the schooner "Mollie Adams," I have to say that on the 25th October last Captain Solomon Jacobs, of schooner "Mollie Adams," reported at this office. His report is now before me, in which he swears that he called here for shelter and repairs and for no other purpose. After making his report, and when about leaving the office, Captain Jacobs asked if I would allow him to purchase a half-barrel of flour. I asked him if he was without provisions, and he replied that he was not, adding that he had a good supply of all kinds of provisions except flour, and enough of that to last him home unless he met with some unusual delay. I then told him that, under the circumstances, I could not give him permission to purchase the flour, but no threat was made about seizing his vessel or imposing any penalty whatever.

The above I am quite willing to substantiate under oath, and can produce a witness to the truth of the statement.

I am, &c.
(Signed) E. E. LETSOM, *Collector*.

Inclosure 7 in No. 32.

Extract from the "Boston United States Advertiser" of November 19, 1886.

GLOUCESTER POLITICS.—AN APPEARANCE OF BALLOT STUFFING.—GEORGE MORSE
NOMINATED FOR MAYOR.

Gloucester, November 13.

AT a citizens' mass meeting held here this evening, Lawyer Tuft, Chairman, to nominate a Mayor, a Committee, consisting of J. J. Whalen, Albert P. Babson, Captain Solomon Jacobs, J. N. Dennison, and Edwin L. Lane, was appointed to count ballots.

After much wrangling, one informal and three formal ballots were taken, when Mr. Dennison made a minority report, accusing Captain Solomon Jacobs of stuffing the ballot-box. William T. Merchant counted the ballots while being cast, making 264. But the Committee reported 312 cast, which tended to show that Jacobs had put in 48 illegally.

Much excitement prevailed, and a motion was made that he be dismissed from the Committee. The Chairman called for Jacobs to come forward and explain his action; but it was found that he had disappeared. He was in favour of David J. Robinson as candidate for Mayor, but went over to William A. Pew, jun.

Another ballot was taken, and Dr. George Morse received the nomination.

Inclosure 8 in No. 32.

49th Congress, 2nd Session.—SENATE.—Mis. Doc. No. 54.

IN THE SENATE OF THE UNITED STATES.

February 8, 1887.

[Ordered to be printed.]

MR. EDMUNDS submitted the following communication from Spencer F. Baird, United States' Commissioner of Fish and Fisheries:—

*"United States' Commission of Fish and Fisheries,
Washington, D.C., February 5, 1887.*

"Sir,

"I forward herewith, for your information, a copy of a communication from Mr. R. Edward Earle, in charge of the Division of Fisheries of this Commission, accompanied by a list of New England fishing-vessels which have been inconvenienced in their fishing operations by the Canadian authorities during the past season, these being in addition to the vessels mentioned in the revised list of vessels involved in the controversy with the Canadian authorities furnished to your Committee on the 26th January by the Secretary of State.

"The papers containing the statements were received from the owners, masters, or agents of the vessels concerned, and though not accompanied by affidavits, are believed to be correct."

"Very, &c.
(Signed) "SPENCER F. BAIRD, *Commissioner*.

"Hon. George F. Edmunds,
Chairman, Committee on Foreign Relations, United States' Senate."

Inclosure 9 in No. 32.

Mr. Earle to Mr. Baird.

*United States' Commission of Fish and Fisheries,
Washington, D.C., February 5, 1887.*

Sir,

SOME time since, at your request, I mailed Circulars to owners or agents of all New England vessels employed in the food fish fisheries. These called for full statistics of the vessels' operations during the year 1886, and, in addition, for statements of any inconveniences to which the vessels had been subjected by the recent action of the Canadian Government in denying to American fishing-vessels the right to buy bait, ice, or other supplies in its ports, or in placing unusual restrictions on the use of its harbours for shelter.

A very large percentage of the replies to these Circulars have already been received, and our examination shows that, in addition to the vessels mentioned in the revised list transmitted by the Secretary of State to the Committee on Foreign Relations of the United States' Senate on the 26th January, 1887, sixty-eight other New England fishing-vessels have been subjected to treatment which neither the Treaty of 1818 nor the principles of international law would seem to warrant.

I inclose, for your consideration, list of these vessels, together with a brief abstract of the statements of the owners or masters regarding the treatment received. The statements were not accompanied by affidavits, but are believed to be entirely reliable. The name and address of the informant are given in each instance.

Very, &c.

(Signed) R. EDWARD EARLE,
In charge, Division of Fisheries.

Inclosure 10 in No. 32.

*Partial List of Vessels involved in the Fisheries Controversy with the Canadian Authorities,
from Information furnished to the United States' Commissioner of Fish and Fisheries.*

(Supplementing a list transmitted to the Committee on Foreign Relations, United States' Senate, by the Secretary of State, 26th January, 1887.)

"ELIZA A. THOMES" (schooner), Portland, Maine, E. S. Bibs, master. Wrecked on Nova Scotia shore, unable to obtain assistance. Crew not permitted to land or to save anything until permission was received from Captain of cutter. Canadian officials placed guard over fish saved, and everything saved from wreck narrowly escaped confiscation. (From statements of C. D. Thomes, owner, Portland, Maine.)

"Christina Ellsworth" (schooner), Eastport, Maine, James Ellsworth, master. Entered Port Hastings, Cape Breton, for wood; anchored 10 o'clock, and reported at Custom-house. At 2 o'clock was boarded by Captain of cutter "Hector," and ordered to sea, being forced to leave without wood. In every harbour entered was refused privilege of buying anything. Anchored under the lee of land in no harbour, but was compelled to enter at Custom-house. In no two harbours were the fees alike. (From statements of James Ellsworth, owner and master, Eastport, Maine.)

"Mary E. Whorf" (schooner), Wellfleet, Massachusetts, Simon Berrio, master. In July 1886 lost seine off North Cape, Prince Edward Island, and not allowed to make any repairs on shore, causing a broken voyage and a long delay. Ran short of provisions, and being denied privilege of buying any on land, had to obtain from another American vessel. (From statements of Freeman A. Snow, owner, Wellfleet, Massachusetts.)

"Stowell Sherman" (schooner), Provincetown, Massachusetts, S. F. Hatch, master. Not allowed to purchase necessary supplies, and obliged to report at Custom-houses situated at distant and inconvenient places. Ordered out of harbours in stress of weather, namely, out of Cascumpec Harbour, Prince Edward Island, nineteen hours after entry, and out of Malpeque Harbour, Prince Edward Island, fifteen hours after entry, wind then blowing too hard to admit of fishing. Returned home with broken trip. (From statements of Samuel T. Hatch, owner and master, Provincetown, Massachusetts.)

"Walter L. Rich" (schooner), Wellfleet, Massachusetts, Obadiah Rich, master. Ordered out of Malpeque, Prince Edward Island, in unsuitable weather for fishing,

having been in harbour only twelve hours. Denied right to purchase provisions; forced to enter at Custom-house at Port Hawkesbury, Cape Breton, on Sunday, Collector fearing that vessel would leave before Monday, and he would thereby lose his fee. (From statements of Obadiah Rich, owner and master, Wellfleet, Massachusetts.)

"Bertha D. Nickerson" (schooner), Booth Bay, Maine, N. E. Nickerson, master. Occasioned considerable expense by being denied Canadian harbours to procure crew, and detained in spring while waiting for men to come from Nova Scotia. (From statements of Nickerson and Sons, owners, Booth Bay, Maine.)

"Newell B. Hawes" (schooner), Wellfleet, Massachusetts, Thomas C. Kennedy, master. Refused privilege of buying provisions in ports in Bay St. Lawrence, and, in consequence, obliged to leave for home with half a cargo. Made harbour at Shelburne, Nova Scotia, in face of storm, at 5 p.m., and master immediately started for Custom-house, 5 miles distant, meeting Captain of cutter "Terror" on way, to whom he explained errand. On returning, found two armed men from cutter on his vessel. At 7 o'clock next morning was ordered to sea, but refused to go in the heavy fog. At 9 o'clock the fog lifted slightly, and though the barometer was very low and a storm imminent, vessel was forced to leave. Soon met the heavy gale, which split sails, causing considerable damage. Captain of "Terror" denied claim to right of remaining in harbour twenty-four hours. (From statements of T. C. Kennedy, part owner and master, Wellfleet, Massachusetts.)

"Helen F. Tredick" (schooner), Cape Porpoise, Maine, R. J. Nunan, master. July 20, 1886, entered Port Latour, Nova Scotia, for shelter and water. Was ordered immediately to sea. (From statements of R. J. Nunan, owner and master, Cape Porpoise, Maine.)

"Nellie M. Snow" (schooner), Wellfleet, Massachusetts, A. E. Snow, master. Was not allowed to purchase provisions in any Canadian ports or to refit or land and ship fish; consequently obliged to leave for home with broken trip. Not permitted to remain in ports longer than local Canadian officials saw fit. (From statements of J. C. Young, owner, Wellfleet, Massachusetts.)

"Gertrude Summers" (schooner), Wellfleet, Massachusetts, N. S. Snow, master. Refused privilege of purchasing provisions, which resulted in injury to voyage. Found Harbour Regulations uncertain. Sometimes could remain in port twenty-four hours, again was ordered out in three hours. (From statements of N. S. Snow, owner and master, Wellfleet, Massachusetts.)

"Charles R. Washington" (schooner), Wellfleet, Massachusetts, Jesse S. Snow, master. Master informed by Collector at Ship Harbour, Cape Breton, that if he bought provisions, even if actually necessary, he would be subject to a fine of 400 dollars for each offence. Refused permission by the Collector at Souris, Prince Edward Island, to buy provisions, and was compelled to return home, 10th September, before close of fishing season. Was obliged to report at Custom-house every time he entered the harbour, even if only for shelter. Found no regularity in the amount of fees demanded, this being apparently at the option of the Collector. (From statements of Jesse S. Snow, owner and master, Wellfleet, Massachusetts.)

"John M. Ball" (schooner), Provincetown, Massachusetts, N. W. Freeman, master. Driven out of Gulf of St. Lawrence to avoid fine of 400 dollars for landing two men in the port of Malpeque, Prince Edward Island. Was denied all supplies except wood and water in same port. (From statements of N. W. Freeman, owner and master, Provincetown, Massachusetts.)

"Zephyr" (schooner), Eastport, Maine, Warren Pilk, master. Cleared from Eastport 31st May, 1886, under register for West Isles, New Brunswick, to buy herring. Collector refused to enter vessel, telling the captain that if he bought fish, which were plenty at the time, the vessel would be seized. Returned to Eastport, losing about a week, which resulted in considerable loss to owner and crew. (From statements of Guildford Mitchell, owner, Eastport, Maine.)

"Abdon Keene" (schooner), Bremen, Maine, William C. Keene, master. Was not allowed to ship or land crew at Nova Scotia ports, and owner had to pay for their transportation to Maine. (From statements of William C. Keene, owner and master, Bremen, Maine.)

"William Keene" (schooner), Portland, Maine, Daniel Kimball, master. Not allowed to ship a man or to send a man ashore except for water at Liverpool, Nova Scotia, and ordered to sea as soon as water was obtained. (From statements of Henry Trefethen, owner, Peak's Island, Maine.)

"John Nye" (schooner), Swan's Island, Maine, W. L. Joyce, master. After

paying entry fees and harbour dues, was not allowed to buy provisions at Malpeque, Prince Edward Island, and had to return home for same, making a broken trip. (From statements of W. L. Joyce, owner and master, Atlantic, Maine.)

"Asa H. Pervere" (schooner), Wellfleet, Massachusetts, A. B. Gore, master. Entered harbour for shelter, ordered out after twenty-four hours. Denied right to purchase food. (From statements of S. W. Kemp, agent, Wellfleet, Massachusetts.)

"Nathan Cleaves" (schooner), Wellfleet, Massachusetts, P. E. Hickman, master. Ran short of provisions, and not being permitted to buy, left for home with a broken voyage. Customs officers at Port Mulgrave, Nova Scotia, would allow purchase of provisions for homeward passage, but not to continue fishing. (From statements of Parker E. Hickman, owner and master, Wellfleet, Massachusetts.)

"Frank G. Rich" (schooner), Wellfleet, Massachusetts, Charles A. Gorham, master. Not permitted to buy provisions or to lay in Canadian ports over twenty-four hours. (From statements of Charles A. Gorham, owner and master, Wellfleet, Massachusetts.)

"Emma O. Curtis" (schooner), Provincetown, Massachusetts, Elisha Rich, master. Not allowed to purchase provisions, and therefore obliged to return home. (From statements of Elisha Rich, owner and master, Provincetown, Massachusetts.)

"Pleiades" (schooner), Wellfleet, Massachusetts, F. W. Snow, master. Driven from harbour within twenty-four hours after entering. Not allowed to ship or discharge men under penalty of 400 dollars. (From statements of S. W. Snow, owner and master, Wellfleet, Massachusetts.)

"Charles F. Attwood" (schooner), Wellfleet, Massachusetts, Michael Burrows, master. Captain was not permitted to refit vessel or to buy supplies, and when out of food had to return home. Found Canadians disposed to harass him and put him to many inconveniences. Not allowed to land seine on Canadian shore for purpose of repairing same. (From statements of Michael Burrows, owner and master, Wellfleet, Massachusetts.)

"Gertie May" (schooner), Portland, Maine, J. Doughty, master. Not allowed, though provided with permit to touch and trade, to purchase fresh bait in Nova Scotia, and driven from harbour. (From statements of Charles F. Gutpill, owner, Portland, Maine.)

"Margaret S. Smith" (schooner), Portland, Maine, Lincoln W. Jewett, master. Twice compelled to return home from Bay St. Lawrence with broken trip, not being able to secure provisions to continue fishing. Incurred many petty inconveniences in regard to Customs Regulations. (From statements of A. M. Smith, owner, Portland, Maine.)

"Elsie M. Smith" (schooner), Portland, Maine, Enoch Bulger, master. Came home with a half fare, not being able to get provisions to continue fishing. Lost seine in a heavy gale rather than be annoyed by Customs Regulations when seeking shelter. (From statements of A. M. Smith, Portland, Maine.)

"Fannie A. Spurling" (schooner), Portland, Maine, Caleb Parris, master. Subject to many annoyances, and obliged to return home with a half fare, not being able to procure provisions. (From statements of A. M. Smith, owner, Portland, Maine.)

"Carleton Bell" (schooner), Booth Bay, Maine, Seth W. Eldridge, master. Occasioned considerable expense by being denied right to procure crew in Canadian harbours, and detained in spring while waiting for men to come from Nova Scotia. (From statements of S. Nickerson and Sons, owners, Booth Bay, Maine.)

"Abbie M. Deering" (schooner), Portland, Maine, Emery Gott, master. Not being able to procure provisions, obliged to return home with a third of a fare of mackerel. (From statements of A. M. Smith, owner, Portland, Maine.)

"Cora Louisa" (schooner), Booth Bay, Maine, Obed Harris, master. Could get no provisions in Canadian ports, and had to return home before getting a full fare of fish. (From statements of S. Nickerson and Sons, Booth Bay, Maine.)

"Eben Dale" (schooner), North Haven, Maine, R. G. Babbidge, master. Not permitted to buy bait, ice, or to trade in any way. Driven out of harbours, and unreasonable restrictions whenever near the land. (From statements of R. G. Babbidge, owner and master, Pulpit Harbour, Maine.)

"Charles Haskell" (schooner), North Haven, Maine, Daniel Thurston, master. Obligated to leave Gulf of St. Lawrence at considerable loss, not being allowed to buy provisions. (From statements of C. S. Staples, owner, North Haven, Maine.)

"Willie Parkman" (schooner), North Haven, Maine, William H. Banks, master. Unable to get supplies while in Gulf of St. Lawrence, which necessitated returning home at great loss with a broken voyage. (From statements of William H. Banks, owner and master, North Haven, Maine.)

"D. D. Geyer" (schooner), Portland, Maine, John K. Craig, master. Being refused privilege of touching at a Nova Scotia port, to take on resident crew already engaged, owner was obliged to provide passage for men to Portland at considerable cost, causing great loss of time. (From statements of J. H. Jordan, owner, Portland, Maine.)

"Good Templar" (schooner), Portland, Maine, Elias Tarlton, master. Touched at La Have, Nova Scotia, to take on crew already engaged, but was refused privilege and ordered to proceed. The men being indispensable to voyage, had them delivered on board outside of 3-mile limit, by a Nova Scotia boat. (From statements of Henry Trefethen, owner, Peak's Island, Maine.)

"Eddie Davidson" (schooner), Wellfleet, Massachusetts, John D. Snow, master. On the 12th June, 1886, touched at Cape Island, Nova Scotia, but was not permitted to take on part of crew. Boarded by Customs officer and ordered to sail within twenty-four hours. Not allowed to buy food in ports of Gulf of St. Lawrence. (From statements of John D. Snow, owner and master, Wellfleet, Massachusetts.)

"Alice P. Higgins" (schooner), Wellfleet, Massachusetts, Alvin W. Cobb, master. Driven from harbours twice in stress of weather. From statements of Alvin W. Cobb, master, Wellfleet, Massachusetts.)

"Cynosure" (schooner), Booth Bay, Maine, L. Rush, master. Was obliged to return home before securing a full cargo, not being permitted to purchase provisions in Nova Scotia. From statements of S. Nickerson and Sons, owners, Booth Bay, Maine.)

"Naiad" (schooner), Maine, Walter Kennedy, master. Presented frontier licence (heretofore acceptable) on arriving at St George, New Brunswick, but Collector would not recognize same. Was compelled to return to Eastport and clear under register before being allowed to purchase herring, thus losing one trip. (From statements of Walter Kennedy, master, Lubec, Maine.)

"Louisa A. Grout" (schooner), Provincetown, Massachusetts, Joseph Hatch, junior, master. Took permit to touch and trade. Arrived at St. Peter's, Cape Breton, in afternoon of the 19th May, 1886. Entered and cleared according to law. Was obliged to take inexperienced men, at their own prices, to complete fishing crew to get to sea before the arrival of a seizing officer, who had started from Straits of Canso at 5 o'clock same afternoon in search of vessel, having been advised, by telegraph, of shipping of men. (From statements of Joseph Hatch, junior, owner and master, Provincetown, Massachusetts.)

"Lottie E. Hopkins" (schooner), Vinal Haven, Maine, Emery J. Hopkins, master. Refused permission to buy any article of food in Canadian ports. Obtained shelter in harbours only by entering at Custom-house. (From statement of Emery J. Hopkins, owner and master, North Haven, Maine.)

"Florine F. Nickerson" (schooner), Chatham, Massachusetts, Nathaniel E. Eldridge, master. Engaged fishermen for vessel at Liverpool, Nova Scotia, but action of Canadian Government necessitated their transportation to the United States, and loss of time to vessel while awaiting their arrival, otherwise would have called for them on way to fishing-grounds. Returning, touched at Liverpool, but immediately on anchoring Canadian officials came aboard, and refused permission for men to go ashore. Captain at once signified his intention of immediately proceeding on passage, but officer prevented his departure until he had reported at Custom-house, vessel being thereby detained two days. (From statements of Kendrick and Bearse, owners, South Harwich, Massachusetts.)

"B. B. B." (sloop), Eastport, Maine, George W. Copp, master. Obligated to discontinue business of buying sardine herring in New Brunswick port for Eastport canneries, as local Customs Regulations were, during the season of 1886, made so exacting that it was impossible to comply with them without risk of the fish becoming stale and spoiled by detention. (From statements by George W. Copp, master, Eastport, Maine.)

"Sir Knight" (schooner), Southport, Maine, Mark Rand, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing-grounds. (From statements of William T. Maddocks, owner, Southport, Maine.)

"Uncle Joe" (schooner), Southport, Maine, J. W. Pierce, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing-grounds. (From statements of William T. Maddocks, owner, Southport, Maine.)

"Willie G." (schooner), Southport, Maine, Albert F. Orne, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed

to call at Nova Scotia ports for them on her way to the fishing-grounds. (From statements of William T. Maddocks, owner, Southport, Maine.)

"Lady Elgin" (schooner), Southport, Maine, George W. Pierce, master. Compelled to pay transportation for crew from Nova Scotia to Maine, the vessel not being allowed to call at Nova Scotia ports for them on her way to the fishing-grounds. (From statements of William T. Maddocks, owner, Southport, Maine.)

"John H. Kennedy" (schooner), Portland, Maine, David Dougherty, master. Called at a Nova Scotia port for bait, but left without obtaining same, fearing seizure and fine, returning home with a broken voyage. At a Newfoundland port was charged 16 dollars lighthouse dues, giving draft on owners for same, which being excessive, they refused to pay. (From statement of E. G. Willard, owner, Portland, Maine.)

"Repley Ropes" (schooner), Southport, Maine, C. E. Hare, master. Vessel ready to sail when telegram from authorities at Ottawa refused permission to touch at Canadian ports to ship men, consequently to pay for their transportation to Maine, and vessel detained while awaiting their arrival. (From statements of Freeman, Orne, and Son, owners, Southport, Maine.)

"Jennie Armstrong" (schooner), Southport, Maine, A. O. Webber, master. Vessel ready to sail when telegram from authorities at Ottawa refused permission to touch at Canadian ports to ship men, consequently obliged to pay for their transportation to Maine, and vessel detained while awaiting their arrival. (From statements of Freeman, Orne, and Son, owners, Southport, Maine.)

"Vanguard" (schooner), Southport, Maine, C. C. Dyer, master. Vessel ready to sail when telegram from authorities refused permission to touch at Canadian ports to ship men, consequently obliged to pay for their transportation to Maine, and vessel detained while awaiting their arrival. (From statements of Freeman, Orne, and Son, owners, Southport, Maine.)

"Electric Flash" (schooner), North Haven, Maine, Aaron Smith, master. Unable to obtain supplies in Canadian ports and obliged to return home before obtaining full cargo. (From statements of Aaron Smith, master and agent, North Haven, Maine.)

"Daniel Simmons" (schooner), Swan's Island, Maine, John A. Gott, master. Compelled to go without necessary outfit while fishing in Gulf of St. Lawrence. (From statements of M. Stimpson, owner, Swan's Island, Maine.)

"Gower Cleveland" (schooner), Boston, Massachusetts, George Lakeman, master. Compelled to return home with only partial fare of mackerel, being refused supplies in Canadian ports. (From statements of B. F. De Butts, owner, Boston, Massachusetts.)

"Andrew Burnham" (schooner), Boston, Massachusetts, Nathan F. Blake, master. Not allowed to buy provisions or to land and ship fish to Boston, thereby losing valuable time for fishing. (From statements of B. F. De Butts, owner, Boston, Massachusetts.)

"Harry G. French" (schooner), Gloucester, Massachusetts, John Chisholm, master. Refused permission to purchase provisions or to land cargo for shipment to the United States. (From statements of John Chisholm, master and owner, Gloucester, Massachusetts.)

"Colonel J. H. French" (schooner), Gloucester, Massachusetts, William Harns, master. Was refused permission to purchase any supplies, or to forward fish to the home port by steamer, causing much loss of time and money. (From statements of John Chisholm, owner, Gloucester, Massachusetts.)

"W. H. Wellington" (schooner), Gloucester, Massachusetts, D. S. Nickerson, master, was refused permission to purchase any supplies, or to forward fish to the home port by steamer, causing much loss of time and money. (From statements of John Chisholm, owner, Gloucester, Massachusetts.)

"Ralph Hodgdon" (schooner), Gloucester, Massachusetts, Thomas F. Hodgdon, master. Was refused permission to purchase any supplies, or to forward fish to the home port by steamer, causing much loss of time and money. (From statements of John Chisholm, owner, Gloucester, Massachusetts.)

"Hattie Evelyn" (schooner), Gloucester, Massachusetts, James A. Cromwell, master. Not allowed to buy any provisions in any provincial ports, and thereby compelled to return home during the fishing season, causing broken voyage and great loss. (From statements of James A. Cromwell, owner and master, Gloucester, Massachusetts.)

"Emma W. Brown" (schooner), Gloucester, Massachusetts, John McFarland, master. Was forbidden buying provisions at any provincial ports, and thereby lost three

weeks time and was compelled to return home with only part of cargo. (From statement of John McFarland, master, Gloucester, Massachusetts.)

"Mary H. Thomas" (schooner), Gloucester, Massachusetts, Henry B. Thomas, master. Prohibited from buying provisions, and in consequence had to return home before close of fishing season. (From statements of Henry B. Thomas, owner and master, Gloucester, Massachusetts.)

"Hattie B. West" (schooner), Gloucester, Massachusetts, C. H. Jackman, master. Prevented from buying provisions to enable vessel to continue fishing; two of crew deserted in a Canadian port, and captain went ashore to report at Custom-house and to secure return of men; was delayed by Customs officer not being at his post, and ordered to sea by first officer of cutter Howlett before having an opportunity of reporting at Custom-house or of finishing business; had to return and report on same day or be subject to fine. Prevented from shipping men at same place. At Port Hawkesbury, Nova Scotia, while on homeward passage, not allowed to take on board crew of seized American fishing schooner "Moro Castle," who desired to return home. (From statements of C. H. Jackman, master, Gloucester, Massachusetts.)

"Ethel Maud" (schooner), Gloucester, Massachusetts, George H. Martin, master. Provided with a United States' permit to touch and trade; entered Tignish, Prince Edward Island, purchased salt in barrels, was prohibited from buying anything; Collector was offered permit, but declared it to be worthless, and would not examine it; vessel obliged to return home for articles mentioned. On second trip was not permitted to get any food. (From statements of George H. Martin, owner and master, East Gloucester, Massachusetts.)

"John W. Bray" (schooner), Gloucester, Massachusetts, George McLean, master. On account of extreme prohibitory measures of the Canadian Government in refusing shelter and supplies and other conveniences, was obliged to abandon her voyage and come home without fish. (From statements of John F. Wonson and Co., owners, Gloucester, Massachusetts.)

"Henry W. Longfellow" (schooner), Gloucester, Massachusetts, W. W. King, master. Obligated to leave to Gulf of St. Lawrence with only sixty-two barrels of mackerel on account of restrictions imposed by Canadian Government in preventing captain from procuring necessary supplies to continue fishing. (From statements of John F. Wonson and Co., owners, Gloucester, Massachusetts.)

"Rushlight" (schooner), Gloucester, Massachusetts, James L. Kenney, master. Compelled to leave Gulf of St. Lawrence with only ninety barrels of mackerel because of restrictions imposed by Canadian Government in prohibiting captain from purchasing supplies needed to continue fishing. (From statements of John F. Wonson and Co., owners, Gloucester, Massachusetts.)

"Belle Franklin" (schooner), Gloucester, Massachusetts, Henry D. Kendrick, master. Obligated to leave Gulf of St. Lawrence with 156 barrels of mackerel on account of restrictions imposed by Canadian Government in denying the captain the right to procure necessary supplies to continue fishing. (From statements of John F. Wonson and Co., owners, Gloucester, Massachusetts.)

"Neponset" (schooner), Boston, Massachusetts, E. S. Frye, master. 27th August, 1886, anchored in Port Hawkesbury, Cape Breton, and immediately reported at Custom-house; being short of provisions, master asked Collector for permits to buy, but was twice refused; the master expressing his intention of seeing the United States' Consul at Port Hastings, Cape Breton, 3 miles distant, the Customs officer forbade him landing at that port to see the Consul; he did so, however, saw the Consul, but could get no aid, the Consul stating that if provisions were furnished the vessel would be seized; master being sick, and wishing to return home by rail, at the suggestion of the Consul he landed secretly and travelled through the woods to the station, 3 miles distant. (From statements of E. S. Frye, owner and master, Boston, Massachusetts.)

No. 33.

Colonial Office to Foreign Office.—(Received April 20.)

Sir, *Downing Street, April 19, 1887.*
I AM directed by Secretary Sir Henry Holland to transmit to you, to be laid before the Marquis of Salisbury, copies of a telegram and of a despatch received from
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the Governor-General of Canada specifying certain papers which the Government of Canada is desirous of presenting to the Dominion Parliament.

Sir Henry Holland proposes, with Lord Salisbury's concurrence, to inform the Governor-General by telegram that Her Majesty's Government have no objection to the publication of the papers in question.

I am to add that the Governor-General's despatch, marked Confidential, of the 2nd April is forwarded to the Foreign Office with another letter of this day's date.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 33.

The Marquis of Lansdowne to Sir H. Holland.

(Confidential.)

Sir,

Government House, Ottawa, March 29, 1887.

IN reference to my despatches, Confidential, of the 7th December, and Secret, of the 5th February, as to the selection of papers relating to the Fishery question for presentation to the Canadian Parliament, I have the honour to inclose herewith a Schedule of a further series which it would, in my opinion, be desirable to lay upon the table of the House as soon as possible after the date of its meeting on the 13th April.

2. You will observe that I have excluded from this list the whole of the papers relating to Mr. Bayard's proposal for an *ad interim* arrangement of the Fisheries question, and to the counter-proposal of my Government for the appointment of a Mixed Commission similar to that of which the appointment was contemplated in 1866. As these papers relate to a negotiation which is still in progress, it would probably be undesirable that they should now be presented.

3. Should it, however, be thought advisable to make public any part of the correspondence relating to this point, I would suggest that the earlier portion of it might be presented, without, however, including any of the papers having reference to this phase of the subject later than my Secret despatch of the 1st February, 1887, in which is contained a copy of the Order in Council stating the views of my Government upon the proposed arrangement. I inclose a supplementary Schedule containing an enumeration of those papers which might in this event be presented.

4. As the Dominion Parliament meets at an early date, and as pressure will undoubtedly be put upon my Government for the production of this correspondence, I shall be glad to be favoured with your instructions upon the above point by telegram.

5. I propose, in addition to the papers specially referred to above, to present the greater part of the numbered despatches having reference to the Fishery question which have been sent or received by me between the 26th November (the date of the last paper referred to in the Schedule sent to your predecessor in December last) and the present time.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 33.

SUPPLEMENTARY Schedule of Secret and Confidential Despatches referred to in Lord Lansdowne's Confidential Despatch of March 29, 1887.

No.	From—	Date, &c.
1	Sir L. West to Lord Lansdowne	Cypher. December 22, 1886.
2	Sir L. West to Lord Lansdowne	December 22, 1886.
3	Lord Lansdowne to Sir L. West	December 28, 1886.
4	Lord Lansdowne to Mr. Stanhope	Confidential. December 28, 1886.
5	Secretary of State to Lord Lansdowne	Secret. December 30, 1886.
6	Lord Lansdowne to Secretary of State	Cypher. January 7, 1887.
7	Lord Lansdowne to Secretary of State	Secret. February 1, 1887. Order in Council. February 1, 1887.

FURTHER Schedule of Secret and Confidential Despatches which it is proposed to present to Parliament at its ensuing Session.

No.	From—	Date, &c.
1	Mr Stanhope to the Administrator	Cypher. November 2, 1886.
2	Lord Lansdowne to Mr. Stanhope	Confidential C. November 9, 1886.

Inclosure 3 in No. 33.

The Marquis of Lansdowne to Sir H. Holland.

(Telegraphic.)

April 12, 1887.

REFERRING to my Confidential despatch of the 29th March, I propose to include in papers laid before Parliament my Confidential despatch of the 2nd April as to Adams. Please answer without delay as to and other papers.

No. 34.

Foreign Office to Colonial Office.

Sir, *Foreign Office, April 20, 1887.*

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 6th instant, inclosing a copy of a despatch from the Governor-General of Canada on the subject of the fisheries police.

In reply to Sir Henry Holland's inquiry, I am to state that his Lordship is unable to suggest any definite modifications of the instructions to the police which would be likely to diminish friction in carrying them out. Any such modifications, if required, could only, in Lord Salisbury's opinion, be made after full consultation with those possessing accurate local knowledge and practical acquaintance with the police duties in question, and his Lordship therefore concurs in the reply which Sir H. Holland proposes to make to Lord Lansdowne's despatch.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 35.

Colonial Office to Foreign Office.—(Received April 21.)

Sir, *Downing Street, April 20, 1887.*

WITH reference to previous correspondence, I am directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, copy of a despatch from the Governor of Newfoundland, forwarding a cutting from a newspaper reporting remarks recently made before the Merchants' Club at Boston, United States, by Mr. David A. Wells, on the Fishery question.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 35.

Governor Sir G. W. Des Vaux to Sir H. Holland.

Sir, *Government House, Newfoundland, March 21, 1887.*

I HAVE the honour to forward to you a cutting from a local paper reporting remarks recently made before the Merchants' Club at Boston, United States, by the Honourable David A. Wells, an American politician, on the Fishery questions pending between the Governments of the United States and the British North American Colonies.

2. If you should not have had your attention previously drawn to Mr. Wells' speech feel sure that you will read it with interest, as it contains an exceedingly forcible explanation of the weakness of the American case, which has all the more weight as coming from an American citizen.

I have, &c.
(Signed) G. WILLIAM DES VŒUX.

Inclosure 2 in No. 35.

Extract from the "Standard and Conception Bay Advertiser" of March 12, 1887.

THE FISHERY DISPUTE. OPINION OF ONE WHO PAID NEWFOUNDLAND A VISIT.—Late last month there was delivered, by the Honourable David A. Wells, before the Merchants' Club of Boston, a very manly address in regard to the fishery dispute between the Canadian Dominion and the United States. He showed, among other things, that the only grievances from which the American fishermen suffer are the results of American restrictions, not Canadian. Honourable Mr. Wells it seems had made a journey down to this country to especially acquaint himself thoroughly with all the facts surrounding the vexed question. During the course of his speech, the subject of which was the commercial topics of the day, he remarked, in regard to "the relation of the fishery difficulty to the trade and business interests of Boston and New England," as follows, viz. :—

"Judging from the tone of the press and the utterances in Washington, there would soon be but one side to this question. The Dominion authorities and fishermen are 'brutal,' 'unreasonable,' 'grasping.' The Americans are 'generous,' 'long-suffering,' asking for simple right and justice, and willing at all times to concede to right and justice. But, gentlemen, there are two sides to every question, and there are two sides to this, although I am afraid it is somewhat venturesome to stand up in Boston and say it. But I have studied up this question somewhat, and I have even made a journey down to Newfoundland to see what I could further learn about it by personal intercourse and observation. And this is the way I look at the troublesome business :—

"The people of Newfoundland are, as a whole, poor. Its climate, it may almost be said, is practically eight months winter, and four months spring and summer; its agriculture is limited to potatoes, oats, hay, &c. But the sea to these hardy islanders is their farm, and Nature, as if in compensation for denying them almost every other bounty and blessing, would seem to have desired to especially favour them in respect to almost the only one industry, that of fishing, that is open to them. Here live the fish that constitute a desirable and cheap food for the people of other countries. Here naturally come the caplin, the herring, and the squid, which constitute the best bait that is essential for successful deep-sea fishing. Here are the only harbours and inlets for shelter and repair, and for renewing supplies of ice and fuel.

"What more natural than that, thus restricted to one industry as a means of earning their living, they should jealousy regard their sole natural privileges, and desire to make the most of them? And why should they not? Have not the great people to the south of them taught them this policy for years by precept and example? Is not the whole present fiscal and commercial policy of the United States based on the principle that what we have got we mean to keep exclusively, and what other people have got we mean to get it if we can? And, to-day, I do not believe, that any person can look at this question fairly but must see that if the Massachusetts fishermen succeed in enforcing acquiescence in their demands, and are allowed to enter freely into the bays and inlets of Newfoundland to buy or catch bait, land fish, and, what is more important, but is in a great measure kept out of sight, ships' crews from the provincials, they will, for all intents and purposes, enjoy all the rights which the poor Newfoundland fishermen believe to belong to them exclusively in virtue of territorial ownership and geographical location, and concede nothing in return. And under such circumstances what could be expected than that a manly people, who think their rights are invaded, should resent the intrusion, and, perhaps, overstep in so doing the strict provisions of comity and international law, and sometimes be 'brutal,' as Secretary Manning says they have been?"

After referring to the payment of the fishery award of 5,500,000 dollars, to which Mr. Wells attributed a good deal of the soreness felt on the part of the United States; and after making the assertion that "the fault was in a great degree our own, and

especially that of New England, in consenting that there should go on to the Commission, as one of our special Representatives, a man whose habits of health incapacitated him in a great degree from attending to his business (this, it is said, made such an impression upon M. Delfosse, the Belgian Minister, who held the balance of power on the Treaty Commission, that he thought the United States virtually cared little about the decision, but was not a little amazed and depressed at the outbreak of American dissent and disgust that followed);" after, we say, alluding to this evidently unpleasant circumstance, the speaker went on to remark:—

"Again, at the outset of this difficulty, a good deal was said about the outrageous assumption of the British and Dominion authorities that the 3-mile line of marine jurisdiction and fishing limitation, which the law of nations concedes to every country, should be so interpreted as to exclude American fishermen from the great inland bays of the provinces, the entrance to which, from headland to headland, was not in excess of 3 miles, but which afterward widened out to a great extent. But there has not been much said about this of late; and the reason is that when the subject came to be examined it was found that the assumptions of the United States were so extensive that those of Great Britain were nowhere in comparison."

"Note also," frankly acknowledged the speaker, "note how ungenerous and unworthy of a great people like this has been the policy of the United States towards the people of the British provinces since and under the Treaty of 1871.

"By that Treaty it was solemnly agreed that 'fish of all kinds, the products of the fisheries of the Dominion of Canada, shall be admitted into the United States free of duty, fish caught in inland waters and fish packed in oil excepted.' But in 1875 Congress, under an influence exerted in behalf of the canned salmon interest, imposed a duty of $1\frac{1}{2}$ per cent. on each quart of contents of 'cans or packages made of tin or other material containing fish of any kind admitted free of duty under any existing Law or Treaty.' The effect of this was to nullify, by a small and mean device, an essential part of the stipulated provisions of the Treaty; and all remonstrances on the part of the Dominion Government against such enactment availed nothing. Had a similar act, adverse to the interests of the United States, been perpetrated by any foreign State, words could hardly be found to express the extent of American indignation for an intentional violation of solemn public engagements, and the Government at Washington would have been quick to demand reparation.

"Again, under the provisions of the Treaty of 1871, all sea fish, the product of the Dominion fisheries, fresh, dry, or preserved in any way, except in oil, were to be admitted into the United States free of duty. The regular Tariff of the United States at the same time had a provision that all fresh fish intended for immediate consumption, 'wherever caught,' should also be admitted to free entry. But our Treasury Department promptly ruled that fresh fish imported from Canada, packed in ice, simply in order that they might be transported in better condition and to inland markets, were not for immediate consumption; and thus another provision of the Treaty favourable to the Canadians was nullified. But, very curiously, and undoubtedly by chance, now that the Treaty has expired, the Treasury reverses its ruling about the importation of frozen fish, and thus impliedly admits that the former decision encroaching on the Treaty was wrong."

All this, it will be admitted, is very candid, very honest speaking on the part of a citizen of the Great Republic. Not less free and frank are the admissions which Mr. Wells makes in respect to that which we in this Colony have always regarded as a piece of sharp practice unworthy a nation of the size and importance of the United States of America. That was with respect to the admission to American markets of our seal oil. Says the candid speaker:—

"Some time afterward the seal fishery became an important occupation for the fishermen of Newfoundland, and they naturally supposed, under the wording of the Treaty, that the products of the Dominion fisheries should be admitted free of duty, that they could send seal oil into Boston and New York without Customs restrictions. But here again our Government did not lose an opportunity to act ungenerously, for they promptly decided that the seal was not a fish, and, therefore, that seal oil should pay 20 per cent. duty."

The next admission made by the frank speaker was the failure of the American Government to carry out the stipulations granted to Britain by Article XXVII of the Treaty of 1871—the stipulations, viz., that the Government of Canada would secure to the citizens of the United States the use of the canals in the Dominion on terms of equality with the inhabitants of the Dominion; and the United States in turn would engage to secure to the subjects of Great Britain the use of the lakes and rivers contiguous to the

boundary-line between the possessions of the two Contracting Parties on terms of equality with the inhabitants of the United States. At the same time also the free navigation of the St. Lawrence was guaranteed to the United States.

In regard to this Mr. Wells was free to confess that:—

“Immediately after the ratification of the Treaty the British and Colonial Governments made haste to carry out the stipulations on their part in these respects: the St. Lawrence was made free, and the privileges of the Canadian canals were granted to American vessels on the payment of tolls that barely covered the cost of wages and repairs. But the United States never did anything to facilitate the transit of Canadian commerce through the States, but they have omitted no opportunity to harass and obstruct it!”

After giving utterance to the foregoing candid sentiments the Honourable Mr. Wells observed that he was not there to assert that American fishermen have no grievances. He knew they had. He considered it “a very great grievance that they should be taxed on every instrumentality they use in prosecuting their hardy and dangerous employment; that they should be compelled to pay more for their boats, their sails and canvas, their cables, lines, and rigging, their anchors and their leads than their Canadian competitors.” What he did assert is “that there are two sides to this question; and that, by resorting to threats and wrong, a greatly superior force to compel acquiescence of the other party to make concessions, is not a method of settlement worthy of the times in which we live, or of the enlightened Christian people we claim to be. And does not a refusal or unwillingness to submit this difficulty to the arbitration of fair-minded men, on its face argue that we are either not so smart as other people, or that our claims are not defensible?”

No. 36.

Foreign Office to Colonial Office.

Sir,

Foreign Office, April 21, 1887.

IN reply to your letter of the 19th instant, I am directed by the Marquis of Salisbury to express to you his Lordship's concurrence in the publication of the papers alluded to by the Canadian Government relating to the North American Fisheries question.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 37.

Foreign Office to London Peace Society.

Sir,

Foreign Office, April 22, 1887.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of an Address issued by the London Peace Society recommending a reference of the North American Fisheries question to arbitration.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 38.

Sir L. West to the Marquis of Salisbury.—(Received April 23.)

(No. 53. Treaty.)

My Lord,

Washington, April 9, 1887.

I HAVE the honour to inclose to your Lordship herewith copies of a letter addressed by the President to the American Fisheries Union on the question of putting in force the Retaliatory Act. Your Lordship will perceive that it is only against Canadian fish that the Union seeks the exercise of the powers conferred on the

President by the Act of Congress, and the article from a Washington paper which I annex is a severe comment on what is called the "Gloucester Combine."

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

Inclosure 1 in No. 38.

Extract from the "Washington Republican" of April 9, 1887.

THE RETALIATION BILL.—The President having received a communication from the American Fisheries Union of Massachusetts, calling attention to the Fisheries dispute, and suggesting that the Retaliatory Act, passed by the late Congress, would, in their opinion, be sufficiently executed if the proposed retaliation was confined to the closing of United States' markets to Canadian fish products, he has made the following answer:—

"Gentlemen,

"Executive Mansion, Washington, April 7, 1887.

"I have received your letter lately addressed to me, and have given full consideration to the expression of the views and wishes therein contained, in relation to the existing differences between the Government of Great Britain and the United States, growing out of the refusal to award to our citizens engaged in fishing enterprises the privileges to which they are entitled, either under Treaty stipulations or the guarantees of international comity and neighbourly concession.

"I sincerely trust the apprehension you express of unjust and unfriendly treatment of American fishermen lawfully found in Canadian waters will not be realized. But if such apprehension should prove to be well founded, I earnestly hope that no fault of inconsiderate action of any of our citizens will in the least weaken the just position of our Government or deprive us of the universal sympathy and support to which we should be entitled.

"The action of this Administration since June 1885, when the Fishery Articles of the Treaty of 1771 were terminated under the notification which had two years before been given by our Government, has been fully disclosed by the correspondence between the Representatives and the appropriate Departments of the respective Governments, with which I am apprised by your letter you are entirely familiar. An examination of this correspondence has doubtless satisfied you that in no case have the rights or privileges of American fishermen been overlooked or neglected, but that, on the contrary, they have been sedulously insisted upon and cared for by every means within the control of the Executive branch of the Government.

"The Act of Congress approved on the 3rd March, 1887, authorizing a course of retaliation through Executive action, in the event of a continuance on the part of the British American authorities of unfriendly conduct and Treaty violations affecting American fishermen, has devolved upon the President of the United States exceedingly grave and solemn responsibilities, comprehending highly important consequences to our national character and dignity, and involving extremely valuable commercial intercourse between the British possessions in North America and the people of the United States.

"I understand the main purpose of your letter is to suggest that, in case recourse to the retaliatory measures authorized by this Act should be invited by unjust treatment of our fishermen in the future, the object of such retaliation might be fully accomplished by 'prohibiting Canadian-caught fish from entry into the ports of the United States.'

"The existing controversy is one in which two nations are the parties concerned. The retaliation contemplated by the Act of Congress is to be enforced, not to protect solely any particular interest, however meritorious or valuable, but to maintain the national honour, and thus protect all our people. In this view, the violation of American fishery rights, and unjust or unfriendly acts towards a portion of our citizens engaged in this business, is but the occasion for action, and constitutes a national affront which gives birth to, or may justify, retaliation. This measure once resorted to, its effectiveness and value may well depend upon the thoroughness and extent of its application; and in the performance of international duties, the enforcement of international rights, and the protection of our citizens, this Government and the people of the United States must act as a unit, all intent upon attaining the

best result of retaliation upon the basis of a maintenance of national honour and duty.

“A nation seeking by any means to maintain its honour, dignity, and integrity is engaged in protecting the rights of its people; and if in such efforts particular interests are injured and special advantages forfeited, these things should be patriotically borne for the public good.

“An immense volume of population, manufactures, and agricultural productions, and the marine tonnage and railways to which these have given activity, all largely the result of intercourse between the United States and British America, and the natural growth of a full half-century of good neighbourhood and friendly communication, form an aggregate of material wealth and incidental relations of most impressive magnitude. I fully appreciate these things, and am not unmindful of the great number of our people who are concerned in such vast and diversified interests.

“In the performance of the serious duty which the Congress has imposed upon me, and in the exercise upon just occasion of the power conferred under the Act referred to, I shall deem myself bound to inflict no unnecessary damage or injury upon any portion of our people; but I shall, nevertheless, be unflinchingly guided by a sense of what the self-respect and dignity of the nation demand. In the maintenance of these, and in the support of the honour of the Government beneath which every citizen may repose in safety, no sacrifice of personal or private interests shall be considered as against the general welfare.

“Yours, &c.
(Signed) “GROVER CLEVELAND.

“George Steele, Esq., President,
“American Fishery Union, and others,
“Gloucester, Massachusetts.”

Inclosure 2 in No. 36.

Extract from the “Washington Post” of April 9, 1887.

THE GLOUCESTER COMBINE.—We have frequently called attention to the impudence and complacency with which a handful of fishermen in Gloucester, Massachusetts, assume their badly-smelling village to be the centre of the universe, and especially the pivot around which all national interests and thoughts and purposes should revolve. This spirit is shown in several letters of this Gloucester “Combine” to the President, a fitting reply to one of which we print this morning.

The President does not, indeed, in so many words, inform these Yankee skippers that the word “Hub” has been applied to their chief bailiwick partly in derision, and not wholly as an acknowledgment of its omnipotence; but he does tell them that their plea that retaliation should be confined to prohibiting the importation of Canadian fish is quite too narrow a view to be adopted by a good-sized nation like ours.

If the Retaliation Law is enforced at all in the President’s option, it will not be for the purpose of putting a few more paltry dollars into the pockets of the mercenary Massachusetts mackerel hucksters and fish-hook peddlers, but distinctly for the purpose of so severely injuring some great commercial interest that Canada will be compelled to “come down.”

Then the question arises, Would not the abolition of the mackerel tariff be the cheapest and easiest mode of settlement? That would involve nothing, for we should make in cheaper food what we lost in tariff. Would it be wiser to intercept all Canadian commerce at the boundary, lose the value of 100,000,000 dollars worth of trade a year, ruin cities, destroy steam-boat lines, wreck great railroads, and inflict incalculable loss on hundreds of thousands of traders? Shall we settle the trouble without a penny’s loss to anybody by abolishing the absurd tariff on our food, or shall we plunge into an exasperating quarrel of retaliation in which both would suffer much and neither gain anything?

Let the Yankee skipper drop his plunder, and the people of the United States buy, not only free bait, but free fish.

No. 39.

Colonial Office to Foreign Office.—(Received April 23.)

Sir, *Downing Street, April 22, 1887.*
 WITH reference to the letter from this Department of the 31st ultimo, and to previous correspondence relating to the proposals made by Mr. Bayard for an *ad interim* arrangement in regard to the Fisheries question, I am directed by Secretary Sir Henry Holland to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, inclosing a copy of an approved Minute of his Privy Council, explaining the objections of the Dominion Government to the suggestion respecting the joint action of national vessels.

Some of the objections entertained by the Canadian Government might possibly be met, but Sir Henry Holland fears that on the whole the proposal is impracticable.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 39.

The Marquis of Lansdowne to Sir H. Holland.

(Confidential.)

Sir, *Government House, Ottawa, March 29, 1887.*
 WITH reference to your cypher message of the 8th instant, on the subject of the 3rd Article of the proposal submitted by Mr. Bayard for an *ad interim* arrangement in regard to the Fisheries question, I have the honour to transmit to you a copy of an approved Minute of the Privy Council of Canada, concurring in a Report of my Minister of Marine and Fisheries, from which it will be seen that, even as proposed to be amended, the Article is open to serious and grave objections on the part of the Canadian Government.

I have, &c.

(Signed) LANSDOWNE.

Inclosure 2 in No. 39.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on March 28, 1887.

THE Committee of the Privy Council have had under consideration a telegram of the 8th March from Sir Henry Holland, Secretary of State for the Colonies, to his Excellency the Governor-General, upon the subject of the 3rd Article of the proposal recently submitted by Mr. Bayard for an *ad interim* arrangement in regard to the Fisheries question.

This telegram is to the effect that Her Majesty's Government is disposed to approve of Mr. Bayard's suggestion for joint action by international cruizers, provided the last sentence of the draft Article is omitted; provided also that, in order to preserve Canadian jurisdiction, unless both officers agree to release the vessel seized, she shall be sent to Halifax for trial before the Vice-Admiralty Court; and provided, further, that the definitions of violations of the Convention in the second sentence of the Article be omitted.

The Minister of Marine and Fisheries, to whom the telegram was referred, does not consider it necessary to go over the grounds set forth in the Minute of Council approved by his Excellency on the 1st February, 1887, in which the propositions made by Mr. Secretary Bayard were discussed at considerable length, and the objections made thereto by the Dominion Government fully set forth, but will confine his observations entirely to the consideration of Article 3 of the United States' proposition as it would stand if amended in the direction indicated in Sir Henry Holland's telegram.

The Minister observes that there is no doubt that the amended proposition would be devoid of several very objectionable features which were present in the original Article, such as the narrow and forced interpretation of the principal Article of the Convention of 1818, limiting offences to fishing or preparing to fish in Canadian

waters, and the provision by which, in case of disagreement between the two naval officers, an Umpire be chosen by lot, if necessary; for which, in the amended form, would be substituted a reference to the Vice-Admiralty Court at Halifax.

Her Majesty's Government would no doubt extend this reference to the Vice-Admiralty Courts at Charlottetown, St. John, and Quebec, as these are similarly constituted, and with equal powers, to that at Halifax. It would seem necessary, as well, that the words, "and the laws in force for giving effect to the same," should be added after the words in the sentence of the amended Article, "seized for violating the provisions of the aforesaid Convention," and that it is clearly understood that seizure for breach of the Customs Laws should in no way come within the scope of the proposed Tribunal.

The Minister submits, however, that, even as proposed to be amended, the Article is open to grave and serious objections on the part of the Canadian Government, the principal of which are hereinafter briefly mentioned.

1. The Tribunal proposed to be established would be in no sense a Canadian Tribunal, consisting as it presumably would of one officer belonging to the United States, and one belonging to the British naval service. The formation of a Court in which Canada had no representative dealing with offences committed in Canadian territory and against Canadian laws, would be most objectionable to the Canadian people.

2. The Tribunal would not be composed of Judges nor necessarily of persons who had enjoyed the advantages of legal training, and it does not seem that a Court so constituted would be one fitted for deciding upon cases involving the scope of International Treaties, the decision of international rights, the interpretation of nice points of law, and the sifting of evidence, or would be one well calculated to inspire public confidence in its decisions.

3. The constitution of the Court makes it necessarily a floating Tribunal. The two vessels must be together in the adjudication of the case, and must therefore either patrol the coast in company with each other or communicate with each other when a case arises, and meet at a point agreed upon.

The difficulty of at once notifying every seizure which might be made along an extended coast-line, supplied at not very frequent intervals with points of telegraphic communication, to a Tribunal thus circumstanced and constituted, a Tribunal the very situation of which might be unknown to those desiring to resort to it, would be almost insuperable.

4. This objection appears in fuller force when it is taken into account that the coast-line to be patrolled by the one set of national vessels extends from the mouth of the St. Lawrence and Magdalen Islands to Cape Breton, a distance of some 1,500 miles, and by the other set from Cape Breton to the borders of Maine, a distance of about 750 miles. Whenever along this immense extent of coast a United States' fishing-vessel should be seized by one of the cruisers, the Captain of the cruiser would be obliged to ascertain where the cruisers might be, and communicate with the floating Court, and would then have either to convey his seizures to the, perhaps, far distant point where this Court might at the time be, or to stay by the captured vessel until the Tribunal should arrive at the point of capture.

The Minister observes that in either case a great loss of time to both cruisers and fishermen would be entailed, which in the one case would lead to vastly increased cost in the fishery protection service, and in the other case, should the offending vessel be released, would occasion claims for pecuniary compensation being preferred against the Canadian Government, as it is well known that the detention of a few days is often sufficient to break up a fishing voyage and render it unsuccessful. It might easily occur that, by design on the part of would-be trespassers, comparatively worthless craft might at the various points be exposed to seizure by the different cruisers, and for the whole time, necessarily protracted, during which these seizures were being reported, taken to the floating Tribunal and adjudicated upon, the fishing-grounds would be left without protection and an easy prey to poachers.

It appears to the Minister of Marine and Fisheries that the delay and loss of time and consequent damage to United States' fishing-vessels in cases of the latter kind would soon come to be intolerable, and would not be in the interest of the United States' fishermen whose protection it is the aim of Mr. Bayard to secure.

It is to be borne in mind as well that the protecting cruisers are necessarily, for purposes of efficiency, mostly sailing-vessels, and that the delays above alluded to would be indefinitely increased if either heavy weather, contrary winds, fogs, or dead calms should be encountered by them when seeking to report their seizures to the naval

officers. If the method adopted were for the cruisers to simply hold their prizes until the national vessels could reach their locality for purposes of adjudication, the objection on the grounds of delay and damages would be quite as great along a coast of such extent, and where seizures would be liable to be made on several parts of the coast at any time.

The Minister does not see how in the majority of cases it will be possible for the Court to decide upon points of fact upon the evidence of the officers and crews of the cruiser and captured vessel respectively; evidence as to locality and circumstances must be sought from examination of the place where the capture occurred, and of persons on shore who are cognizant of the facts upon which the seizure was based. This observation would certainly apply to all cases where vessels are seized for violation of the Fishery Laws by Collectors of Customs. These examinations would involve great loss of time, and taking into consideration the number of cases which in all probability would arise, the Minister is of the opinion that the Tribunal proposed would be found cumbersome, tedious, and altogether inadequate.

Under the present method of administering the law, each seizure with its facts is at once communicated to the Department at Ottawa by telegraph, investigations can be made in very few hours, and if the facts do not seem to warrant the holding of the vessel, she is released with the least possible detention and consequent loss.

Instances occurred last season in which the Government after such speedy examination ordered instant release, while in other cases a small deposit was demanded, on payment of which the vessel was allowed to proceed, and the fuller examination of facts took place thereafter.

The Committee, concurring in the report of the Minister of Marine and Fisheries, advise that your Excellency be moved to transmit a copy of this Minute to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE, *Clerk,*
Privy Council.

No. 40.

Foreign Office to Colonial Office.

Foreign Office, April 23, 1887.

[Transmits copy of Sir L. West's No. 51, Treaty, of April 8, 1887: *ante*, No. 30.]

No. 41.

Question asked in the House of Commons, April 25, 1887.

Mr. Gourley,—To ask the Under-Secretary of State for Foreign Affairs if any, and what, reply has been received from the Government of the United States regarding the proposals contained in Lord Salisbury's despatch of the 24th March for a settlement of the Anglo-American fisheries disputes:

Whether, seeing that Her Majesty's Government are prepared to agree to Mr. Bayard's proposal of a Mixed Commission (whilst in the meantime continuing, without any claim for pecuniary indemnity to Canada, the Treaty of Washington for the current fishery season), they will at once release those vessels which have been seized for alleged violation of the Treaty of 1818, and also indemnify the owners of ships already condemned and forfeited:

And to inquire what answer has been received from the Canadian Government regarding the conduct of the authorities on shore and afloat at Malpeque in refusing to receive the shipwrecked crew and store of the Dominion schooner "Neskilita," rescued by the American ship "Mollie Adams," and again for refusing to supply the master of the same ship, when he put into Port Medway, with either provisions or water, of which he had run short in consequence of having fed for three days seventeen men rescued from the "Neskilita."

Answer.

No reply has yet been received from the Government of the United States to Lord Salisbury's despatch of the 24th March.

The honourable Member can scarcely expect Her Majesty's Government to require the Government of Canada to release vessels seized on account of violations of the Treaty of 1818, on the assumption that their proposal will be accepted, or to undertake to indemnify owners of vessels condemned and forfeited in course of law.

A complete answer has been received from the Canadian Government to the complaints made by the United States in the case of the "Mollie Adams."

The despatch conveying it, which arrived too late to be included in the papers recently presented to Parliament, will be communicated to the Government of the United States. It disproves the allegations mentioned by the honourable Member, which he appears to have accepted on the *ex parte* statement.

No. 42.

Mr. Phelps to the Marquis of Salisbury.—(Received April 26.)

(Unofficial.)

Dear Lord Salisbury, *Legation of the United States, London, April 25, 1887.*

I BEG to inclose copy of the telegram spoken of on Saturday, and have, &c.

(Signed) E. J. PHELPS.

Inclosure in No. 42.

Mr. Bayard to Mr. Phelps.

(Telegraphic.)

April 23, 1887.

THE United States' Consul-General at Halifax reports refusal of the Canadian authorities to permit American vessels driven into that port to repair damages sustained by storm on the Grand Banks, to replace salt lost in a storm, although other repairs have been allowed. Such extreme and unfriendly construction of an express right under the Treaty of 1818 is most unfortunate at present juncture pending negotiation, and must lead to serious consequences, unless the Government of Great Britain interfere to maintain Treaty and ordinary hospitality.

No. 43.

Foreign Office to Colonial Office.

Sir,

Foreign Office, April 26, 1887.

I AM directed by the Marquis of Salisbury to state to you that the American Minister called on the 23rd instant, and read to his Lordship the telegram of which a copy is herewith inclosed,* relative to the alleged refusal of the Canadian authorities at Halifax to supply salt to American fishing-vessels driven into that port to repair damages.

His Lordship, in reply, promised that inquiries should be made, and I am to request that you will move Sir H. Holland to telegraph to the Canadian Government for an immediate report upon the statement contained in this telegram.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 44.

Foreign Office to Colonial Office.

Foreign Office, April 27, 1887.

[Transmits copy of Sir L. West's No. 53, Treaty, of April 9, 1887: *ante*, No. 38.]

* Inclosure in No. 42.

Colonial Office to Foreign Office.—(Received April 28.)

Sir, *Downing Street, April 27, 1887.*
 WITH reference to your letter of the 8th December last, I am directed by Secretary Sir H. Holland to transmit to you, for the information of the Marquis of Salisbury, copy of a despatch from the Governor-General of Canada, forwarding an approved Minute of the Privy Council on the subject of the cases of the "Jennie Seaverns" and the "Laura Sayward."

Sir H. Holland would suggest that a copy of the Privy Council Minute should be communicated to the United States' Government, and proposes, in replying to Lord Lansdowne's despatch, to express the appreciation of Her Majesty's Government of the intention of the Canadian Government to relax in future the stringency of the Regulations in such cases as that of the "Jennie Seaverns."

I am, &c
 (Signed) JOHN BRAMSTON.

Inclosure 1 in No. 45.

The Marquis of Lansdowne to Sir H. Holland.

Sir, *Government House, Ottawa, April 2, 1887.*
 WITH reference to Mr. Stanhope's despatch of the 16th December last, transmitting a copy of a letter from the Foreign Office, with its inclosures, respecting the alleged improper conduct of authorities in the Dominion in dealing with the United States' fishing-vessels "Laura Sayward" and "Jennie Seaverns," and requesting to be furnished with a Report on these cases for communication to the United States' Government, I have the honour to forward herewith a copy of an approved Minute of the Privy Council of Canada, embodying a Report of my Minister of Marine and Fisheries on the subject.

I have much pleasure in calling your attention to the penultimate paragraph of that Report, from which you will observe that it will, in the opinion of my Government, be possible, in cases like that of the "Jennie Seaverns," where a foreign fishing-vessel has entered a Canadian harbour for a lawful purpose, and in the pursuance of her Treaty rights, to exercise the necessary supervision over the conduct of her master and crew, and to guard against infractions of the Customs law and other Statutes binding upon foreign vessels while in Canadian waters without placing an armed guard on board or preventing reasonable communication with the shore.

My advisers are in regard to all such matters fully prepared to recognize that a difference should be made between the treatment of vessels *bond fide* entering a Canadian harbour for shelter or repair, or to obtain wood and water, and that of other vessels of the same class entering such harbours ostensibly for a lawful purpose, but really with the intention of breaking the law.

I have, &c.
 (Signed) LANSDOWNE.

Inclosure 2 in No. 45.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council, on the 23rd March, 1887.

THE Committee of the Privy Council have had under consideration a despatch dated the 16th December, 1886, from the Right Honourable the Secretary of State for the Colonies, transmitting a copy of a letter from the Foreign Office, covering copy of a despatch from Her Majesty's Minister at Washington, inclosing notes which he has received from Mr. Bayard, United States' Secretary of State, protesting against the conduct of the Dominion authorities in their dealings with the United States' fishing-vessels "Laura Sayward" and "Jennie Seaverns," and requesting to be furnished with a report on the subject for communication to the Government of the United States.

The Minister of Marine and Fisheries, to whom the despatch and inclosures were referred for immediate report, observes that Mr. Bayard takes exception to the "inhos-

pitiable and inhuman conduct" of the Collector of Customs at the port of Shelburne, Nova Scotia, in refusing to allow Captain Rose, of the "Laura Sayward," to buy sufficient food to last himself and crew on their homeward voyage, and complains of the action of the Collector in "unnecessarily retaining" the papers of the vessel. Mr. Bayard bases his representation upon the annexed declaration made by Captain Rose, but supported by no other testimony.

The Minister states that, immediately on the receipt of the despatch above mentioned, a copy of the charges was forwarded to the Collector at the port of Shelburne, and his statement in reply thereto is annexed.

The Minister believes that Collector Atwoods' statement is a reasonable and sufficient answer to the allegations made by the captain of the "Sayward," and leaves no ground of justification for the strong language used by Mr. Bayard in his note to Sir L. Sackville West.

The Minister further observes that, with reference to the "Jennie Seaverns," Mr. Bayard complains of the conduct of Captain Quigley, of the "Terror," in preventing the captain of the "Jennie Seaverns" from landing to visit his relations in Liverpool, Nova Scotia, and in forbidding his relatives to visit him on board his vessel, and in placing a guard upon the "Seaverns" while she was in port. These complaints are based upon the affidavit of Captain Tupper, of the "Seaverns," a copy of which is attached. The statements of Captain Quigley and his First Officer Bennett are submitted in reply, and seem to afford ample proof that no violence or injustice was done to the fishing-schooner.

The Minister is of the opinion that the captain of the "Jennie Seaverns" has nothing to complain of. He came in solely for shelter, and this was not denied him. He was requested to report at the Customs, with which request he, upon his own evidence, willingly complied.

The other precautions taken by Captain Quigley were simply to insure that, while shelter was being had, the provisions of the Convention and of the Customs law were not violated.

The Minister, however, while assured that the vessel in question suffered no deprivation of, or interference with, its rights as defined by the Convention of 1818, is of opinion that, in pursuance of the spirit of uniform kindly interpretation of the law which it has been the constant aim of the Government of Canada to exemplify in its dealings with United States' fishermen, it is possible for the officers in charge of the cruisers to efficiently guard the rights of Canadian citizens and enforce the provisions of the law without, in such cases as the above, finding it necessary to place an armed guard on board the fishing-vessel, or preventing what may be deemed reasonable communication with the shore.

The Committee, concurring in the Report of the Minister of Marine and Fisheries, recommend that your Excellency be moved to transmit a copy of this Minute to the Right Honourable the Secretary of State for the Colonies for the purpose of communication to the Government of the United States.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE, Clerk,
Privy Council, Canada.

Inclosure 3 in No. 45.

Deposition of Medeo Rose.

I, MEDEO ROSE, master of schooner "Laura Sayward," of Gloucester, being duly sworn, do depose and say: That on Saturday, the 2nd October, being then on Western Bank on a fishing trip, and being short of provisions, we hove up our anchor and started for home.

The wind was blowing almost a gale from the north-west, and being almost dead ahead we made slow progress on our voyage home. On Tuesday, the 5th October, we made Shelburne, Nova Scotia, and arrived in that harbour about 8 P.M. on that day, short of provisions, water, and oil to burn. On Wednesday, I sailed for the inner harbour of Shelburne, arriving at the town about 4 P.M. On going ashore, I found the Custom-house closed, and hunted up the Collector and entered my vessel and asked permission from him to buy 7 lbs. of sugar, 3 lbs. of coffee, and 1 bushel of potatoes, and 2 lbs. butter, or lard, or pork, and oil enough to last us home, and was refused.

I stated to him my situation, short of provisions and a voyage of 250 miles before,

and pleaded with him for this slight privilege, but it was of no avail. I then visited the American Consul and asked his assistance, and found him powerless to aid me in this matter. The Collector of Customs held my papers until the next morning, although I asked for them as soon as I found I could not buy any provisions, say about one and a-half hours after I entered, but he refused to give them to me until the next morning. Immediately on receiving my papers on Thursday morning I started for home, arriving on Sunday. I think the treatment I received harsh and cruel, driving myself and crew to sea with a scant supply of provisions, we having but a little flour and water, and liable to be buffeted for days before reaching home.

(Signed) MEDEO ROSE.

Massachusetts, Essex, S.S., October 13, 1886.

Personally appeared, Medeo Rose, and made oath to the truth of the above statement.

Before me,

(Signed) AARON PARSONS, *Notary Public.*

(Seal.)

Inclosure 4 in No. 45.

Mr. Atwood to Mr. Johnson.

Sir, *Custom House, Shelburne, January 5, 1887.*

WITH reference to the statement made by Medeo Rose, master of the schooner "Laura Sayward," I beg to say that in many particulars it is not true and is very unjust. The Custom-house was not closed, as stated. Office hours are supposed to be from 9 A.M. to 4 P.M., but masters of vessels, American fishermen particularly, are allowed to report their vessels inward and outward and obtain clearances at any hour between 6 A.M. and 11 P.M. (Sundays excepted), and the office is always open. On the 6th October last I left at 4 P.M., and went to an Agricultural Exhibition not an eighth of a-mile distance—say a three minutes' walk—and left word at the office to tell any one who called where I could be found. I had been on the grounds about 15 minutes when Captain Rose put in an appearance, and I at once came to the office and he reported his vessel, stated that he was from the bank bound home, and came in to fill water, and wanted provisions as follows, viz.:—7 lbs. of sugar, 3 lbs. of coffee, 1 bushel of potatoes, and 2 lbs. of butter; this was all. I took a Memorandum and attached to his Inward Report, and oil is not mentioned. Stated that he had plenty of flour, fish, and other provisions, sufficient for voyage home.

I gave him permission to fill water at once, but as the Treaty made no provision for purchase of supplies I would telegraph the Department at Ottawa, and no doubt it would be allowed. Captain Rose expressed his willingness to remain until a reply was received. He called at the office next morning (Thursday), at 6:30 A.M., and finding I had not received a reply, said as the wind was fair and a good breeze he would not wait longer and would take a clearance, which I gave him. I told him an answer to telegram would probably be received by 10 A.M. I did not consider it a case of actual distress by any means, as by the master's own statement he had plenty of other provisions, and all that he really and actually needed was to fill water.

The statement that I held his papers although he asked for them, &c., and that I refused to give them to him until next morning, is all false. He did not ask further until next morning, when he got his clearance. The statement that the treatment he received was harsh, and driving him to sea having little water and flour, &c., is all untrue, as what I have already stated will prove. Captain Medeo Rose was here with his vessel on the 23rd November last, and entered his vessel and obtained clearance at 8 in the evening; was here again on the 27th November, and remained five days for repairs, and nothing was said by him of the "inhuman conduct" or "harsh treatment" on the part of the Collector towards him.

The above is a plain statement of the facts, and many of the statements can be corroborated by the American Consul of this port if referred to him.

I am, &c.

(Signed) W. W. ATWOOD, *Collector.*

Inclosure 5 in No. 45.

Deposition of Joseph Tupper.

I, JOSEPH TUPPER, master of the schooner "Jennie Seaverns," of Gloucester, being duly sworn, do depose and say: That on Thursday, the 28th October, while on my passage home from a fishing trip, the wind blowing a gale from south-east and a heavy sea running, I was obliged to enter the harbour of Liverpool, Nova Scotia, for shelter. Immediately on coming to anchor was boarded by Captain Quigley, of Canadian cruizer "Terror," who ordered me to go in shore at once and report at the custom-house, to which I replied that such was my intention. He gave me permission to take two men in the boat with me, but they must remain in the boat, and must not step on shore. I asked Captain Quigley if I could, after entering, visit some of my relations who resided in Liverpool, and whom I had not seen for many years. This privilege was denied me. After entering, having returned to my vessel, some of my relatives came to see me off. When Captain Quigley saw their boat alongside of my vessel, he sent an officer and boat's crew who ordered them away, and at sundown he placed an armed guard on board our vessel, who remained on board all night, and was taken off just before we sailed in the morning.

I complied with the Canadian laws, and had no intention or desire to violate them in any way; but to be made a prisoner on board my own vessel, and treated like a suspicious character, grates harshly upon the feelings of an American seaman, and I protest against such treatment, and respectfully ask from my own Government protection from such unjust, unfriendly, and arbitrary treatment.

(Signed)

JOSEPH TUPPER.

Massachusetts, Essex, S.S., November 4, 1856.

Personally appeared Joseph Tupper, and made oath to the truth of the above statement.

Before me,

(Signed)

AARON PARSONS, *Notary Public.*

Inclosure 6 in No. 45.

Mr. Quigley to Major Tilton.

Sir,

Newcastle, January 19, 1857.

IN reference to the American schooner "Jennie Seaverns," of Gloucester, I find she arrived on Thursday, the 28th October, as stated in his complaint, at Liverpool, Nova Scotia, and after she anchored I sent Chief Officer Bennett on board, with instructions, telling him what the law was, so that he would not do anything through ignorance of it, and get his vessel in trouble. These instructions were, to report his vessel at the Customs before sailing, and to take two of his crew and boat with him when he did go for that purpose, but the rest of his crew were not to go on shore, and that after he reported no person from his vessel was to go on shore, as he got all he put in for, viz., shelter, and he reported his vessel putting in for that purpose and for no other; not for the purpose of letting his crew on shore.

The boat that was ordered from his vessel was from shore, and was not allowed alongside of these vessels, as it gave the crews a chance to get ashore with them, or to smuggle provisions alongside, so they were ordered off in all cases. See Chief Officer's statement regarding the men who rowed the Captain on shore.

I never prevented the men who went ashore with the masters of vessels from landing and going with the masters to the custom-house if they wished, nor gave instructions to prevent them.

I placed two watchmen on board this vessel, as I did in all other cases, to prevent them from breaking the law, in any respect, through the night, and they were taken off in the morning before he sailed.

It is not true that I boarded this vessel, as stated. I never spoke to him. There were two other American seiners in at the same time, and were treated in the same way, less the watchmen, which were not required in their case, as they were close to me, and I could see what was done on board them at all times from my vessel. These are the facts.

I have, &c.

(Signed)

THOMAS QUIGLEY.

Inclosure 7 in No. 45.

Deposition of Albert Bennett.

I, ALBERT BENNETT, late First Officer of Dominion cutter "Terror," Captain Quigley, remember boarding the American seiner "Jennie Seaverns," of Gloucester, United States, at the port of Liverpool, Nova Scotia, on the 28th October last past. Boarded her, ordered Captain Tupper to report to the Customs at Liverpool aforesaid, which he did, taking with him two men in his boat. Never told Captain Tupper not to allow his men to leave his boat while on shore. Further, Captain Tupper, to the best of my knowledge and belief, never intimated to me that he had friends or relatives that he wished to visit in Liverpool, Nova Scotia.

Seeing a boat alongside, I went on board and ordered them away. Captain Tupper told me he did not know the visitors, and, further, did not wish them on board his vessel.

Further, during the time the "Jennie Seaverns" was in the harbour of Liverpool, Nova Scotia, Captain Quigley never was on board her, I boarding her and carrying out his instructions to me.

(Signed) ALBERT BENNETT,
Late 1st Officer, Cutter "Terror."

Hopewell, Cape, N.B., January 14, 1887.

No. 46.

Colonial Office to Foreign Office.—(Received April 28.)

Sir, *Downing Street, April 27, 1887.*
WITH reference to the letter from this Department of even date, I am directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, forwarding copy of a Memorandum which he had communicated to Sir John MacDonal on the subject of the treatment of United States' fishing-vessels putting into Canadian harbours for shelter in circumstances similar to those in the case of the "Jennie Seaverns."

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 46:

The Marquis of Lansdowne to Sir H. Holland.

(Secret.)
Sir, *Government House, Ottawa, April 2, 1887.*
WITH reference to my despatch of this day's date, I have the honour to inclose copy of a Memorandum which I have communicated to Sir John MacDonal, upon the subject of the treatment of the "Jennie Seaverns," one of the vessels to which the above despatch has reference.

While the treatment experienced by this vessel at the hands of the Canadian officials was technically warranted by the terms of the Convention and the Statutes binding upon vessels resorting to Canadian harbours, and while there is, as pointed out by my Minister of Marine and Fisheries in his Report, no reason for supposing that the master and crew of the vessel suffered any material deprivation of their rights, it might, I think, have been possible, considering the fact that the "Jennie Seaverns" had entered the harbour of Liverpool, Nova Scotia, for a purpose admittedly lawful, to have exercised the necessary supervision over the proceedings of those on board of her in a manner less likely to offend their susceptibilities, or to give rise to such complaints as those which have been actually preferred by the master.

It is desirable to make a difference between the treatment of foreign fishing-vessels entering Canadian harbours ostensibly for a legitimate purpose, but really with the intention of breaking the law, and other vessels of the same description which have come into harbour in the exercise of their undoubted Treaty rights. In the case of the latter, while a reasonable amount of supervision on part of the Customs and other

authorities is no doubt indispensable, it is, I think, unnecessary to insist with absolute strictness upon compliance with the full technical requirements of the law.

You will observe from the penultimate paragraph of the Minute of Council inclosed in my despatch above referred to a paragraph which was added to the Report in consequence of my observations—that my advisers are ready to recognize this distinction, and it is, therefore, unlikely that in any future cases resembling that of the “Jennie Seaverns” the supervision of the local authorities will be exercised in a manner to provoke a renewal of the same complaints.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 46.

Note on the Case of “Jennie Seaverns.”

IN this case it is conceded that the vessel put into the harbour of Liverpool, Nova Scotia, for shelter. On her so doing Captain Quigley, of the “Terror,” sent an officer on board with instructions to explain the law to the captain, and to order him to report at the Customs before sailing. For this purpose, he was to take two of his crew with him, the rest of the crew being forbidden to leave the ship. The captain was further told that after he had reported no person from the vessel was to go on shore, “as he got all he put in for, viz., shelter, and he reported his vessel putting in for that purpose, and for no other, not for the purpose of letting his crew on shore.” It further appears that boats from shore were not allowed to come alongside of the “Jennie Seaverns” for fear of giving the crew a chance of landing or smuggling provisions, and were “ordered off in all cases.”

Two watchmen were placed on board the vessel to prevent breaches of the law.

It is worth consideration whether in cases where a United States’ fishing-vessel enters a Canadian port for a purpose authorized by the Convention, and where there is no dispute as to this, it is necessary to enforce the Customs law in a manner quite so aggressive as that described above.

Would it not be possible to take adequate precautions against smuggling, by keeping a watch on the proceedings of those on board the vessel without going the length of putting a guard on board of her, and forbidding all communications with the shore, except for the purpose of reporting to the Customs?

Considering the fact that so many of these American fishing-boats are manned by Canadian crews, who may be presumed to have friends or relatives in a port entered under the above circumstances, might not greater facilities be given to them for going ashore, or for seeing their friends on board, proper precautions being of course taken to prevent either the landing of dutiable goods by the vessels’ crew, or the supply to them of stores or bait in contravention of the terms of the Convention.

It is desirable that the action of the local officials should in all such cases be not only reasonable and moderate, but that it should be such as to avoid even the appearance of harshness.

(Signed) LANSDOWNE.

Privy Council Office, March 23, 1887.

No. 47.

Sir L. West to the Marquis of Salisbury.—(Received May 2.)

(No. 57. Treaty.)

My Lord,

Washington, April 22, 1887.

I HAVE the honour to inclose to your Lordship herewith an article from the “Washington Post,” headed “What Retaliation means.” This newspaper is Democratic, and supports the present Administration.

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

Inclosure in No. 47.

Extract from the "Washington Post" of April 22, 1887.

WHAT RETALIATION MEANS.—Shall the President enforce the Retaliation Law, with all that it implies?

If it damaged only Canada it might be fun, but the trouble is, it would inflict the least damage on Canada and the most on ourselves. A man might, perhaps, be considered foolish to discharge a musket at an enemy if he were perfectly sure that, instead of hitting the enemy, it would shoot his own head off,

"As gun, well aimed at duck or plover,
Bears wide and kicks the aimer over."

If the Retaliation Law is to be executed, it will no doubt be in horizontal terms, and it will cut the two nations apart from New Brunswick to Puget's Sound. It will ruin railroads, destroy great industries, paralyze frontier cities. It would impoverish thousands on both sides of the line.

Is this advisable?

The alternative is a settlement by diplomacy—by a Convention to consider the substitution of a new Treaty for the obsolete and outworn, but not yet inactive, Treaty of 1818.

The Canadians know that in our monstrous mackerel tariff of 40 per cent., we are at once robbing them and afflicting ourselves; and they believe that in rigidly construing the Treaty of 1818 they are keeping within the line of international obligations. Shall we not try a new Convention before we resort to what is virtually war?

A Convention would have the alternative of abrogating the Treaty of 1818, and then either making another, better adapted to present conditions, or else falling back on the Treaty of 1783, which defined rights and liberties in a manner satisfactory to us, and, doubtless, to both parties.

A Treaty signifies reciprocity. It means an exchange of desirable privileges. If the Treaty of 1818 really gives to Canada the right to deny bait to our fishermen, Canada is not likely to give up that right without some sort of concession on our part.

And what if the President goes on to declare horizontal retaliation, according to the provisions of the law and the howl of the land? What will it settle? It will settle some of our rich railroads, and it will settle Detroit, and Buffalo, and Ogdensburg, there is no doubt about that; but will it settle any principle? Will the quarrel vanish because we have resorted to violence? Of course not. It will be temporizing, not deciding. It will not be statesmanship, but merely two schoolboys making up faces. It is a method unworthy of a great nation, and worthy only of a bully and a ruffian.

Still worse and more foolish would it be to retaliate simply by prohibiting the importation of Canada fish. This would be taxing the whole nation for the benefit of the Gloucester ring—a method invented by Robin Hood, the distinguished English "protectionist."

No. 48.

Colonial Office to Foreign Office.—(Received May 2.)

Sir,

Downing Street, April 30, 1887.

WITH reference to your letter of the 26th instant, I am directed by Secretary Sir H. Holland to transmit to you, to be laid before the Marquis of Salisbury, copies of a telegram and a despatch which he addressed to the Governor-General of Canada, calling for a Report on the subject of the refusal of the authorities at Halifax to permit United States' fishing-vessels, driven into that port by stress of weather, to replace salt lost in the storm.

I am also to inclose a copy of the reply received from Lord Lansdowne.

I am, &c.

(Signed)

ROBERT G. W. HERBERT.

Inclosure 1 in No. 48.

Sir H. Holland to the Marquis of Lansdowne.

(Telegraphic.)

Downing Street, April 26, 1887.

UNITED STATES' Minister states that Consul at Halifax reports American fishing-boats driven to that port stress of weather refused permission replace salt lost in storm.

Send Report on statement as soon as possible.

Despatch follows by mail.

Inclosure 2 in No. 48.

Sir H. Holland to the Marquis of Lansdowne.

My Lord,

Downing Street, April 27, 1887.

I HAVE the honour to transmit to you, for communication to your Government, and for any observations that they may have to offer, a copy of a letter from the Foreign Office, inclosing copy of a telegram left with the Marquis of Salisbury by the American Minister relative to the alleged refusal of the authorities at Halifax to permit American fishing-vessels (driven into that port to repair damages) to replace salt lost in a storm.

I addressed you upon this subject in my telegram of the 26th instant.

I have, &c.

(Signed) H. T. HOLLAND.

Inclosure 3 in No. 48.

The Marquis of Lansdowne to Sir H. Holland.

(Telegraphic.)

[No date.]

REFERRING to your telegram of the 26th April, vessel referred to was given every facility for repair of damages, but was refused permission to replace 20 hogsheads of salt, which were required for curing fish, and not for safety of vessel or sustenance of crew.

No. 49.

Colonial Office to Foreign Office.—(Received May 3.)

Sir,

Downing Street, May 3, 1887.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, with reference to previous correspondence respecting the Retaliatory Bill passed by the Legislature of the United States, a copy of a despatch from the Governor-General of Canada respecting a project for a canal connecting Lakes Huron and Superior on the Canadian side.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure in No. 49.

The Marquis of Lansdowne to Sir H. Holland.

(Confidential.)

Sir,

Government House, Ottawa, April 14, 1887.

I HAVE the honour to inform you that the speech from the Throne with which the first Session of the recently-elected Parliament is about to be opened will contain an announcement that, "in order to provide against the possible interruption of the navigation of our great inland waters," the House of Commons will be asked for "an appropriation in aid of the construction of a canal to connect the waters of Lakes Huron and Superior at Sault Ste. Marie.

The canal by which these lakes are at present connected runs, as you are aware, through United States' territory, and might at any moment be closed against this country, should the President deem it his duty to issue a Proclamation giving effect to the Statute passed by Congress entitled "A Bill to protect American Vessels against unwarrantable and unlawful Discriminations in the Ports of British North America."

I have, &c.
(Signed) LANSDOWNE.

No. 50.

Colonial Office to Foreign Office.—(Received May 4.)

Sir, *Downing Street, May 4, 1887.*
WITH reference to the letter from this Department of the 24th February last, I am directed by Secretary Sir H. Holland to transmit to you, for the information of the Marquis of Salisbury, copy of a despatch from the Governor-General of Canada, inclosing an approved Minute of a Committee of the Privy Council respecting the case of the United States' schooner "Sarah H. Prior."

I am, &c.
(Signed) EDWARD WINGFIELD.

Inclosure 1 in No. 50

The Marquis of Lansdowne to Sir H. Holland.

Sir, *Government House, Ottawa, April 12, 1887.*
I CAUSED to be referred for the consideration of my Government a copy of your despatch of the 23rd February last, transmitting copy of a letter from the Foreign Office, with its inclosures, respecting the case of the "Sarah H. Prior," and requesting to be furnished with a Report upon the alleged conduct of the Captain of the Canadian Revenue cutter "Critic" on the occasion referred to; and I have now the honour to forward herewith a certified copy of an approved Report of a Committee of my Privy Council, embodying a statement of Captain McLaren, of the "Critic," with reference to the circumstance complained of.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 50.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on the 7th April, 1887.

THE Committee of the Privy Council have had under consideration a despatch, dated the 23rd February, 1887, from the Right Honourable the Secretary of State for Colonies, asking that an investigation may be made into the conduct of the Captain of the Canadian cruiser "Critic" as regards the treatment extended to Captain Thomas McLaughlan, of the United States' fishing-schooner "Sarah H. Prior," in the harbour of Malpeque, Prince Edward Island, in September last.

The Minister of Marine and Fisheries, to whom the despatch was referred, submits the following statement of Captain McLaren, of the "Critic," with reference to the circumstance complained of:—

"On or about the 14th September, 1886, Captain McLaughlan, of the 'Sarah H. Prior,' came on board the Government cruiser 'Critic,' at Malpeque, Prince Edward Island, wanting to know if he would be infringing on the laws by paying the captain of the schooner 'John Ingalls' a small sum of money for the recovery of a seine which he said he had lost a few days before, and which had been picked up by the said captain.

"I told him that I would not interfere with him if the captain of the 'Ingalls' chose to run the risk of taking the matter in his own hands, but that the proper course would be for the captain of the 'John Ingalls' to report the matter to the

Collector of Customs, who was also Receiver of Wreck, and then if he (Captain McLaughlan) could prove that the seine was his he could recover it by paying the costs. Captain McLaughlan then said that as the seine was all torn to pieces he would not bother himself about it.

"The captain of the 'John Ingalls' did not come to see me about the matter, and I heard nothing of it afterwards.

(Signed) "W. McLAREN."

The Committee respectfully advise that your Excellency be moved to forward the foregoing statement of Captain McLaren to the Right Honourable the Secretary of State for the Colonies in answer to his despatch of the 23rd February last.

(Signed) JOHN J. MCGEE,
Clerk, Privy Council, Canada.

No. 51.

Foreign Office to Colonial Office.

Foreign Office, May 5, 1887.

[Transmits copy of Sir L. West's No. 57, Treaty, of April 22, 1887: *ante*, No. 47.]

No. 52.

The Marquis of Salisbury to Sir L. West.

(No. 24. Treaty.)

Sir,

Foreign Office, May 6, 1887.

WITH reference to your despatches Nos. 82 and 99, Treaty, of the 11th September and 2nd December last, I transmit to you herewith, for communication to the United States' Government, a copy of a despatch from the Governor-General of Canada relative to the complaint of the United States' Government with regard to the fishing-vessel "Mollie Adams."*

I am, &c.
(Signed) SALISBURY.

No. 53.

Colonial Office to Foreign Office.—(Received May 7.)

Sir,

Downing Street, May 6, 1887.

I am directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, with reference to your letter of the 20th ultimo, a copy of a despatch which he has addressed to the Governor-General of Canada on the subject of the instructions to the Canadian fishery police.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure in No. 53.

Sir H. Holland to the Marquis of Lansdowne.

My Lord,

Downing Street, April 27, 1887.

I HAVE the honour to acknowledge the receipt of your despatch of the 9th March, respecting the manner in which the Canadian fishery police have acted in enforcing against American fishing-vessels the provisions of the Convention of 1818, and the Acts of Parliament passed for the purpose of giving effect to that Treaty, and stating that the Dominion Government would be glad to take into favourable consideration any modification of the instructions to the fishery police which Her Majesty's Government might wish to suggest.

In reply, I have to acquaint you that Her Majesty's Government gladly recognize

the readiness of your Ministers to consider favourably any suggestions which they might make, and they trust that great forbearance and discrimination will be exercised by the fishery police in carrying out the instructions, so as to afford no just ground of complaint to the Government of the United States.

I have, &c.
(Signed) H. T. HOLLAND.

No. 54.

The Marquis of Salisbury to Sir L. West.

(No. 25. Treaty.)

Sir, *Foreign Office, May 7, 1887.*
WITH reference to my predecessor's despatch No. 69, Treaty, of the 8th December last, I transmit to you herewith, for communication to the United States' Government, a copy of a despatch from the Governor-General of Canada,* with its inclosures, relative to the complaint of the United States' Government with regard to the cases of the United States' fishing-schooners, "Laura Sayward" and "Jennie Seaverns."

I am, &c.
(Signed) SALISBURY.

No. 55.

The Marquis of Salisbury to Sir L. West.

(No. 26. Treaty. Confidential.)

Sir, *Foreign Office, May 7, 1887.*
WITH reference to my preceding despatch No. 25, Treaty, of this day's date, I transmit to you herewith, for your confidential information, a copy of a letter from the Colonial Office,† with its inclosures, on the subject of the treatment of United States' fishing-vessels putting into Canadian harbours for shelter in circumstances similar to those in the case of the "Jennie Seaverns."

I am, &c.
(Signed) SALISBURY.

No. 56.

The Marquis of Salisbury to Sir L. West.

(No. 27. Treaty.)

Sir, *Foreign Office, May 7, 1887.*
WITH reference to my despatch No. 11, Treaty, of the 17th February last, I transmit to you herewith, for communication to the United States Government, a copy of a despatch from the Governor-General of Canada,‡ inclosing a copy of a Report of the Privy Council of Canada, respecting the case of the United States' fishing-schooner "Sarah H. Prior."

I am, &c.
(Signed) SALISBURY.

No. 57.

Mr. C. W. Hall to the Marquis of Salisbury.—(Received May 9.)

Dear Sir, *Ellendale, Dakota, , 1887.*
I TAKE the liberty of writing to you concerning the Fisheries question, being an American by birth, but having been for nearly thirty years interested in the shore fisheries of Prince Edward Island and Nova Scotia, about the only places where the opposing interests clash. It is not, in my opinion, the question of right, but the

* Inclosures in No. 45.

† No. 46.

Inclosures in No. 50.

method of its enforcement which makes trouble. I understand that on your own coasts the fishermen of France and Holland come wrongfully "within the 3-mile line," and that your coastguard vessels arrest and fine them therefor. Is this true?

If so, that is right, and no American who is honest and manly will object to Canada if she does the same thing with our fishermen if they fail to observe the laws of the Dominion. But Canadian officials have again and again confiscated and sold large and fine fishing schooners, worth from 2,000 dollars to 4,000 dollars, with all their outfit, for such petty trespass as the catching of a few fish to eat, buying a few dollars' worth of barb, and the like. Is it just that such a crushing penalty, such as you mete out to a slaver, should be inflicted on innocent owners for a slight carelessness on the part of their employees?

Nor is this all. Our vessels go hundreds, and sometimes thousands of miles along your coasts, even as far as Greenland, and are liable to need repairs, food, medicine, ice, &c. These things they cannot purchase or take on board, except at the risk of confiscation, and this policy is as distateful and more ruinous to the people of the maritime provinces as to Americans. I have seen 160 to 200 sail in one harbour of Prince Edward Island, each of which bought bait, barrels, salt, or food, or fuel, or procured or paid for repairs, &c., besides often packing, and shipping their fares to the States by English packets. Hundreds of thousands of dollars were thus expended among the provincials, who needed and still need this trade. Was it wise or just in Upper Canada, who has no interest in these fisheries, to ruin her own people and ports, in the hope of forcing a reciprocal free trade in grain and lumber?

I would further say that in thirty years I have never seen as many American vessels actively fishing within the 3-mile limit on the coast of Prince Edward Island, and our own boats seldom take fish in quantity much inside the line, and most of the time have to fish outside that limit. No vessel, as a rule, needs to fish within the jurisdiction of Canada, but it is very easy for a crew, when actively fishing, to drift within the line, and to do so without knowing it. In fact, it will occur to you, that no living man at all times can tell how far he is from shore; and I have known vessels to anchor supposing themselves to be close to shore when nearly 2 miles out, and, on the other hand, to be wrecked when they supposed they were at a safe distance out.

I think, if you will pardon the suggestion, that some arrangement for licence to fish, not exceeding 1 dollar per registered ton, and the privilege of purchasing provisions, bait, ice, &c., and procuring repairs, would be acceptable to the American Government and people. You will be told that the licence system was tried, but the first year it was 50 cents, and nearly all the vessels took them out; next year it was raised to 1 dollar, and was again paid; the third year it was 2 dollars, purposely made so to make it prohibitory, and reopen the difficulty. My authority for the last statement is Sir George Dundas, then Her Majesty's Representative as Governor of Prince Edward Island.

I heartily desire to see this matter settled, with due regard to justice, right, and the good feeling and mutual esteem which should exist between England and her children. Pardon me if I have intruded on your patience or time, and believe me, &c.

(Signed) CHARLES W. HALL.

No. 58.

Foreign Office to Mr. C. W. Hall.

Sir,

Foreign Office, May 12, 1887.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter, which reached this Department on the 9th instant, on the subject of the North American fisheries; and I am to acquaint you that his Lordship is giving due consideration to this question.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 59.

Foreign Office to Colonial Office.

Sir,

Foreign Office, May 12, 1887.

I AM directed by the Marquis of Salisbury to transmit to you a copy of a letter from Mr. C. W. Hall, containing observations on the North American Fisheries question;* and I am to suggest that, if Sir H. Holland sees no objection, it might be well to send a copy of it to the Canadian Government for any observations they may desire to offer.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 60.

Sir L. West to the Marquis of Salisbury.—(Received May 17.)

(No. 59. Treaty. Confidential.)

My Lord,

Washington, May 3, 1887.

SENATOR EDMUNDS, one of the leaders of the Republican party in the Senate, a staunch advocate of the rights of the Gloucester fishermen and an active participator in the recent retaliatory legislation, called upon me to-day and at once proceeded to discuss the Fishery question.

The Senator said that he understood that negotiations which, however, he did not think necessary, were being carried on in London, and that your Lordship had proposed to revert to the Fishery Articles of the Treaty of Washington as the best means of settling the dispute. But, he said, it could hardly be expected that the Senate who had denounced those Articles for reasons which they deemed good and sufficient, should, after what had lately occurred, consent to renew them unless they were presented under a new form of arrangement.

The commercial question involved ought, he thought, to be kept separate from the Fishery question. If Canada did not want commercial intercourse with her neighbours she had a perfect right to say so, and her ships would receive the same treatment in American ports as she chose to impose on American ships in Canadian ports. It was a question of the continuance of commercial comity between the two countries, which had more or less always existed, but the Fishery question bore a different character. It was a local and provincial one, and from all he had learnt when on the Senate Sub-Committee appointed to investigate the fishery disputes, he had come to the conclusion that the Canadian fisheries were of no value to American fishermen, and that there was no reason for their going into Canadian waters at all to follow their occupation.

Now, said the Senator, if, according to their own showing, this is the case, these men must abide by their assertions, and he would be the first to allow them to be punished for trading with Canadian ports under the pretence of fishing operations in waters which, according to their own statements, were of no use to them. Canada had made Regulations which he thought had been injudiciously enforced by the provincial authorities, but, as he had said before, if she did not wish to trade she had the right to exclude all vessels from her ports as well as fishing-vessels, which might trade under false pretences.

The irritation which had been caused was of no account, and would subside if only the two Governments kept their tempers and allowed matters to right themselves.

Senator Edmunds did not ask for information of any kind as to what was passing between the two Governments in connection with the questions at issue, nor did he attack the present Administration for the course which they had pursued in recommending the appointment of a Commission which he had so strenuously opposed in the Senate.

The language which he held was so much at variance with his utterances in the Senate that I am induced to believe that he had some object in view in coming to see me, which from his allusion to pending negotiations may have been to intimate to me the inability of any action being taken without the consent of the co-Treaty-making Power, and by his phrase "allow matters to right themselves," to indicate that the

Senate would undertake to see them righted according to their own judgment, and not in accordance with the views either of the President or the Secretary of State.

However this may be, Senator Edmunds was most cordial and conciliatory in his language to me.

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

No. 61.

Sir L. West to the Marquis of Salisbury.—(Received May 17.)

(No. 60. Treaty.)

My Lord,

Washington, May 3, 1887.

I HAVE the honour to transmit herewith the following document which I have received from the United States' Government, viz., statistics of the fisheries of the United States, Treasury Circular of the 11th April, 1887.

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

Inclosure in No. 61.

CIRCULAR.—STATISTICS OF THE FISHERIES.

(Superseding Circular 63, May 28, 1886, of which the supply is exhausted).

*Treasury Department, Office of the Secretary, Washington,
Delaware County, April 11, 1887.*

To Collectors of Customs and others:

IT is represented to this Department by the Honourable Spencer F. Baird, Commissioner of Fish and Fisheries, that, in view of the questions arising as to the shaping and negotiating of a new Fishery Treaty with Great Britain affecting colonial waters in North America, and for other reasons, it is desirable to have at hand, available for reference, full and accurate information regarding our fisheries.

A large percentage of the product of the fisheries of the United States is taken by vessels licensed for the fisheries or the coasting trade, and the owner and master in each case are thoroughly informed relative to the movements of the vessel and the quantity of fish, shell-fish, and other products obtained.

It is, therefore, directed that whenever the owner, master, or agent of any vessel of over five tons burden, engaged in the capture or transportation of any kind of fish, shell-fish, crustacea, or other products of the seas, rivers, or lakes, shall surrender his marine papers, or shall present himself at the Custom-house for the purpose of obtaining or renewing the same, or of making application for their renewal, the Collector or his deputy will question him regarding the information required by the blank appended hereto, and will fill out the blank from the details thus obtained, and certify that it is correct. The statistics should be for the exact period covered by the papers about to be surrendered.

On the first day of each month the Collector will forward by mail all such blanks filled out during the preceding month, addressed to "the Commissioner of Fish and Fisheries, Washington, D. C."

Such additional copies of this Circular as may be necessary for your use will be furnished by the Bureau of Navigation.

(Signed) C. S. FAIRCHILD, *Secretary.*

TREASURY DEPARTMENT.

STATISTICS of the Vessel Fisheries of the United States furnished by _____ ,
 Collector of Customs for the Port of _____ . Date of Record, _____ .

Name of vessel _____ Rig _____ Net tonnage _____

Present value of vessel, \$ _____ Value of apparatus and outfit, \$ _____

Hailing port _____ Fishing port _____

Papers about to be surrendered or renewed were issued _____, 188 .

And given up _____, 188 .

Name of owner or agent _____

P. O. address _____

Name of master _____

P. O. address _____

Number of persons on vessel, as follows:—

American subjects, white	..	..	..	..	..	..	..
" " coloured	..	..	..	..	..	..	..
British provincials	..	..	..	..	..	..	..
Other foreigners	..	..	..	..	..	..	..
Total	..	..	..	..	..	..	..

Name separately all fisheries engaged in during period covered by papers mentioned above _____

Where fishing, and on what grounds _____

Kinds of apparatus used _____

Date of starting on first trip under above papers _____

Date of return from last trip under same _____

Total number of trips made _____

How long idle during period covered by above papers _____

Quantity of fish or other products taken or transported during period covered by above papers, as follows:—

Pounds sold fresh—

Mackerel _____ Cod _____ Halibut _____ Herring _____

Haddock _____ White-fish _____ Lake trout _____ Menhaden (bbls.) _____

Other fish (specifying kinds and quantities) _____

Pounds dry-salted or split for salting—

Cod _____ Hake _____ Haddock _____ Pollack _____

Other fish (specifying kinds and quantities) _____

Barrels brine-salted (sea-packed)—

Mackerel _____ Sea herring _____ White-fish (½ bbls.) _____

Lake trout (½ bbls.) _____ Lake herring (½ bbls.) _____ Other fish _____

Bushels of shell-fish—

Oysters caught for market _____ Oysters caught for transplanting _____

Oysters (not caught by crew) transported only _____ Clams caught by crew _____

Clams (not caught by crew) transported only _____ Scallops _____ Other shell-fish _____

Number of lobsters—

Lobsters caught by crew _____ Lobsters (not caught by crew) transported only _____

Gallons of oil (specify kind and quantity) _____

Miscellaneous products—

Seal skins _____ Sponges _____ Other products (specify kind and quantity) _____

Total value of fish and other products taken, before deducting any expenses, \$ _____

Disposition made of fish or other products (where landed) _____

Has the vessel entered foreign waters for any purpose whatsoever during the above period? _____ If so,
 please answer fully the questions on the following page; if not, they may be neglected.

**STATISTICS of American Fishing Vessels entering Foreign waters, especially those of
Canada, Newfoundland, Iceland, or Greenland.**

Name of vessel _____ Rig _____ Net tonnage _____

Number of weeks actual fishing in foreign waters _____

Where fishing, and on what grounds _____

Kinds of apparatus used _____

Total quantity of fish or other products taken in foreign waters, as follows:—

Pounds sold fresh—

Mackerel _____ Herring _____ Cod _____ Halibut _____

White-fish _____ Lake trout _____ Other fish _____

Pounds dry-salted—

Cod _____ Hake _____ Haddock _____ Halibut _____

Other fish _____

Barrels brine-salted (sea-packed)—

Mackerel _____ Sea herring _____ White-fish ($\frac{1}{2}$ bbls.) _____

Lake trout ($\frac{1}{2}$ bbls.) _____ Lake herring ($\frac{1}{2}$ bbls.) _____ Other fish _____

Other products (state kind and quantity) _____

State fully the quantity of each kind taken within three miles of any land, and locality where taken _____

Total value of fish taken in foreign waters, \$ _____

Value of portion taken within three miles of land, \$ _____

Money paid to foreign merchants for ice, \$ _____ Bait, \$ _____ Supplies, \$ _____

Gear, \$ _____ Other expenditures and repairs _____

Number of times entering foreign ports for shelter, repairs, bait, or supplies, during period covered by last papers _____

Port of _____, _____, 188 .

I certify that the above information was obtained as prescribed by the Circular of the Treasury Department, dated the 11th April, 1887.

(Signed)

Collector of Customs.

Sir I. West to the Marquis of Salisbury.—(Received May 17.)

(No. 61. Treaty.)

My Lord,

Washington, May 6, 1887.

I HAVE the honour to inclose to your Lordship herewith an article from the New York "Times" on the fishery proposals, and to refer to my despatch No. 59, Confidential, of the 3rd instant.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 62.

Extract from the New York "Times" of May 5, 1887.

THE FISHERY PROPOSALS.—The proposal of Secretary Bayard for the settlement of the fisheries difficulty with Canada antedates the suggestion of Lord Salisbury in favour of reverting to the condition of things that existed under the Treaty of Washington. It was transmitted to the British Government in November last, and already Lord Lansdowne has given expression to the objections of the Canadian Government. There appears to have been no indication of a disposition on the part of the British Government to accept the proposals, and the presenting of a counter-proposal so widely different in its purpose seems to indicate that the two Governments are still altogether at odds on the subject.

Mr. Bayard's proposition rests upon the assumption that any arrangement to be made must be founded upon the existing Treaties and Laws, and intended to give them their just and proper effect. The suggestion that the lines and limits between the waters in which Americans have the right to fish and those in which they are excluded from that right by the Treaty of 1818 should be clearly laid down, that regulations should be adopted which shall secure to American fishermen the privilege accorded by that Treaty to enter Canadian harbours for certain purposes, and that the penalties, proceedings, and jurisdiction necessary to secure a speedy trial and judgment for any violation of the restrictions shall be agreed upon, is one to which no reasonable objection can be made. The old headlands controversy is incidentally touched in the proposition that the 3-mile limit shall not run across the entrance to bays more than 10 miles wide; but, as Mr. Bayard shows in his letter transmitting the proposals, this is in accordance with the arrangements usually made in such cases in international agreements. It is proposed that these limits, regulations, and agreements as to penalties, &c., shall be agreed upon by a Mixed Commission whose determination shall not be final until confirmed by the two Governments.

The proposition that each Government send one or more vessels to cruize near the fishing grounds, and that in case of a seizure the question of its justice be in the first instance referred to the commanding officers of those vessels, is also in accordance with precedents already established, and is calculated to prevent the wrongs and losses incident to hasty or uncalled-for action. So far the proposals of the Secretary of State are plainly in the interest of a fair and friendly enforcement of the Treaty of 1818 and in accordance with established international practice in similar cases. In the fourth Article of his proposals, however, he touches what is the essential point of the controversy; but he is able, in his letter of transmittal to Minister Phelps, to show very clearly that he claims for United States' fishing-vessels only those rights which are recognized as belonging to all other vessels. It is proposed absolutely to secure the inshore fisheries of Canada from encroachment, which was the object of the inhibitions of the Treaty of 1818. That being effected, it is claimed that American vessels engaged in the deep-sea fisheries, which are open to all nations, forfeit none of the rights to enter Canadian harbours for the simple purpose of such trade as is incidental to their business, which are accorded to other American or foreign vessels. This is claimed as a matter of clearly established principle and of international right as recognized in every other case, and what Mr. Bayard proposes is simply that it shall be formally acknowledged and agreed to by the British Government. The proposal relating to the release of vessels under seizure, the refunding of fines, and the award of damages is based on the assumption that the position taken by the United States is right, and that the proceedings of the Canadian authorities last year were wrong,

and it merely requires that indemnity shall be made for the wrong done. If the general contention of our Government is correct, the justice of this demand must be admitted.

Now it is no response to these proposals to suggest a return to the conditions existing under the Treaty of Washington. The Fishery Clauses of that Treaty were deliberately abrogated by our Government, not altogether on account of our dissatisfaction with the Halifax Award, but because the inshore fisheries were no longer regarded as of any importance to us. We have given them up and have no desire to encroach upon them. The Government is ready to become a party to an effective arrangement for their protection and only asks that the arrangement shall also include the protection of our fishermen in the legitimate prosecution of the deep-sea fisheries and in the common right of all sea-going vessels to enter the ports of Canada for purely commercial purposes under the ordinary Regulations. The case is a very plain one, and the British Government cannot reject the proposals of the State Department without violating principles which it has been largely instrumental in establishing, and which it observes in dealing with other nations. It is useless to talk about reverting to the fisheries arrangement of the Treaty of Washington, because a right to the inshore fisheries of Canada is no part of what we are seeking, and there is no reason why we should grant reciprocal privileges for what we do not want.

No. 63.

Colonial Office to Foreign Office—(Received May 18.)

Sir,

Downing Street, May 17, 1887.

WITH reference to your letter of the 26th April, and to the letter from this Department of the 30th of that month, relative to the alleged refusal of the Canadian authorities at Halifax to supply salt to American fishing-vessels driven into that port to repair damages, I am directed by Secretary Sir Henry Holland to transmit to you, to be laid before the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada respecting the case of the United States' fishing-vessel "G. W. Pearce."

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 63.

The Marquis of Lansdowne to Sir H. Holland.

Sir,

Government House, Ottawa, May 2, 1887.

I HAVE the honour to forward herewith copies of telegraphic correspondence upon the subject of the "G. W. Pearce," the United States' fishing-vessel, to which your telegram of the 26th April must have had reference.

You will observe that the master of the "G. W. Pearce" was afforded every facility for repairing the damage sustained by his vessel, but that he was refused permission to replace twenty hogsheads of salt alleged to have been lost at sea during his cruise.

This salt was required not for consumption by the crew but for curing fish, and my Government is of opinion that the purchase of salt for use in this manner, even although such salt might possibly be required to replace a supply of the same commodity lost by the vessel while at sea, is not a purpose for which United States' fishing-vessels have a right, under the terms of the Convention of 1818, to enter Canadian waters.

The intention of the framers of the Convention was, as has been more than once pointed out, to afford to United States' fishing-vessels such rights as could not be denied them without occasioning danger to the safety of the vessel and her crew. The rights specified in Article I of the Convention are all of them of a kind which fall within this description; it would, however, certainly not apply to the right of purchasing for a commercial purpose large quantities of such a commodity as salt.

The loss by a vessel of her stores of salt does not appear to differ in this respect from the loss of her fishing gear, or of the supplies necessary for the prosecution of her industry, and if the right to make good such losses were once conceded, it would

be impossible to place any restriction upon the extent to which advantage would be taken of the concession. It will, for instance, be obvious to you that in many cases the truth or untruth of the statements made by the master of a vessel, alleging that the stores he desired to purchase were required in order to replace losses sustained at sea, could not possibly be tested, and that there would be nothing to prevent such vessels from making a practice of leaving home without a sufficient supply of such stores, or transferring such stores to other vessels, in the confidence that it would be possible to make good the deficiency in a Canadian port.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 63.

Mr. Phelan to Mr. Bowell.

(Telegraphic.)

Halifax, April 19, 1887.

AMERICAN fishing-vessel while on the Banks lost rudder, spars, and twenty hogsheads of salt; is now in the port for repairs. Collector will permit all repairs but that of salt. Fishing materials, which include salt, gave this vessel the distinctive character of fishing-vessel, and place her within the purview of the Treaty, under which she is entitled to privilege of repairing damages to any and everything necessary to the proper equipment of a fishing-vessel. Will you permit her to repair damages to salt to enable her to complete her voyage?

Inclosure 3 in No. 63.

Mr. Bowell to Mr. Phelan.

(Telegraphic.)

Ottawa, April 20, 1887.

PURCHASE of salt is not one of the purposes for which United States' fishing-vessels can use our waters.

No. 64.

Colonial Office to Foreign Office.—(Received May 17.)

(Confidential.)

Sir, *Downing Street, May 17, 1887.*

I AM directed by Secretary Sir Henry Holland to acknowledge the receipt of your letter of the 13th ultimo, in which it is suggested that, in consequence of the improbability of arriving at any agreement with the United States' Government in respect to the proposal for the joint action of national cruisers during the present fishing season, it will be desirable to consider the instructions to be given to the officers of the Imperial cruisers for their guidance on the North American station.

Before considering the instructions to be given to the Imperial officers, Sir Henry Holland thought it advisable to ascertain precisely the instructions under which the Canadian officers were acting this season; and I am to inclose a copy of a telegram which was addressed, with Lord Salisbury's concurrence, to the Governor-General of Canada, on the 9th instant, together with the decypher of a telegram which was received from the Marquis of Lansdowne in reply.

I am also to inclose a copy of a despatch which has been received from the Governor-General, inclosing the supplementary instructions referred to in his telegram.

I am to request that these papers may be laid before Lord Salisbury for his consideration.

With respect to the Canadian supplementary instructions, Sir Henry Holland would propose, with his Lordship's concurrence, to express the satisfaction of Her Majesty's Government with their purport; and I am to state that a further communication will shortly be addressed to the Foreign Office in regard to the instructions to the Imperial officers.

I am, &c.
(Signed) JOHN BRAMSTON

Inclosure 1 in No. 64.

Sir H. Holland to the Marquis of Lansdowne.

(Telegraphic.)

Downing Street, May 9, 1887.

FISHERIES instructions naval officers being prepared; were delayed pending consideration joint national cruisers proposal, to which there seems now no prospect of giving effect.

Are Canadian instructions of 16th and 23rd March last year both to be acted upon this season? Reply as soon as possible, and inform me what alterations in instructions made in consequence of Act passed last year.

Inclosure 2 in No. 64.

The Marquis of Lansdowne to Sir H. Holland.

(Telegraphic.)

May 12, 1887.

YOUR telegram of the 9th.

Copy of the new supplementary instructions mailed on the 28th April. Instructions of the 16th and 23rd March still in force. Captain Scott was, however, directed last year to warn United States' vessels off Bay des Chaleurs. My Ministers hope you will issue similar instructions. They also observe no mention of the right of Canada as to headland lines. This was left in abeyance last year, in the hope that negotiations for settlement of all questions would be resumed. The Canadian Government is of opinion that this should not be continued indefinitely.

Inclosure 3 in No. 64.

The Marquis of Lansdowne to Sir H. Holland.

Sir,

Government House, Ottawa, April 27, 1887.

WITH reference to previous correspondence on the subject of the Fishery question, I have the honour to transmit to you a copy of an approved Minute of my Privy Council, to which is appended a copy of the special instructions issued for this season to the officers in command of vessels employed in the protection of the Canadian fisheries on the Atlantic coast.

I have much pleasure in calling your attention to the passages in which the Minister impresses upon such officers that in carrying out these instructions they are to be most careful not to strain the interpretation of the law in the direction of interference with the rights and privileges remaining to United States' fishermen in Canadian waters under the Convention of 1818, and that the largest liberty compatible with the full protection of Canadian interests is to be granted to United States' fishing-vessels in obtaining in Canadian waters the privileges to which they are entitled under that Convention.

You will also observe that it has been determined to authorize the Captains of cruisers in harbours to which United States' fishing-vessels are accustomed to resort for shelter only to take entry from and grant clearance to the masters of such vessels without requiring them to go on shore for that purpose.

This step has been taken in order to avoid the delay which has in some cases inevitably taken place owing to the necessity of requiring the masters of these fishing-vessels to report to the Collector at the nearest Customs port, which might be at some distance from that part of the harbour which the vessel had entered.

I have, &c.

(Signed) LANSDOWNE.

Inclosure 4 in No. 64.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on the 25th April, 1887.

THE Committee of the Privy Council, on the recommendation of the Minister of Marine and Fisheries, submit for your Excellency's approval the annexed special instructions to the officers in command of the fisheries protection vessels.

(Signed)

JOHN J. MCGEE,
Clerk, Privy Council for Canada.

Inclosure 5 in No. 64.

Special Instructions to Fishery Officers in Command of Fisheries Protection Vessels.

Sir, *Department of Fisheries, Ottawa, April 16, 1887.*

IN reference to the letters of this Department dated the 16th March, 1886, I have to intimate to you that during the present season, and until otherwise ordered, you will be guided in the performance of the duties intrusted to you by the instructions contained in that letter.

I have every reason for believing that these have been executed with efficiency and firmness, as well as with discretion and a due regard to the rights secured by Treaty to foreign fishing-vessels resorting to Canadian waters.

I desire, however, to impress upon you that in carrying out those instructions and protecting Canadian in-shore fisheries you should be most careful not to strain the interpretation of the law in the direction of interference with the rights and privileges remaining to United States' fishermen in Canadian waters under the Convention of 1818. To this end the largest liberty compatible with the full protection of Canadian interests is to be granted United States' fishing-vessels in obtaining in our waters shelter, repairs, wood, and water.

Care should be taken that, while availing themselves of these privileges, such vessels do not engage in any illegal practices, and all proper supervision necessary to accomplish this object is to be exercised, but it is not deemed necessary that in order to effect this an armed guard should be placed on board, or that any reasonable communication with the shore should be prohibited after the vessel has duly entered, unless sufficient reasons appear for the exercise of such precautions.

In places where United States' fishing-vessels are accustomed to come into Canadian waters for shelter only, the Captain of the cruizer which might be there is authorized to take entry from and grant clearance to the masters of such fishing-vessels without requiring them to go on shore for that purpose. Blank forms of entry and clearance are furnished to the Captains of cruizers; these, after being filled in, are to be forwarded by the Captain of the cruizer to the Customs officer of the port within whose jurisdiction they have been used. In cases of distress, disaster, need of provisions for the homeward voyage, of sickness or death, on board a foreign fishing-vessel, all needful facilities are to be granted for relief, and both you and your officers will be carrying out the wishes of the Department in courteously and freely giving assistance in such cases.

The above special instructions, while designed with regard to the fullest recognition of all lawful rights and reasonable liberties to which United States' fishermen are entitled in Canadian waters, are not to be construed as authorizing a lax enforcement of the provisions of the laws for the protection of the Canadian fisheries.

Fishing, preparing to fish, procuring bait, trading, or transshipping of cargoes, by United States' fishing-vessels within the 3-mile limit, are manifest violations of the Convention of 1818, and of Imperial and Canadian Statutes, and in these cases your instructions, which are explicit, are to be faithfully followed.

I have, &c.

(Signed) **GEORGE E. FOSTER,**
Minister of Marine and Fisheries.

No. 65.

Foreign Office to Colonial Office.

Foreign Office, May 18, 1887.

[Transmits copy of Sir L. West's No. 60, Treaty, of May 3, 1887. *ante*, No. 61.]

No. 66.

Foreign Office to Colonial Office.

Foreign Office, May 18, 1887.

[Transmits copy of Sir L. West's No. 61, Treaty, of May 6, 1887: *ante*, No. 62.]

Sir A. Shea to Foreign Office.—(Received May 19.)

Dear Sir Julian,

4, Princes Street, Hanover Square, May 18, 1887.

IN turning over some papers this morning I fell in with a slip containing a speech I made at Washington in 1885, which I thought might have an interest for you at this moment. I trust you will see the views I then expressed were reasonable and such as Her Majesty's Government would approve. It was subsequently to that visit to Washington that I went to Ottawa and induced the Dominion Government to refrain from the restrictive policy they had then decided on, to take effect when the Treaty came to an end on the 1st July of that year.

Yours, &c.
(Signed) A. SHEA.

Inclosure in No. 67.

Newspaper Extract.

AN INTERNATIONAL QUESTION.

Sir Ambrose Shea and the Fisheries.—A Clear Statement on an Important Subject.

AT Willard's Hotel, on Friday evening, a number of gentlemen representing the press and other important interests assembled to meet Sir Ambrose Shea, of Newfoundland, and were pleasantly entertained by him. Sir Ambrose Shea came to Washington some time ago as the Agent of the Newfoundland Government to look after the interests of that province as affected by the impending termination of the Treaty of Washington. The commercial relations both of the United States and the British provinces are closely related to the question of the fisheries, which Sir Ambrose Shea is thoroughly familiar with. In the course of the evening he took occasion to read a statement setting forth the position of Newfoundland on the Fishery question, which is so worthy of attention that it is given herewith in full:—

“It affords me much pleasure to have this opportunity of meeting the gentlemen I now have the honour of addressing, and who are so largely representative of the intelligence and influential worth of this great country. It is remarkable that, having thirty years ago been delegated to come here on the question of the trade relations between the United States and Newfoundland, I should, after the lapse of so many years, be again before you to represent the commercial body of the Colony, and to urge the same policy we then contended for. At that time, from a misapprehension by the Imperial Government, it was proposed that Newfoundland should be excluded from the provisions of the Reciprocity Treaty then being negotiated. I came to protest against that exclusion, and was well received by your authorities, who sympathized with the purpose of my mission, and the Imperial Government, in deference to the expressed views of the Colony, promptly withdrew their objection, and my object was accomplished. The Reciprocity Treaty was regarded as a wise settlement of a state of things which had long been attended with hazard to the good understanding between the two nations, and it placed the trade of the United States and the British provinces on an equitable and satisfactory footing. It would be idle to go into the cause of the abrogation of that measure. But when, after eight years of embarrassed intercourse, it was seen wise to adopt the Washington Treaty, which substantially restored the trade relations that existed under the Reciprocity Treaty, it might reasonably have been thought that a condition of affairs that had been twice emphatically condemned would not again be permitted to prevail. The proposal that would restore the conditions that produced so much of evil results could hardly have received the investigation its important issues demanded, and we may hope it will be duly examined before a final conclusion is arrived at.

“My purpose, however, in appearing before you is to present the case of my own Colony in relation to the Washington Treaty. We find a great objection to the proposed abrogation of the Treaty in the disturbance of trade which comes of these fluctuations of policy, and we fail to understand how you in this country can desire to set aside a state of trade from which you are gainers in a very large degree; and we wish to lay the facts plainly before you, as we feel their inherent force should lead to a conclusion the opposite

of that at which you appear to be arriving. We do not come in the sense of seeking for favours, for that would be inconsistent with the position we occupy, and they have no legitimate place in business operations, but believing that our case was imperfectly appreciated, we would not have it judged on misleading data, and though our trade interest in the continuance of the Washington Treaty is so much smaller than yours, yet we wish to preserve it for various reasons, and in any event we desire that an issue shall be arrived at in the light of a clear knowledge of all the facts. We have a mere revenue Tariff, which places your productions on the same footing with British in our Colony, so that you are without a cause for complaint in this respect. Forty per cent. of all our imports come from the United States, while you take less of our produce than 4 per cent. of the whole. Our imports consist largely of your food products, and aggregate, including what comes in bond through Canada, fully 2,750,000 dollars per annum, while our exports of fish and fish oils to this country give an average of 274,000 dollars per annum, the difference between our imports and exports being paid for in cash or exchange, and I can confidently assert that no business obligations with which you are connected are more honourably fulfilled than those of Newfoundland merchants.

"This short summary of the situation makes a case which we might naturally suppose this country would hesitate to disturb, and it may at first seem difficult to find such reasons for our desire to retain it as should have induced my visit for this purpose. But we feel that though the balance is so much in your favour, the trade is one that accords with our requirements; it has developed under a state of free intercourse where trade finds its own legitimate and best channels, and we do not want that it shall be forced by fiscal legislation out of the lines it has made for itself. At present we receive our supplies of bread-stuffs and other food from the United States and Canada, the larger proportion from the States, and all admitted at uniform rates of revenue duty. The competition for this business is active and vigilant, and any discriminating duties would carry with them the transfer of the trade to the favoured side. We wish to guard against these disturbances, and though our trade with you may seem to be of small account in the gigantic volume of your commerce, yet it represents three millions of ordinary values, with a progressive tendency which must grow with our increase of population. Our fish products have free entry into Canada, and already the Dominion Government have intimated that a continuance of this privilege will depend on our abrogation of the duties on their agricultural products, which now operate alike upon yours and theirs, and you must see how difficult it will be to resist this demand if you carry your threatened hostile policy into effect, and impose on our produce the prohibitory taxes that you have indicated. But apart from these causes there are others that may lead to the diversion of the trade if the Washington Treaty terminates. We have a most efficient steam service between New York and St. John's that tends to bring the trade within the lines of its operations, and without which, even at present, it would be largely diverted by the Canadian competition. This steam enterprise is not in so palmy a condition as to bear any abatement of its earnings, and if the ships are deprived of the advantages of freight from the Colony, which must be the result of the imposition of duties on our staples, then their withdrawal from the service will seem to be a foregone result. And why is all this disruption to be encountered? Some urgent and supreme reasons could alone be the justification. It is argued that our competition with your fishermen in your markets is an injurious one and must be terminated. Bear in mind that our whole annual exports to the United States averages 274,000 dollars, and that of this amount only about 150,000 dollars enters into consumption, the balance being transhipped to places out of the United States. These facts show how weak is the alleged reason, even if it stood alone without any compensating off-set, but even the ascribed injury to your fishermen would have large and more than adequate equivalents. They bring into our markets and sell to advantage considerable quantities of small-size codfish, useless for their home sales, and which were formerly thrown into the sea, and though I have no specific account of the quantity of fish thus disposed of, I believe it far exceeds what we send you for consumption in the United States. It is plain that the amount of fish we purchase would be so much that otherwise would be an absolute loss to your fishermen, or if brought home would increase the competition among themselves beyond any they now have to contend with from us. We see how this plea is more than disposed of, and how it fails to constitute a special fisherman's argument, even though sectional interests were to dominate every other in the consideration of this many-sided question.

"But even in the view of the exclusive welfare of American fishermen a far more important argument presents itself. The Washington Treaty gives them equal rights with our in-shore fisheries, and the success of their Bank fishing is manifestly and largely increased by the facilities afforded them in having our harbours as a base of operations,

where their supplies of bait and ice are obtained. They are here within twenty-four hours of the fishing-grounds, and their visits to our harbours have become a cardinal point in the economy of their season's arrangements, the value of which is attested by the steady regularity with which they continue in increasing numbers to use our ports. This plan of operations cannot be set aside without inflicting great injury on the interests to be affected. You must remember that the abrogation of the Washington Treaty will revive the Convention of 1818, which restricts the visit of American fishermen to our harbours to the purposes of shelter and supplies of wood and water, and, though we are averse to the policy involved in these inhospitable stipulations, we see no alternative if that fair measure is set aside by which the terms of our intercourse are now prescribed.

"We know the opinion prevails among your fishermen that they can rely on a continuance of the present privileges on the abrogation of the Washington Treaty, and the Government of this country has been invoked to ignore its responsibilities and disregard the Convention of 1818. This, of course, is the language of irresponsible and narrow selfishness and may readily be dismissed. The Government in its dignity will recognize its obligations as highly as its rights in its treatment of any phase of the question that may arise.

"Nor are facilities more likely to be obtained through any advantages a limited portion of our people may derive from the sale of bait and ice, on which reliance is also placed. There might be a certain amount of loss to those who engage in this traffic, but it would not be permitted to weigh in the larger issues, for we are fully sensible of the commanding position our fishermen would hold on the Banks with the exclusive possession of the fresh bait which we only can effectively supply.

"If we were disposed to treat this as a mere fishery question apart from its wider bearings we should accept the proposed abrogation of the Washington Treaty without question, for the conditions would give a vigorous impetus to our fishermen on the Grand Banks, and this view makes the terms of the covenant of 1818 so attractive to them that it will be difficult to avoid their fullest application if we are pressed to this issue by an unfriendly policy on the part of the United States. I have no desire but to examine the question in a candid and fair business manner. We have no wish to disturb existing relations, for though the balance of advantage is manifestly in your favour this inequality is in the nature of the circumstances, and even the smaller interest that underlies the question on our side is so much of absolute advantage to us which we are desirous of retaining.

"These appear to embrace the economic features of this case as between the United States and the Colony of Newfoundland, and our views are not, I apprehend, open to serious objection on just business grounds. But there is the national aspect of the question, to which we attach the highest importance, and to which this country cannot be indifferent. We have a Treaty which gives French subjects limited rights of fishing on parts of our coast where their operations are a perennial source of vexatious correspondence between the two Governments, and we are concerned that no addition shall be made on our account to these anxieties of our Imperial protector. Under our parent State we enjoy a form of government which gives the fullest measure of freedom without its usual burdens and responsibilities, and an injury done to us from without would be dealt with as a national wrong. We feel bound by every motive of loyalty and gratitude in dealing with a question like the present so to shape our course that so far as in us lies all contingencies of national disquietude may be avoided.

"We cannot help feeling there is a grave error in proposing to abrogate the Treaty that is pregnant with benign influences while you bring into its place the anti-social Convention of 1818, the history of which is marked by estrangement and angry feeling between the two countries.

"Whatever special objections may be urged against the Reciprocity Treaty of 1855, or the Washington Treaty of 1873, during their existence there was a cessation of those causes of national irritation and risk of which the disputed irritations of fishery rights are ever prolific, and some mode should be found of adjusting any differences that may prevail rather than again have recourse to a measure like the Convention of 1818, which is alike unworthy of the spirit, intelligence, and exalted position of the two great countries.

"But there are reasons apart from the question itself that should induce the United States to foster and preserve the most friendly relations with Newfoundland. We are sharers with you in the renown that belongs to the initiation of the Atlantic cable enterprise. Newfoundland cradled that famous work. At the time your eminent citizen, Cyrus W. Field, visited our Colony in 1854, and laid before us his views of that ambitious scheme, there was abroad a feeling of cold distrust, but he found there those who were magnetized by his earnest and daring spirit, and who secured for him the legislative privileges which to this day form the Charter of the Atlantic cable.

"Had he been met with a less optimist faith in the magnificent possibilities, who can say to what other channels of enterprise that great man's energies might have been directed, leaving the Atlantic cable a yet unsolved problem? At that time the possibility of transmitting a current over the two nearest points, Ireland and Newfoundland, was still a question, and with Newfoundland, if at all, the experiment must be made. We held the key of the position, and we gave it ungrudgingly and without recompense of reward to your distinguished countryman, and we feel we can claim a distinctive place in the ranks of those who at a critical moment speeded on a work whose agencies now reach to the ends of the earth, and daily and hourly vivify the thought of the world with its ceaseless pulsations. And we are workers jointly with others of your men of high note, of whose worth we have gratifying and beneficial experience.

"We were proposing the establishment of a dry dock of international importance for the largest Atlantic ships at our unique harbour, St. John's, which you know is the highway of the Atlantic trade. While deliberating over the plans, Messrs. J. E. Simpson, of New York, appeared among us, and by their clear, straightforward statements all questions were disposed of and the work placed in their hands. Such was the skill and energy they threw into the undertaking, that in eighteen months the dock was completed and received one of Her Majesty's ships.

"I question if the equal of this dock for all that constitutes excellence of design and construction can be found on this side of the Atlantic, and I feel assured that before long the commercial interests of England will become better acquainted with Simpson's docks, the many advantages of which must, when known, assert themselves.

"We have 40,000 square miles of almost unbroken territory inviting the attention of capital and skill. We have unstinted water power; we have coal, copper, and lead, and we want you to become acquainted with all our fields for profitable speculation. We want your spirit of progress and inventive genius to have an abiding place among us.

"We have railroads to build, we have an unembarrassed Exchequer, and credit second to no Colony under the Crown. We want your Fields and your Simpsons to come and view the situation, and to improve their own fortunes, while they benefit us by the results of their foresight and enterprise. We want that you shall not mar these fair purposes and tendencies by repellent measures of legislation or government, and, under the influence of a generous and staple policy, I feel assured the results will be seen in expanded trade and social relations, and it will then be a marvel how the two great leading commercial nations of the world could ever have accepted the stipulations of the Convention of 1818, to which I earnestly trust we shall not again be constrained to have recourse."

No. 68.

Colonial Office to Foreign Office.—(Received May 19.)

Sir,

Downing Street, May 19, 1867.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, with reference to previous correspondence, an extract from the Speech delivered by the Marquis of Lansdowne at the opening of the Dominion Parliament, in which the negotiations on the Fishery question are referred to.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure in No. 68.

Extract from the Speech delivered by the Marquis of Lansdowne at the Opening of the Dominion Parliament.

NEGOTIATIONS between Her Majesty's Government and that of the United States on the Fishery question, with respect to which my Government has been fully informed and consulted, are still in progress, and will, we may be permitted to hope, result in an arrangement honourable and satisfactory to both nations.

Meanwhile, the necessary provision has been made for the protection of our inshore fisheries. The papers on this subject will be laid before you.

No. 69.

Foreign Office to Colonial Office.

(Confidential.)

Foreign Office, May 20, 1887.

[Transmits copy of Sir L. West's No. 59, Treaty, Confidential, of May 3, 1887 :
ante, No. 60.]

No. 70.

Foreign Office to Colonial Office.

Sir,

Foreign Office, May 21, 1887.

IN reply to your letter of the 17th instant, I am directed by the Marquis of Salisbury to request you to inform Sir H. Holland that his Lordship concurs in his proposal to express the satisfaction of Her Majesty's Government at the purport of the supplementary instructions issued by the Canadian Government to the fisheries police.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 71.

Question asked in the House of Commons, May 23, 1887.

Mr. Gourley.—To ask the Under-Secretary of State for Foreign Affairs, whether he has yet received a reply from the American Government to Lord Salisbury's despatch of the 24th March, and which contained proposals for a settlement of the Anglo-American fisheries disputes; if so, will he be good enough to favour the House with a synopsis of the answer:

And, what measures (pending existing negotiations) Her Majesty's Government, in conjunction with that of Canada, intend adopting for the purpose of preventing further friction and ill-feeling between the two Governments by the seizure of American ships, during the approaching fishery season.

Answer.

No reply has yet been received to Lord Salisbury's despatch of the 24th March.

The measures to be taken during the ensuing fishing season for the protection of the inshores will be similar to those taken last year, which were warranted under the terms of existing Treaty arrangements between Great Britain and the United States.

Her Majesty's Government entertain no doubt that the Canadian Government will use all possible moderation compatible with the protection of the public interests, and they also hope that vessels from the United States will give no occasion for interference with them.

No. 72.

The Marquis of Salisbury to Sir L. West.

(No. 29. Treaty. Confidential.)

Sir,

Foreign Office, May 26, 1887.

I TRANSMIT to you herewith, for your information, copy of a letter from the Colonial Office, and of my reply, relative to the supplementary instructions issued by the Canadian Government to the fisheries police.*

I am, &c.

(Signed) SALISBURY.

No. 73.

Sir L. West to the Marquis of Salisbury.—(Received May 27.)

(No. 62. Treaty.)

My Lord,

Washington, May 17, 1887.

IN obedience to the instructions contained in your Lordship's despatches Nos. 24, Treaty, of the 6th instant, and Nos. 25 and 27, Treaty, of the 7th instant, I have communicated to the United States' Government the copies of the despatches from the Governor-General of Canada, together with the Reports of the Committee of the Privy Council, respecting the cases of the United States' fishing-vessels "Mollie Adams," "Laura Sayward," "Jennie Leaverns," and "Sarah H. Prior," which accompanied your Lordship's above-mentioned despatches.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 74.

Foreign Office to Colonial Office.

(Confidential.)

Sir,

Foreign Office, May 30, 1887.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letters of the 30th April and the 17th instant, relative to the refusal of the Canadian authorities to supply salt to the American fishing-vessel "G. W. Pearce."

I am to request that you will state to Sir H. Holland that there appears to his Lordship to be a distinction between the admission of the right of American fishing-vessels to come into Canadian ports for salt, and the consent to let it be bought by a fishing-vessel which, on other grounds, has rightfully come in. To refuse it in the latter case is a matter which does not depend on the terms of the Convention of 1818, and might tend to create exasperation without being strictly necessary for upholding Treaty rights.

Under these circumstances, Lord Salisbury hesitates to communicate to the United States' Minister a copy of the despatch which has been received from the Governor-General on this subject, and would be glad to learn whether Sir Henry Holland would be disposed to urge upon the Canadian Government the expediency of taking a lenient view in similar cases in future. If an assurance to that effect could be received from Canada, by telegraph, it might be possible to make a more conciliatory reply to Mr. Phelps' note.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 75.

Colonial Office to Foreign Office.—(Received May 31.)

Sir,

Downing Street, May 31, 1887.

I AM directed by the Secretary of State for the Colonies to acknowledge the receipt of your letter of the 20th instant, forwarding copy of a despatch from Her Majesty's Minister at Washington, giving an account of a conversation with Senator Edmunds on the North American Fishery question.

I am to inquire whether the Marquis of Salisbury sees any objection to the communication of Sir L. West's despatch to the Governor-General of Canada for his personal information and not for publication.

I am, &c.

(Signed) R. H. MEADE.

No. 76.

Foreign Office to Colonial Office.

Sir,

Foreign Office, June 2, 1887.

IN reply to your letter of the 31st ultimo on the subject of the North American Fisheries, I am directed by the Marquis of Salisbury to request you to inform Sir H. Holland that his Lordship sees no objection to the communication, quite confidentially, to the Marquis of Lansdowne, of a copy of Sir L. West's despatch No. 59, Treaty, of the 3rd ultimo.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 77.

Question asked in the House of Commons, June 9, 1887.

Mr. Gourley,—To ask the Under-Secretary of State for Foreign Affairs, what progress has been made towards a settlement of the Anglo-American Fisheries disputes since the dispatch of Lord Salisbury's proposals of the 24th March:

Whether it is correct, as reported in the "Times" of Saturday last, that the Canadian Government has, on the advice of the Imperial Government, agreed to propose the appointment of a new Fishery Commission, to meet a Commission to be appointed by the United States:

And, whether, in the event of such an arrangement being arrived at, it is intended that the Imperial Government shall be represented by Special Commissioners.

Answer.

No reply has been received to the proposals of Her Majesty's Government, and it would be premature to announce what course may be taken hereafter.

No. 78.

Sir L. West to the Marquis of Salisbury.—(Received June 10.)

(No. 64. Treaty.)

My Lord,

Washington, May 28, 1887.

I HAVE the honour to transmit herewith to your Lordship an article from the New York "Evening Post" of the 23rd instant, commenting on the present state of the Fisheries question.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 78.

Extract from the New York "Evening Post" of May 23, 1887.

FISHERIES FALLACIES.—It was stated not long since in the London "Times" that the Earl of Rosebery declared, when resigning office, that the most serious question he left behind him was the dispute between the United States and Great Britain respecting the fisheries. Lord Iddesleigh is reported to have made, shortly before his death, a similar declaration as to the gravity of the controversy. Both these statesmen betrayed, by these expressions of opinion, an intelligent apprehension of the character of the dispute, and of the consequences not unlikely to result from its continuance. A prolonged controversy between nations, while always fraught with danger, is peculiarly liable to end in hostilities when waged, as the fisheries dispute actually is, between contiguous countries and in a spirit of exasperation on both sides. The history of the oyster fisheries in the Chesapeake Bay is a strong domestic illustration of

the difficulty of maintaining good relations between the hardy champions of rival fishing interests, even when they belong to friendly communities under one central Government, with no questions of Tariff or of rival nurseries for seamen to excite cupidity or inflame national pride and resentment.

Three modes of settling the fisheries dispute have been suggested. One is that recently made by Lord Salisbury, as at least a temporary expedient, of an exchange of free fishing in Canadian waters, with the same privileges and Regulations for American as for British fishing-vessels, for a free market for Canadian fish in the United States. Another mode is that proposed by Mr. Bayard of a permanent settlement on the lines of the Treaty of 1818, by a definition of the limits of the exclusive and common fishing grounds under that Convention, a joint system of police by the two Governments, and the admission of American fishing-vessels into Canadian ports for the purchase of bait and other supplies, &c. A third mode of settlement which has been proposed, is to abrogate the Treaty of 1818 and fall back on the Treaty of 1783.

It is to the last mode that we wish to direct attention, for, while it is not a new idea, it has lately been accepted in certain quarters with not a little favour, and has received at the hands of Mr. John Jay, late Minister to Vienna, a very thorough and deliberate exposition, published in the form of a letter to Mr. Evarts. An examination of Mr. Jay's pamphlet will lead to the disclosure of fundamental fallacies in his position, and throw not a little light on the general aspects of the dispute.

Under the Treaty of peace between the United States and Great Britain of 1783, the fishermen of the United States had, as is generally known, the right to take, dry, and cure fish in the territorial waters and on the coasts of British North America. The enjoyment of this right was suspended by the war of 1812; and when, after the close of that conflict, the American fishermen sought to resume their rights under the Treaty of 1783, the British Government objected on the ground that the war had put an end to the Treaty. This was denied by the United States, which contended that the Treaty of 1783, being a Treaty of separation and settlement, for the division of common property, and not a grant of rights and privileges by the mother country to the United States, was permanent in its character and not by affected war.

The Treaty of Ghent, concluded the 23rd December, 1814, for the purpose of ending the war of 1812, contains no mention of the fisheries. It is known, however, that they formed a frequent topic of discussion between the negotiators of that Convention, and that the British Commissioners unequivocally declared that they would not thereafter "grant" the liberty of fishing, and drying and curing fish within exclusive British jurisdiction without an equivalent. (*Memoirs of J. Q. Adams*, vol. iii, p. 119 *et seq.*, the 22nd December, 1814.) The American Commissioners maintained the position that the rights of the American fishermen were not affected by the war, and thus the issue was made. The disagreement was complete.

The controversy thus begun continued until the conclusion of the Treaty of 1818. The intervening period was one of great irritation and the two countries were continually on the verge of a hostile outbreak. Mr. Adams gives in vol. iii (p. 265 *et seq.*) of his *Diary* an account of an interview with Lord Bathurst, in London, in September 1815, in which his Lordship declared that American vessels could not be permitted to fish in British territorial waters, to which Mr. Adams replied, maintaining the American position, and promising soon to address his Lordship a note on the subject. In volume iv of the *Diary* we find an account of a conversation between Mr. Adams and the British Minister at Washington, on the 18th March, 1818, in which the latter stated that Admiral Milne, commanding the Jamaica Station, had issued orders, like those of the preceding year, to seize all American vessels which might be found fishing within the British jurisdiction. Mr. Adams replied at length, and closed by saying that the United States would probably have to fight for the matter in the end. The Minister replied that Great Britain had gone as far in the direction of accommodation as she could go.

The orders issued by the British Admiralty from 1815 to 1818 to seize American vessels found fishing in British waters were not continuously enforced, but were at various times, and for various periods, generally with a view to negotiations, suspended. But the *Diary* of Mr. Adams, as well as other contemporaneous records, shows that many seizures were actually made.

Such was the condition of things when, on the 20th October, Messrs. Gallatin and Rush concluded the Treaty of 1818. By that Convention the United States "renounced for ever any liberty heretofore enjoyed by the inhabitants thereof" to fish within 3 marine miles of any of the "coasts, bays, creeks, or harbours" of His

Britannic Majesty's dominions in America not included within certain limits, in which the right of fishing was expressly reserved to American fishermen by the Treaty. This in terms constituted a permanent settlement of the boundaries between the common and exclusive fishing grounds.

We are now prepared to consider the proposition, as advocated by Mr. Jay, to settle the present dispute by abrogating the Convention of 1818, and resting on that of 1783. In support of the right of the United States to abrogate the Treaty of 1818, he cites the annulment by Congress in 1798 of the Treaties of 1778 with France, for the reason, among others, that those Treaties had been repeatedly violated by the French Government. He also cites the opinions of several publicists to show that the violation of a Treaty by one Contracting Party releases the other. This proposition no one will controvert.

But when he comes to apply this doctrine, Mr. Jay is not so fortunate. After saying that the violation of the Treaty of 1818 by the Canadians has given us a right to abrogate it, he declares "that its abrogation would restore to force Article III of the Treaty of Peace in 1783, the operation of which was suspended by the Treaty of 1818, but which would revive in its original force were the Treaty of 1818 abrogated; precisely as the latter Treaty, after being suspended by the adoption of the Reciprocity Treaty of 1854, was revived by its termination in 1866, and after being again suspended by the Treaty of 1871 was again restored by its termination in 1885."

The fundamental fallacy of this deduction is the singularly erroneous assumption that the Treaties of 1854 and 1871 "suspended" the Treaty of 1818. The Treaty of 1818 has, in fact, remained in force from the moment of its ratification to the present time. Both the Treaty of 1854 and that of 1871 provided, in terms, that "in addition to the liberty secured to the United States' fishermen" by the Convention of 1818, they should enjoy for a certain time a common right of fishing with Her Britannic Majesty's subjects on certain other coasts than those to which such right was confined by that Convention. In a word, the Treaties of 1854 and 1871 temporarily restored what the Treaty of 1818 had renounced. They did not supplant nor suspend a single right enjoyed under it. The Treaty of 1818 was made as a permanent settlement of the whole subject; and if its abrogation, instead of restoring to American fishermen the enjoyment of the rights and liberties defined in the Treaty of 1783, merely remitted us to the disputes of 1815-18, the practical side of the suggestion advocated by Mr. Jay could not be regarded as of more value than its argumentative basis.

Another prevalent fallacy is the criticism of the negotiators of the Treaty of 1818 for having yielded without cause the rights of the United States in the fisheries. However sound may have been the American position as to the permanency of the fishing Articles of the Treaty of 1783, we have seen, from the review of the situation between 1815 and 1818, how little the argument availed the American fishermen in practice. Nevertheless, Mr. Blaine declares, in his "Twenty Years of Congress" (p. 617, vol. ii), and his view has been widely spread, that the Treaty of 1818 was "altogether the most inexplicable in our diplomatic history." He says that "neither in the Minute and important Diary of Mr. Adams, nor in the private letters, as published, of Mr. Gallatin and Mr. Rush, is there the slightest indication of any reason for recommending, or any necessity for conceding, the Treaty." And, to complete the case against the negotiators, he finally states (p. 619, vol. ii) that "of this extraordinary renunciation Mr. Rush wrote many years after: 'We (Mr. Gallatin and himself) inserted the Clause of renunciation; the British Plenipotentiaries did not desire it.'"

We have already seen what the Diary of Mr. Adams has to say on the subject, and that in March 1818 he expressed to the British Minister the opinion that the matter would probably have to be settled by war. Such was doubtless the apprehension of Messrs. Gallatin and Rush; and the latter, in an Appendix to his "Residence at the Court of London," giving an account of the negotiations, expressly so declares.

"Neither side," says Mr. Rush, "yielded its convictions to the reasoning of the other. This being exhausted, there was no resource left with nations disposed to peace but a compromise. Great Britain grew willing to give up something. The United States consented to take less than the whole." The compromise having been agreed upon, the question of phraseology arose. The American Plenipotentiaries inserted and insisted upon the word "renounce," not, as Mr. Blaine would lead us to suppose, for the purpose of giving up something the British Plenipotentiaries did not wish them to yield, but for the following reasons, stated by Mr. Rush in the Appendix above quoted:—

1. To exclude the implication of the fisheries secured to us being a new grant;

"2. To place the rights secured and renounced on the same footing of permanence;

"3. That it might expressly appear that our renunciation was limited to 3 miles from the coasts."

It thus appears that the renunciation was a final reassertion by the American Plenipotentiaries of the permanency of the fishing Articles of the Treaty of 1783. Compelled, as they believed, to yield something for the sake of peace, they renounced what they gave up, so as to preclude the supposition that in making the compromise they had abandoned the principle.

No. 79.

Colonial Office to Foreign Office.—(Received June 13.)

Sir,

Downing Street, June 11, 1887.

I AM directed by the Secretary of State for the Colonies to acknowledge the receipt of your letter of the 30th ultimo, respecting the refusal of the Canadian authorities to supply salt to the American fishing-vessel "G. W. Pearce."

In reply, I am to request that you will inform the Marquis of Salisbury that it appears to Sir Henry Holland that the distinction drawn in your letter between admitting the right of American fishing-vessels to enter a Canadian port for the express purpose of buying salt, and consenting to allow salt to be bought by a fishing-vessel which has rightfully entered such port on other grounds, could not be accepted by the Canadian Government as disposing of their contention. It does not seem possible to admit that, because a vessel has lawfully entered a port for one of the purposes recognized by the Convention of 1818, it can take advantage of this circumstance to do things which are not specified in that Convention, and which, in fact might be the real object of entering. The true test in each case is, in the opinion of Sir Henry Holland, the purpose for which an Article (in this case salt) is wanted; and if the salt, as in the present case, is wanted for curing fish, it would seem that under whatever circumstances the vessel may have entered the port, the purchase of that article cannot be claimed as a privilege under the Convention. It would otherwise be impossible to place any restriction on the purchases made by an American vessel which has ostensibly run in for repairs, and bait gear and stores required for fishing purposes, might be obtained without hindrance, and so the manifest object of the Convention might be evaded and defeated.

Sir Henry Holland apprehends that, for these reasons, the Dominion Government would protest against the surrender in this case of a part of the position which has been taken up with the concurrence of Her Majesty's Government, viz., that in terminating the Treaty of Washington the United States' Government has brought again into force, and must abide by, the specific provisions of the Convention of 1818. It appears to him, further, to be a question deserving consideration, whether, if a concession of the kind suggested were made on a point of detail, the prospect of the United States' Government entertaining the proposal to resume provisionally the provisions of the late Treaty, would not become less hopeful.

I am, &c.

(Signed) JOHN BRAMSTON.

No. 80.

Colonial Office to Foreign Office.—(Received June 15.)

Sir,

Downing Street, June 14, 1887.

WITH reference to the concluding paragraph of the letter from this Department of the 17th ultimo, relating to the North American Fisheries question, I am directed by Secretary Sir Henry Holland to transmit to you, to be laid before the Marquis of Salisbury, a copy of a letter which it is proposed to address to the Admiralty respecting the instructions which should be given to the Naval Officers in command of Her Majesty's ships on the North American Station for their guidance, whilst engaged in the protection of these fisheries.*

* Inclosure 1 in No. 91.

Sir Henry Holland would be glad to be informed whether the Marquis of Salisbury concurs in the proposed instructions.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

No. 81.

Colonial Office to Foreign Office.—(Received June 17.)

Sir,

Downing Street, June 17, 1887.

WITH reference to the letter from this Department of the 27th April relating to the treatment of the United States' fishing-vessels "Laura Sayward" and "Jenny Seaverns," I am directed by Secretary Sir Henry Holland to transmit to you, to be laid before the Marquis of Salisbury, for such action as he may think proper to take upon it, a copy of a despatch from the Governor-General of Canada, with an affidavit by the master of the "Laura Sayward."

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 81.

The Marquis of Lansdowne to Sir H. Holland.

Sir,

Government House, Toronto, May 20, 1887.

WITH reference to previous correspondence on the subject of the alleged ill-treatment of the United States' fishing-vessels "Laura Sayward" and "Jenny Seaverns," and with especial reference to the affidavit purporting to have been sworn to by Captain Medeo Rose, of the first-named vessel, copy of which formed an inclosure in Mr. Stanhope's despatch of the 16th December last, I have the honour to forward herewith a certified copy of an approved Minute of my Privy Council, to which is appended a letter from the Collector of Customs at Shelburne, inclosing a Declaration made by Captain Rose, in which he states that the statements alleged to have been made by him in that affidavit "are all untrue."

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 81.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council, on May 16, 1887.

ON a Report dated the 10th May, 1887, from the Minister of Marine and Fisheries, submitting with reference to his report, approved in Council on the 23rd March last, as to the alleged ill-treatment of the United States' fishing-vessels "Laura Sayward" and "Jenny Seaverns," and to the affidavit of Captain Medeo Rose, of the first-named vessel, the copy of a letter from the Collector of Customs at Shelburne, Nova Scotia, dated the 20th ultimo, together with an affidavit from Captain Rose, herewith, in which it will be observed that he not only bears testimony to the generous treatment that had been extended to him when at the port of Shelburne on previous occasions, but also declares that the statements made in the affidavit of the 15th October last, purporting to be sworn to by him, and which affidavit formed the basis of a despatch from Mr. Bayard, the United States' Secretary of State, protesting against the inhuman and inhospitable conduct of the Collector of Customs at Shelburne, United States, to use Captain Rose's own words, "are all untrue."

The Committee recommend that your Excellency be moved to forward a copy of this Minute, together with copies of the papers mentioned to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. McGEE, Clerk,
Privy Council, Canada.

Inclosure 3 in No. 81.

Mr. Atwood to Commissioner of Customs, Ottawa.

Sir,

Custom House, Shelburne, April 20, 1887.

WITH reference to my letter of the 5th January last, and a statement made by Medeo Rose, of schooner "Laura Sayward," a copy of which was sent me from your Department for my Report thereon, I beg to state that Captain Rose with his vessel is now lying off Sandy Point. He reported and obtained clearance yesterday on board Dominion cutter "Triumph." On being questioned by Captain Lorway relative to the statement made in October last, he said much of it was untrue, and denied having made it. Inclosed please find a statement signed by Captain Rose in my presence at Sandy Point, sworn to and witnessed by Captain John Purney, J.P. He made no objection at all to signing it, and admits that this statement is true in every particular. Will you kindly have it forwarded to John Tilton, Esq., Deputy Minister of Fisheries.

I am, &c.

(Signed) W. W. ATWOOD, *Collector.*

Inclosure 4 in No. 81.

Declaration.

I, MEDEO ROSE, master of the schooner "Laura Sayward," of Gloucester, do solemnly declare and say that on the 6th October last I arrived at the port of Shelburne, Nova Scotia, and reported my vessel at the Custom-house, some time after 4 P.M.

Stated to the Collector that I was from Western Banks, bound home, and required provisions as follows, viz.: 7 lbs. of sugar, 3 lbs. of coffee, 1 bushel of potatoes, 2 lbs. of butter, and to fill water. This was all. The Collector told me to fill the water, but as there was no provision made in the Treaty for the purchase of supplies or stores he would telegraph the Department at Ottawa at once, that no doubt they would be allowed, and I consented to wait until the next morning for a reply.

I called at the Custom-house early the next morning before 7 o'clock. Stated that as the wind was fair and blowing a strong breeze I would not wait for a reply to telegram but take a clearance, which the Collector gave me. I was treated kindly, allowed to enter my vessel after Customs hours, and a clearance granted me next morning before the office was supposed to be opened. I was at the port again in November, on my way to the Banks, and the Collector allowed me to report my vessel inwards and outwards, and gave me a clearance at 8 in the evening.

The statements purporting to have been made by me, to the effect that the Collector refused to give me my papers when I asked for them, also that his treatment towards me was harsh and cruel, driving myself and crew to sea, having but little flour and water, &c., are all untrue.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of an Act of Parliament, entitled "An Act for the Suppression of Voluntary and Extra-Judicial Oaths."

(Signed) MEDEO ROSE.

Taken and declared before me at Sandy Point, this 20th day of April, A.D. 1887.

(Signed) JOHN PURNEY,
Justice of the Peace.

No. 82.

Colonial Office to Foreign Office.—(Received June 23.)

(Secret and Confidential.)

Sir,

Downing Street, June 22, 1887.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, copies of two despatches from the Governor-General of Canada respecting the visit of Sir Charles Tupper to Washington, and giving

the substance of a conversation on the Canadian Fishery question between him and Mr. Bayard.

I have, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 82.

The Marquis of Lansdowne to Sir H. Holland.

(Secret and Confidential.)

Sir,

Government House, Toronto, May 25, 1887.

I WAS informed a few days ago by Sir John Macdonald that Sir Charles Tupper, my Minister of Finance, intended to take advantage of the adjournment of the House of Commons for a week, in order to visit Baltimore and Washington. Sir John Macdonald expressed his opinion that it would be desirable that Sir Charles should avail himself of this opportunity, in order to meet Mr. Bayard and discuss with him informally some of the points which have arisen in regard to the Fisheries dispute.

Under these circumstances, I could see no objection to furnishing Sir Charles with a letter of introduction, of which a copy is inclosed, to Sir Lionel West, acquainting him with the object of Sir Charles' visit. It will be within your knowledge that a similar course has been pursued on former occasions.

I have no doubt that nothing but good is likely to result from a friendly discussion such as that which is likely to take place, and that Sir Charles Tupper will be able to represent the action which has been taken by the Dominion authorities in enforcing the Customs and Fishery laws, in a manner calculated to remove in some degree the feelings of irritation which it has produced.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 82.

The Marquis of Lansdowne to Sir L. West.

Dear Sir Lionel,

Government House, Toronto, May 17, 1887.

SIR CHARLES TUPPER, the Canadian Minister of Finance, whose acquaintance you have, I think, made, is likely to be in Washington before long.

It will be desirable that he should unofficially have an opportunity of seeing the Secretary of State, and of comparing notes with him as to one or two of the points involved in the Fisheries dispute.

I have reason to know that Sir Charles Tupper's views as to these are moderate and in accordance with those which have been expressed from time to time by myself, and I shall be very glad if you are able to give him any assistance in your power, and I have, &c.

(Signed) LANSDOWNE.

Inclosure 3 in No. 82.

The Marquis of Lansdowne to Sir H. Holland.

(Confidential.)

Sir,

Government House, Ottawa, May 31, 1887.

IN reference to my despatch Secret and Confidential of the 25th instant upon the subject of Sir Charles Tupper's recent visit to Washington, I have the honour to inform you that since his return I have received from him an account of his reception by the Secretary of State, and of the conversation which took place upon that occasion.

It appears that Sir Charles Tupper had received through a third person an intimation that it would be agreeable to Mr. Bayard to have an unofficial conversation of this kind with him, and that upon the strength of this Sir Charles, whose presence in Washington had been announced to Mr. Bayard by Sir L. West, called upon that gentleman on the morning of the 21st instant.

Sir Charles pointed out to Mr. Bayard that while a genuine desire prevailed in this

country for amicable relations with the United States, no Government could exist in Canada that did not maintain the rights secured to the Dominion by Treaty, and that in all cases where those rights had been insisted upon the Canadian authorities had been actuated, not by a desire to interfere needlessly or vexatiously with the fishermen of the United States, but by a conviction that such action was absolutely necessary in order to prevent those fishermen from systematically making use of the territorial waters of the Dominion for purposes not permitted by the Convention of 1818.

The action of the Canadian Government in allowing the fishermen of the United States the free use of our waters for a year after the expiration of the Fishery clauses of the Treaty of 1871 was an earnest of the good faith of the Canadian Government. This concession, for which it had been attacked by its opponents in Parliament, had been made in the expectation that the United States' Government would be able to carry a proposal for the appointment of a Joint Commission to settle the whole question. Sir Charles added that he regretted that the President's proposal for the appointment of such a Commission had unfortunately been rejected, without sufficient consideration by Congress. He also referred to his interview with Mr. Frelinghuysen in 1884, when he visited Washington under somewhat similar circumstances, and to the prospect which had existed at that time of an understanding being arrived at for the establishment of improved trade relations between the two countries.

In regard to the present prospect of such an arrangement, Sir Charles insisted upon the impracticability of the proposals which had recently been put forward by Mr. Butterworth, Mr. Erastus Wiman, and others, for the establishment of a complete Customs union between Canada and the United States. He expressed his opinion that Canada would never entertain a proposal for enacting anything like the Tariff of the United States against England while admitting the products of the United States duty free. If, on the other hand, there were to be free trade between Canada and the United States, without a Tariff directed against English imports entering Canada, no restrictions could be devised that would prevent the United States from being flooded with English manufactures imported through Canada. He dwelt, however, upon the fact that after the Treaty of 1854 had been abrogated, legislation had taken place in the Canadian Parliament, and was still in force, under which the Canadian Government was enabled to reduce or cancel the duties imposed upon certain articles imported into Canada from the United States, whenever the United States' Government might cancel or reduce its duties upon the same articles. With reference to this point, he urged upon Mr. Bayard that many of the objections which had been formerly entertained by the people of the United States to reciprocity with Canada in certain natural products, more particularly coal and lumber, were, for various reasons, no longer likely to be entertained to the same extent, and that possibly a solution of the difficulty might be found in the free interchange of the products of the farm, the forest, and the mine.

Mr. Bayard expressed great satisfaction at having been able to meet Sir Charles Tupper, and stated that he shared his desire to arrive at an amicable settlement, and his opinion that the President's proposal for a Commission had been rejected without sufficient consideration. He added, and this statement appears to be one of great importance, that his Government was determined to resist any pressure which might be put upon it to adopt non-intercourse with Canada, and would, on the contrary, be glad if a large measure of reciprocity could be devised. He expressed his agreement with Sir Charles as to the impracticability of Mr. Wiman's views, but thought that the agitation was doing good by directing public attention in the United States to the value of Canadian trade. He added that, considering that the negotiations in progress specially involved Canadian interests, it might be desirable that a Canadian statesman should be deputed to visit Washington officially for the purpose of considering with him the question in all its bearings. He led Sir Charles Tupper to suppose that, after communication with the President, he would make a suggestion of some sort as to this.

The conversation then turned upon the action of the Canadian authorities in enforcing the Fishery and Customs laws, in regard to which Sir Charles pointed out that the recent action of the Department of Marine and Fisheries had been strictly in accordance with the provisions of the Convention of 1818, and that, if American fishing vessels were to be allowed to enter Canadian waters freely upon pretences such as those which had been put forward in recent cases (notably in one where an application was made for leave to replace stores alleged to have been consumed or lost at sea during the prevalence of bad weather), the whole British navy would not be able to prevent the Canadian coast from being used, in defiance of the terms of the Convention, as a base of operations for United States' fishermen. Sir Charles thought that Mr. Bayard seemed to recognize the force of this reasoning.

Mr. Bayard then expressed his regret that, as Congress was not sitting, it was not in the power of his Government to adopt the proposal made to him by Lord Salisbury to have free fishing and free fish pending negotiations. He hoped, however, that an early and satisfactory solution of the problem might not be beyond reach.

The general tenour of the conversation appears to have been of a most friendly and reassuring character; and I have no doubt that Sir Charles' visit will have contributed something to allay any feelings of irritation which may have lately existed at Washington in regard to these matters.

I have, &c.
(Signed) LANSDOWNE.

No. 83.

Foreign Office to Colonial Office.

Foreign Office, June 29, 1887.

[Transmits copy of Sir L. West's No. 64, Treaty, of May 28, 1887: *ante*, No. 78.]

No. 84.

Foreign Office to Colonial Office.

Sir.

Foreign Office, June 29, 1887.

IN reply to your letter of the 14th instant, I am directed by the Marquis of Salisbury to request you to inform Sir Henry Holland that his Lordship concurs in the letter which it is proposed to address to the Admiralty respecting the instructions to be addressed to Her Majesty's naval officers on the North American Station, in connection with the fisheries, saving that he would suggest the omission of the Memorandum which occurs at pages 7, 8, and 9 of the print.

As, however, the last paragraph of that Memorandum may be useful in the present aspect of the question, Lord Salisbury would suggest that if Sir Henry Holland should concur in the omission of the entire Memorandum, the last paragraph might perhaps be inserted in the body of the letter to the Admiralty, in the place of the two last paragraphs thereof, which would be rendered unnecessary by the omission of the Memorandum.

The printed inclosures to your letters are returned herewith, and I am to request that a copy of the letter, as finally settled, may be sent to this Office for communication to Sir L. West.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 85.

The Marquis of Salisbury to Sir L. West.

(No. 33. Treaty.)

Sir,

Foreign Office, June 30, 1887.

WITH reference to previous correspondence relative to the alleged ill-treatment of the United States' fishing vessels "Laura Sayward" and "Jenny Leaverns," I transmit to you herewith a copy of a letter from the Colonial Office, transmitting a despatch from the Governor-General of Canada on the subject,* from which it will be seen that Captain Medeo Rose has now stated, under oath, that the statements alleged to have been made by him in the affidavit which was forwarded in Mr. Bayard's note of the are all untrue.

I have to request that you will communicate a copy of this despatch to the United States' Government, and that you will ask whether they have any observations to make thereupon.

I am, &c.
(Signed) SALISBURY.

No. 86.

Colonial Office to Foreign Office.—(Received July 1.)

Sir,

Downing Street, July 1, 1887.

I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, a print, received in a despatch from the Governor-General of Canada, of correspondence relative to the Fisheries question, 1885-87.*

I am, &c.
(Signed) ROBERT G. W. HERBERT.

No. 87.

Colonial Office to Foreign Office.—(Received July 1.)

(Secret and Confidential.)

Sir,

Downing Street, July 1, 1887.

WITH reference to the letter from this Department of the 22nd ultimo relating to the recent visit of Sir Charles Tupper to Washington on matters connected with the Fisheries question with the United States, I am directed by Secretary Sir Henry Holland to transmit to you, to be laid before the Marquis of Salisbury, a copy of a further despatch from the Governor-General of Canada, inclosing copies of a correspondence which had passed between Sir Charles Tupper and Mr. Bayard.

It will be observed that Mr. Bayard has proposed unofficially to Sir Charles Tupper that a Joint Commission should be appointed with a view to arriving at a settlement upon the subject of the entire commercial relations of the two countries, and that the Government of the Dominion have suggested that Mr. Bayard should be invited to embody in a formal proposal the suggestions which he has made unofficially to Sir Charles Tupper.

Sir Henry Holland proposes, with Lord Salisbury's concurrence, to reply to the Governor-General, that Her Majesty's Government would view with satisfaction an amicable adjustment of the commercial relations between Canada and the United States, and are prepared to afford every facility for such a settlement, and for the full representation of Canadian interests in any negotiations which may take place; that they approve of the recommendation to invite Mr. Bayard to embody in a formal proposal the suggestions which he has made unofficially to Sir Charles Tupper, with the view of securing the meeting of a Conference or Commission for the purpose of dealing with the questions at issue.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 87.

The Marquis of Lansdowne to Sir H. Holland.

(Confidential.)

Sir,

Government House, Ottawa, June 9, 1887.

IT will be in your recollection that in my Confidential despatch of the 6th instant, I repeated to you the description which Sir Charles Tupper had given me of his recent interview with Mr. Bayard at Washington, and I stated that Sir Charles had gathered from what Mr. Bayard had said to him that it was likely that he, Mr. Bayard, would, after he had seen the President, communicate with him further in regard to the questions which they had discussed.

2. Sir Charles Tupper called upon me yesterday and showed me a letter, dated the 31st May, which he had received from Mr. Bayard, and which he asked me to read. A copy of this letter is inclosed herewith. Sir Charles impressed upon me that Mr. Bayard, in representing him as having in effect taken upon himself to invite negotiations at Washington (*vide* p. 4 of the letter), had given a somewhat misleading description of what had passed between them. Their meeting had, it will be remembered, taken place in consequence of a suggestion made by Mr. Bayard to a third person.

3. I observed that it was desirable that these informal communications should now give place to a discussion of Mr. Bayard's latest proposal through the usual official

channels, and I suggested that, in his reply to Mr. Bayard, he should state that with this object he had placed the correspondence in my hands for confidential communication to you.

4. I also pointed out to Sir Charles that Mr. Bayard was in error in supposing that there had been any disposition on the part of Her Majesty's Government to postpone Canadian interests to its own, or to retard by needless delays a settlement desired by and advantageous to the people of Canada and the United States. Sir Charles entirely concurred with me upon both these points, which are touched upon in his reply to Mr. Bayard. A copy of this is also inclosed herewith.

5. It appears to my Government that although there are obvious difficulties in the way of effecting such an arrangement as Mr. Bayard desires—an arrangement which would embrace "the entire commercial relations of the two countries"—while Congress is not sitting, yet the tone of his letter, as well as his intimation, referred to in my despatch already quoted, that the Executive had no intention of adopting a policy of non-intercourse with Canada, render it desirable that his proposal should receive at the hands of Her Majesty's Government every encouragement of which the circumstances admit.

6. While, therefore, in submitting this correspondence to your consideration, my Government is not able to offer any definite recommendation which might form the basis of negotiations such as those which Mr. Bayard invites, it notes with much satisfaction the anxiety which he has expressed for an amicable adjustment of the commercial relations of Canada and the United States, and trusts that Her Majesty's Government will afford every facility for such a settlement and for the full representation of Canadian interests in any negotiations which may take place upon these subjects. My Government would recommend that Mr. Bayard should be invited to embody in a formal proposal the suggestions which he has made unofficially to Sir Charles Tupper, with the view of securing the ultimate assemblage of a Conference or Commission for the purpose of dealing with the questions now at issue.

7. In the meantime it will, as I have already had the honour of explaining to you, be the endeavour of my Government to avoid as far as possible all action which might embitter the controversy or diminish the prospects of an amicable solution. It is satisfactory that up to the present time the complaints which have been made by United States' fishermen of the conduct of the Canadian authorities during the present fishing season have been neither numerous nor important.

I have, &c.
(Signed) LANSLOWNE.

Inclosure 2 in No. 87.

Mr. Bayard to Sir C. Tupper.

My dear Sir Charles,

Washington, May 31, 1887.

THE delay in writing has been unavoidable.

In the very short interview afforded by your visit I referred to the embarrassment arising out of the gradual practical emancipation of Canada from the control of the mother country, and the consequent assumption of that community of attributes of an autonomous and separate sovereignty, not, however, distinct from the Empire of Great Britain.

The awkwardness of this imperfectly developed sovereignty is felt most strongly by the United States, which cannot have formal Treaty relations with Canada, except indirectly and as a colonial dependency of the British Crown, and nothing could better illustrate the embarrassment arising from this amorphous condition of things than the volumes of correspondence published severally this year relating to the fisheries by the United States, Great Britain, and the Government of the Dominion.

The time lost in this circumlocution, although often most regrettable, was the least part of the difficulty, and the indirectness of appeal and reply was the most serious feature, ending, as it did, very unsatisfactorily.

It is evident that the commercial intercourse between the inhabitants of Canada and those of the United States has grown into too vast proportions to be exposed much longer to this wordy triangular duel, and more direct and responsible methods should be resorted to.

Your own able, earnest, and patriotic services in the Government and Parliament of the Dominion are well known, and afford ample proof of your comprehension of the resources, rapidly increasing interests, and needs of British North America.

On the other hand, I believe I am animated by an equal desire to serve my own country, and trust to do it worthily.

The immediate difficulty to be settled is found in the Treaty of 1818, between the United States and Great Britain, which has been *quæstio vexata* ever since it was concluded, and to-day is suffered to interfere with and seriously embarrass the good understanding of both countries in the important commercial relations and interests which have come into being since its ratification, and for the adjustment of which it is wholly inadequate, as has been unhappily proved by the events of the past two years.

I am confident we both seek to attain a just and permanent settlement, and there is but one way to procure it, and that is, by a straightforward treatment on a liberal and statesmanlike plan of the entire commercial relations of the two countries.

I say commercial, because I do not propose to include, however indirectly, or by any intendment, however partial or oblique, the political relations of Canada and the United States, nor to affect the legislative independence of either country.

When you were here I was prepared to send my reply to the "observations" upon my proposal for a settlement (of 15th November last), which were communicated to Mr. Phelps by Lord Salisbury on the 24th March, and also to express my views of his Lordship's alternative proposition.

Your visit and invitation to negotiate here was entirely welcome, and of this I endeavoured to impress you.

Conversation with the President has confirmed these views, and now it remains to give them practical effect.

Great Britain being the only Treaty-making party to deal with the United States, the Envoys of that Government alone are authorized to speak in her behalf and create her obligations.

I presume you will be personally constituted a Plenipotentiary of Great Britain to arrange here, with whomsoever may be selected to represent the United States, terms of arrangement for a *modus vivendi* to meet present emergencies, and also a permanent plan to avoid all future disputes.

It appears to me that as matters now stand the Colony of Newfoundland might be represented and included, for a single arrangement should suffice to regulate all the joint and several interests involved.

I should therefore be informed speedily through the proper channel as to the authorization and appointment by the Imperial Government of such Representatives.

The gravity of the present condition of affairs between our two countries demands entire frankness.

I feel we stand at "the parting of the ways." In one direction I can see a well-assured, steady, healthful relationship, devoid of petty jealousies, and filled with the fruits of a prosperity arising out of a friendship cemented by mutual interests, and enduring because based upon justice. On the other, a career of embittered rivalries straining our long frontier with the lines of hostility, in which victory means the destruction of an adjacent prosperity, without gain to the prevalent party—a mutual physical and moral deterioration, which ought to be abhorrent to patriots on both sides, and which I am sure no two men will exert themselves more to prevent than the parties to this unofficial correspondence.

As an intelligent observer of the current of popular sentiment in the United States, you cannot have failed to note that the disputed interpretation of the Treaty of 1818, and the action of the Canadian officials towards American fishing vessels during the past season, has awakened a great deal of feeling.

It behoves those who are charged with the safe conduct of the honour and interests of the respective countries by every means in their power sedulously to remove all causes of difference.

The roundabout manner in which the correspondence on the fisheries has been necessarily (perhaps) conducted has brought us into the new fishing season, and the period of possible friction is at hand, and this admonishes us that prompt action is needed.

I am prepared, therefore, to meet the authorized agents of Great Britain at this capital at the earliest possible day, and enter upon negotiations for a settlement of all differences.

The magnitude of the interests involved, and the far-reaching and disastrous consequences of any irritating and unfriendly action, will, I trust, present themselves to those in whose jurisdiction the fisheries lie, and cause wise abstention from vexatious enforcement of disputed powers.

Awaiting your reply, I have, &c.

(Signed)

T. F. BAYARD.

Inclosure 3 in No. 87.

Sir C. Tupper to Mr. Bayard.

My dear Mr. Bayard,

Ottawa, June , 1887.

I HAD great pleasure in receiving your letter of the 31st May, evincing as it does the importance which you attach to an amicable adjustment of the Fisheries question, and the maintenance of the cordial relations between the United States and Canada, under which such vast and mutually beneficial interests have grown up.

I entirely concur in your statement, that "we both seek to attain a just and permanent settlement, and that there is but one way to procure it, and that is, by a straightforward treatment on a liberal and statesmanlike plan of the entire commercial relations of the two countries."

I note particularly your suggestion, that as the interests of Canada are so immediately concerned, Her Majesty's Government should be invited to depute a Canadian statesman to negotiate with you "a *modus vivendi* to meet present emergencies, and also a permanent plan to avoid all disputes," and I feel no doubt that a negotiation thus undertaken would greatly increase the prospects of a satisfactory solution.

I say this, not because I believe that there has been any disposition on the part of the British Government to postpone Canadian interests to its own, or to retard by needless delay a settlement desired by and advantageous to the people of Canada and of the United States, but because I have no doubt that direct personal communications will save valuable time, and render each side better able to comprehend the needs and the position of the other. I feel greatly flattered by your kind personal allusion to myself.

The selection of the persons who might be deputed to act as Commissioners would, however, as you are aware, rest with Her Majesty's Government. Our experience has been to the effect that the selection has in such cases, as far as it concerned the choice of the Representatives of the Dominion, been made with careful regard to public feeling in this country.

I have thought it my duty, and also the most effectual manner of giving effect to your suggestion, to make known to Lord Lansdowne the purport of my correspondence with you. He is strongly desirous of facilitating a settlement, and will at once bring the matter before the Secretary of State, with an expression of his hope that no time will be lost in taking steps for establishing, by means of personal communication with your Government, a *modus vivendi* such as you have described, and also for arriving at an understanding in regard to a lasting adjustment of our commercial relations.

In the hope that your proposal for the settlement of this vexed question may result at an early day in a solution satisfactory and beneficial to both countries, I remain, &c.

(Signed) CHARLES TUPPER.

No. 88.

Foreign Office to Colonial Office.

(Confidential.)

Sir,

Foreign Office, July 5, 1887.

I HAVE laid before the Marquis of Salisbury your letter of the 1st instant, transmitting a copy of a further despatch from the Governor-General of Canada, inclosing copies of correspondence which had passed between Sir Charles Tupper and Mr. Bayard, relative to the North American Fisheries question; and I am to acquaint you, in reply, that his Lordship concurs in the answer which Sir Henry Holland proposes to return to the Governor General with regard to the Conference or Commission proposed by Mr. Bayard for the purpose of dealing with the questions at issue.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 89.

Colonial Office to Foreign Office.—(Received July 8.)

Sir,

Downing Street, July 7, 1887.

WITH reference to the letters from this Department of the 17th May last and 11th ultimo, relating to the alleged refusal of the authorities at Halifax to permit

American fishing-vessels (driven into that port to repair damages) to replace salt lost in a storm, I am directed by Secretary Sir Henry Holland to transmit to you, to be laid before Lord Salisbury, a copy of a further despatch, and its inclosures, from the Governor-General of Canada on the subject.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 89.

The Marquis of Lansdowne to Sir H. Holland.

Sir, *Government House, Ottawa, June 14, 1887.*
WITH reference to your despatch of the 27th April last, on the subject of the alleged refusal of the authorities at Halifax to permit American fishing-vessels (driven into that port to repair damages) to replace salt lost in a storm, I have the honour to transmit herewith certified copy of a Minute of the Privy Council of Canada, to which are appended copies of the telegrams received and sent on the subject referred to.

I have, &c.
(Signed) LANSDOWNE.

Inclosure 2 in No. 89.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council, on June 8, 1887.

THE Committee of the Privy Council have had under consideration a despatch dated the 27th April, 1887, from Sir Henry Holland, transmitting a copy of a letter from the Foreign Office, inclosing copy of a telegram left with the Marquis of Salisbury by the American Minister, relative to the alleged refusal of the authorities at Halifax to permit American fishing-vessels (driven into that port to repair damages) to replace salt lost in a storm.

The Minister of Marine and Fisheries, to whom the matter was referred, submits copies of the telegrams which were received and sent on the subject referred to.

The Minister submits, further, that every right to which the vessel in question was entitled was promptly granted. Free access was allowed to the privileges of the port, and all needful facilities were accorded for repairs, and for replacing by purchase or otherwise any portion of the vessel, tackle, boats, or other appurtenances thereof which had been lost or damaged in the storm.

In attempting to bring within their Treaty rights the purchase of twenty hogsheads of salt (even though it was to replace salt alleged to have been lost), United States' fishermen seek to establish an interpretation of the Convention of 1818, incompatible with its terms, as fishing supplies are not among the purposes for which they have a right to enter Canadian ports.

The Committee recommend that your Excellency be moved to transmit a copy of this Minute to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. MCGEE, Clerk,
Privy Council, Canada.

Inclosure 3 in No. 89.

Mr. Phelan to Mr. Bowell.

(Telegraphic.) *Halifax, April 19, 1887.*
AMERICAN fishing-vessel, while on the Banks, lost rudder, spars, and twenty hogsheads of salt; is now in the port for repairs. Collector will permit all repairs but that of salt. Fishing materials, which include salt, gave this vessel the distinctive character of fishing-vessel, and place her within the purview of the Treaty, under which she is entitled to privilege of repairing damages, to any and everything necessary to the proper equipment of a fishing-vessel.

Inclosure 4 in No. 89.

Mr. Bowell to Mr. Phelan.

(Telegraphic.)

Ottawa, April 20, 1887.

PURCHASE of salt is not one of the purposes for which United States' fishing-vessels can use our waters.

No. 90.

Colonial Office to Foreign Office.—(Received July 9.)

Sir,

Downing Street, July 8, 1887.

WITH reference to your letter of the 23rd April last, inclosing copy of a despatch from Her Majesty's Minister at Washington, relative to a report that the Canadian cruiser "Vigilant" fired a blank shot at an American fishing vessel, I am directed by Secretary Sir Henry Holland to transmit to you herewith, for the information of the Marquis of Salisbury, a copy of a despatch on the subject, with inclosures, received from the Governor-General of Canada.

I am, &c.

(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 90.

The Marquis of Lansdowne to Sir H. Holland.

Sir,

Government House, Ottawa, June 14, 1887.

IN reply to your despatch of the 30th April last, transmitting for communication to my Ministers, for any observations they might have to offer, a copy of a letter from the Foreign Office, forwarding a despatch from Her Majesty's Minister at Washington in regard to a report that the Canadian cruiser "Vigilant" had fired a blank shot at an American fishing vessel within the 3-mile limit, I have the honour to forward herewith a certified copy of a Report of a Committee of the Privy Council of Canada, to which is appended the statement of the Captain of the "Vigilant" regarding the occurrence in question.

I have, &c.

(Signed) LANSDOWNE.

Inclosure 2 in No. 90.

Report of a Committee of the Honourable the Privy Council for Canada, approved by his Excellency the Governor-General in Council on June 8, 1887.

THE Committee of the Privy Council have had under consideration a despatch dated the 30th April, 1887, from Sir Henry Holland, transmitting to your Excellency, for communication to your Ministers for any observations which they may have to offer, a copy of a letter from the Foreign Office, forwarding a despatch from Her Majesty's Minister at Washington, in regard to a report that the Canadian cruiser "Vigilant" fired a blank shot at an American fishing vessel within the 3-mile limit.

The Minister of Marine and Fisheries, to whom the despatch was referred, submits herewith the statement of the Captain of the "Vigilant" regarding the occurrence in question.

The Minister observes that it appears that the Captain of the "Vigilant," observing a United States' fishing vessel hovering in Canadian waters and apparently overhauling the nets of the shore fishermen, displayed his proper colours, and sailed up with the intention of boarding her.

That the United States' vessel paid no attention to the cutter, but made sail for American waters, upon seeing which Captain McLean fired a blank shot as a signal in order to bring her to, of which, however, as will be observed from Captain McLean's Report, the vessel took no notice.

The Minister is of opinion that Captain McLean, in acting as he did, was within the scope of his duty.

The Committee recommend that your Excellency be moved to transmit a copy of this Minute, together with a copy of Captain McLean's statement, to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

(Signed) JOHN J. McGEE, Clerk,
Privy Council, Canada.

Inclosure 3 in No. 99.

Captain McLean to Mr. Tilton.

Sir,

St. Andrews, N.B., April 17, 1887.

IN answer to your telegraphic message in relation to officers of "Vigilant" having fired ball shot on an American fisherman in what they term Beaver Bay, I can only state that the report is false.

On the morning of the 1st instant we were cruising among the fishing fleet off Beaver Harbour, and we saw in the distance a schooner hovering about among the fleet and overhauling their nets. The vessel had the appearance of an American fishing vessel, and we thought they were looking for bait. I immediately gave chase, intending to board the schooner and see if they had been getting bait, or what the vessel had been doing in British waters. On the said vessel seeing us coming toward them she immediately made sail, and went toward East Quoddy River. I followed the vessel for a short time (our proper flags were flying), and finding that the schooner did not heave to, we fired a blank shot as a signal for the vessel to heave to. However, they did not do so, but proceeded towards Eastport. We then hauled up and did not pursue further.

These are the facts of the case as they occurred.

I could have overtaken this vessel if I had a longer distance to run, but as the schooner was so near American waters, I allowed her to proceed.

Trusting this explanation will suffice, I remain, &c.

(Signed) S. JAMES McLEAN, Master,
Cruiser "Vigilant."

No. 91.

Colonial Office to Foreign Office.—(Received July 9.)

Sir,

Downing Street, July 8, 1887.

I AM directed by Secretary Sir Henry Holland to acknowledge the receipt of your letter of the 29th ultimo, relating to the instructions proposed to be addressed to Her Majesty's naval officers employed on the North American Station in connection with the fisheries.

Sir Henry Holland agrees in the amendments in the instructions which have been suggested by the Marquis of Salisbury, and he desires me to inclose, for his Lordship's information, a printed copy of the letter which has been addressed to the Admiralty on the subject, as well as copy of a despatch which has been sent to the Governor-General of Canada.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 91.

Colonial Office to Admiralty.

Sir,

Downing Street, July 6, 1887.

I AM directed by Secretary Sir Henry Holland to acquaint you that the question of the instructions which should be issued to the naval officers employed on the North American Station, in connection with the protection of the fisheries, has lately been under the consideration of the Secretary of State for this Department, in conjunction

with the Secretary of State for Foreign Affairs. I am now to communicate to you, for the information of the Lords Commissioners of the Admiralty, the conclusions at which they have arrived.

The determination of Articles XVIII to XXV, and Articles XXX and XXXII of the Treaty of Washington, made in 1871 between Great Britain and the United States, revives the 1st Article of the Convention of the 20th October, 1818, a copy of which is inclosed.

With a view of insuring the proper observance of the stipulations of this Article, the Government of Canada have issued instructions to the officers of their vessels engaged as fisheries police vessels, copies of which are inclosed.

It is the wish of Her Majesty's Government that the naval officers in command of Her Majesty's ships on the North American Station should give support to the officers of the Dominion Government in carrying out the instructions which they have received, but in giving this support it is not desired that the Imperial officers should take any active part against American fishing-vessels unless in the case of actual resistance on their part to the legitimate use by the Canadian authorities of the Powers with which they are legally invested, with a view to securing the observance of the 1st Article of the Convention of 1818.

In particular Her Majesty's Government desire that the officers of Her Majesty's ships should be instructed that they are not to seize any vessel unless it is evident, and can be clearly proved, that the offence of fishing has been committed, and the vessel itself is captured within 3 miles of land. In such cases, and only in these, they can take the initiative without waiting to be appealed to by the Canadian Government vessels for support.

Her Majesty's Government do not desire that the prohibition to enter British bays should be generally insisted on, except when there is reason to apprehend some substantial invasion of British rights. And, in particular, they do not desire American vessels to be prevented from navigating the Gut of Canso (from which Her Majesty's Government are advised they may be lawfully excluded), unless it shall appear that this permission is used to the injury of colonial fishermen, or for other improper objects.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 2 in No. 91.

*Article I of Convention between His Britannic Majesty and the United States of America,
Signed at London, October 20, 1818.*

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 Britannic 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 Belle Isle, 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.

Inclosure 3 in No. 91.

Special Instructions to Fishery Officers, ex-officio Magistrates in command of Government Steamers and Vessels engaged as Fisheries Police Vessels in protecting the Inshore Fisheries of Canada.

Sir,

Ottawa, March 16, 1886.

IN the performance of the special and important service to which you have been appointed you will be guided by the following confidential instructions.

For convenience of reference, these have been divided under the different headings of "Powers," "Jurisdiction," "Duties," and "General Directions."

The powers with which you are invested are derived from, and to be exercised in accordance with, the following Statutes among others:—

"The Fisheries Act" (31 Vict., cap. 60, of Canada); "An Act respecting fishing by foreign vessels" (31 Vict., cap. 61, of Canada), and the subsequent Statute, entitled "An Act to amend the Act respecting Fishing by Foreign Vessels," made and passed the 12th May, 1870, (33 Vict., cap. 15, of Canada); also an "Act to amend the said Act" (34 Vict., cap. 23, of Canada).

"Chapter 94 of the Revised Statutes (third series) of Nova Scotia" (of the Coast and Deep Sea Fisheries), amended by the Act, entitled, "An Act to amend cap. 94 of the Revised Statutes of Nova Scotia" (29 Vict., cap. 35).*

An Act passed by the Legislature of the Province of New Brunswick, entitled "An Act relating to the Coast Fisheries and for the prevention of Illicit Trade" (16 Vict., cap. 69);*

Also an Act passed by the Legislature of Prince Edward Island (6 Vict., cap. 14), entitled, "An Act relating to the Fisheries and for the Prevention of Illicit Trade in Prince Edward Island, and the Coasts and Harbours thereof."

Also from such Regulations as have been passed, or may be passed, by the Governor-General in Council, or from instructions from the Department of Fisheries, under "The Fisheries Act" hereinbefore recited.

As Fishery Officer you have full authority to compel the observance of the requirements of the Fisheries Acts and Regulations by foreign fishing-vessels and fishermen in those parts of the coasts of Canada to which, by the Convention of 1818, they are admitted to privileges of taking, or drying and curing fish concurrent with those enjoyed by British fishing-vessels and fishermen.

You will receive instructions from the Customs Department authorizing you to act as an officer of the Customs, and in that capacity you are to see that the Revenue Laws and Regulations are duly observed.

Your jurisdiction with respect to any action you may take against foreign fishing-vessels and citizens engaged in fishing is to be exercised only within the limits of "3 marine miles" of any of "the coasts, bays, creeks, or harbours" of Canada.

With regard to the Magdalen Islands, although the liberty to land and to dry and cure fish there is not expressly given by the terms of the Convention to United States' fishermen, it is not at present intended to exclude them from these islands.

It will be your duty to protect the inshore fisheries of Canada in accordance with the conditions laid down by the Convention of the 20th October, 1818, the 1st Article of which provides:—

"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 Britannic 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

* Repealed by Dominion Act of 1886.

coast of Labrador, to and through the Straits of Belle Isle, 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 repairing of 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."

By this you will observe United States' fishermen are secured the liberty of taking fish on the southern coasts of Labrador, and around the Magdalen Islands, and of drying and curing fish along certain of the southern shores of Labrador, where this coast is unsettled, or, if, settled, after previous agreement with the settlers or owners of the ground.

In all other parts the exclusion of foreign vessels and boats is absolute, so far as fishing is concerned, and is to be enforced within the limits laid down by the Convention of 1818, they being allowed to enter bays and harbours for four purposes only, viz., for shelter, the repairing of damages, the purchasing of wood, and to obtain water.

You are to compel, if necessary, the maintenance of peace and good order by foreign fishermen pursuing their calling and enjoying concurrent privileges of fishing or curing fish with British fishermen in those parts to which they are admitted by the Treaty of 1818.

You are to see that they obey the laws of the country, that they do not molest British fishermen in the pursuit of their calling, and that they observe the Regulations of the Fishery Laws in every respect.

You are to prevent foreign fishing-vessels and boats which enter bays and harbours for the four legal purposes above mentioned, from taking advantage thereof, to take, dry, or cure fish therein, to purchase bait, ice, or supplies, or to tranship cargoes, or from transacting any business in connection with their fishing operations.

It is not desired that you should put a narrow construction on the term "unsettled." Places containing a few isolated houses might not, in some instances, be susceptible of being considered as "settled" within the meaning and purpose of the Convention. Something would, however, depend upon the facts of the situation and circumstances of the settlement. Private and proprietary rights form an element in the consideration of this point. The generally conciliatory spirit in which it is desirable that you should carry out these instructions, and the wish of Her Majesty's Government that the rights of exclusion should not be strained, must influence you in making as fair and liberal an application of the term as shall consist with the just claims of all parties.

Should interference with the pursuits of British fishermen or the property of Canadians appear to be inseparable from the exercise of such indulgence, you will withhold it and insist upon entire exclusion.

United States' fishermen should be made aware that, in addition to being obliged, in common with those subjects of Her Majesty with whom they exercise concurrent privileges of fishing in colonial waters, to obey the laws of the country, and particularly such Acts and Regulations as exist to insure the peaceable and profitable enjoyment of the fisheries by all persons entitled thereto, they are peculiarly bound to preserve peace and order in the quasi settled places to which, by the liberal disposition of Canadian authorities, they may be admitted.

Wheresoever foreigners may fish in Canadian waters, you will compel them to observe the Fishery Laws. Particular attention should be directed to the injury which results from cleaning fish on board of their vessels while afloat, and the throwing

overboard of offals, thus fouling the fishing, feeding, and breeding grounds. The Fisheries Act (section 14) provides a heavy penalty for this offence.

Take occasion to inquire into and report upon any modes of fishing, or any practices adopted by foreign fishermen, which appear to be injurious to the fisheries.

You will accost every foreign fishing-vessel within the limits described, and if that vessel should be either fishing, preparing to fish, or should obviously have been fishing within the prohibited limits, you will, by virtue of the authority conferred upon you by your commission, and under the provisions of the Acts above recited, seize at once (resort to force in doing so being only justifiable after every other effort has failed) any vessel detected in violating the law, and send her or take her into port for condemnation.

Copies of the Acts of Parliament subjecting to seizure and forfeiture any foreign ship, vessel, or boat which should be either fishing, preparing to fish, or should obviously have been fishing within the prohibited limits, and providing for carrying out the seizure and forfeiture, are furnished herewith for your information and distribution.

Should you have occasion to compel any foreign fishing-vessels or fishermen to conform to the requirements of the Fisheries Act and Regulations, as regards the modes and incidents of fishing, at those places to which they are admitted under the Convention of 1818, particularly in relation to ballast, fish, offals, setting of nets, hauling of seines, and use of "trawls" or "bultows," more especially at and around the Magdalen Islands, your power and authority under such cases will be similar to that of any other fishery officer appointed to enforce the Fishery Laws in Canadian waters. (*Vide Fisheries Act.*)

If a foreign ship, vessel, or boat be found violating the Convention or resisting consequent seizure, and momentarily effects her escape from the vicinity of her capture or elsewhere, she remains always liable to seizure and detention if met by yourself in Canadian waters, and in British waters everywhere if brought to account by Her Majesty's cruisers. But great care must be taken to make certain of the identity of any offending vessel to be so dealt with.

All vessels seized must be placed, as soon as possible, in the custody of the nearest Customs Collector, and information, with a statement of the facts, and the depositions of your sailing master, clerk, lieutenant, or mate, and of two at least of the most reliable of your crew, be dispatched with all possible diligence to the Government. Be careful to describe the exact locality where the violation of the law took place, and the ship, vessel, or boat was seized. Also corroborate the bearings taken, by soundings, and by buoying the place (if possible) with a view to actual measurement, and make such incidental reference to conspicuous points and land-marks as shall place beyond doubt the illegal position of the seized ship, vessel, or boat.

Omit no precaution to establish on the spot that the trespass was or is being committed within 3 miles of land.

As it is possible that foreign fishing craft may be driven into Canadian waters by violent or contrary winds, by strong tides, through misadventure, or some other cause, independent of the will of the master and crew, you will consider these circumstances, and satisfy yourself with regard thereto before taking the extreme step of seizing or detaining any vessel.

On capture, it will be desirable to take part of the foreign crew aboard the vessel under your command, and place some of your own crew, as a measure of precaution, on board the seized vessel; first lowering the foreign flag borne at the time of capture. If your ordinary complement of men does not admit of this being done, or, if because of several seizures, the number of your hands might be too much reduced, you will in such emergency endeavour to engage a few trustworthy men. The portion of foreign crew taken on board the Government vessel you will land at the nearest place where a Consul of the United States is situated, or where the readiest conveyance to any American Consulate in Canada may be reached, and leave them there.

When any of Her Majesty's vessels about the fishing stations or in port are met with, you should, if circumstances permit, go on board and confer with the Naval Commander, and receive any suggestions he may feel disposed to give, which do not conflict with these instructions, and afford him any information you may possess about the movements of foreign craft; also inform him what vessels you have accosted and where.

Do not fail to make a full entry of all circumstances connected with foreign

fishing-vessels, noting their names, tonnage, ownership, crew, port, place of fishing, cargo, voyage, and destination, and (if ascertainable) their catch. Report your proceedings as often as possible, and keep the Department fully advised, on every opportunity, where instructions would most probably reach you at stated intervals.

Directions as to the stations and limits on which you are to cruize, and any further instructions that may be deemed necessary, will from time to time be conveyed to you.

Considerable inconvenience is caused by Canadian fishing-vessels neglecting to show their colours. You will draw the attention of masters to this fact, and request them to hoist their colours without requiring to be hailed and boarded.

It cannot be too strongly urged upon you, nor can you too earnestly impress upon the officers and crew under your command, that the service in which you and they are engaged should be performed with forbearance and discrimination.

The Government relies on your prudence, discretion, and firmness in the performance of the special duties intrusted to you.

I am, &c.

(Signed)

Minister of Marine and Fisheries.

Inclosure 4 in No. 91.

The Minister of Marine and Fisheries to Captain Scott.

(Confidential.)

Sir,

Ottawa, March 23, 1886.

ADVERTING to the letter of my Department of the 18th instant, inclosing your commission as a Fishery Officer in the Dominion, I have now the honour to send you the instructions by which you are to be guided in the performance of the special duties to which your instructions refer.

In addition thereto, I have to direct that until otherwise ordered you will strictly confine the exercise of your authority within the limit of 3 marine miles of any of the coasts, bays, creeks, or harbours of Canada, with respect to any action you may take against American fishing-vessels and United States citizens engaged in fishing. Where any of the bays, creeks, or harbours shall not exceed 6 geographical miles in width, you will consider that the line of demarcation extends from headland to headland, and the 3 marine miles are to be measured from this line outward.

In cases where such bay, creek, or harbour is more than 6 geographical miles in width at its mouth or entrance you will consider the line of demarcation to be drawn between the first points from the mouth or entrance to such bay or harbour at which the width shall not be more than 6 geographical miles, and the 3 marine miles will be measured from this line outward, and you may exclude foreign fishermen and fishing-vessels therefrom, or seize, if found in violation of the Articles of the Convention, within 3 marine miles of the coast. In all other respects you will be guided by the instructions herewith.

You will, for the present, proceed with the Government steamer "Lansdowne" to cruize in the Bay of Fundy, or such adjacent Canadian waters as you may deem expedient, reporting from time to time by telegraph, or otherwise, as may be necessary.

All these instructions you are to consider of a strictly confidential character.

The Government relies upon your judgment to perform with a spirit of forbearance and moderation the delicate and important duties with which you are intrusted.

I am, &c.

(Signed)

GEORGE E. FOSTER.

Inclosure 5 in No. 91.

Special Instructions to Fishery Officers in command of Fisheries Protection Vessels.

Sir,

Department of Fisheries, Ottawa, April 16, 1887.

IN reference to the letter of this Department, dated the 16th March, 1886, I have to intimate to you that during the present season, and until otherwise ordered, you

will be guided in the performance of the duties intrusted to you by the instructions contained in that letter.

I have every reason for believing that these have been executed with efficiency and firmness, as well as with discretion and a due regard to the rights secured by Treaty to foreign fishing-vessels resorting to Canadian waters.

I desire, however, to impress upon you that in carrying out those instructions and protecting Canadian inshore fisheries, you should be most careful not to strain the interpretation of the law in the direction of interference with the rights and privileges remaining to the United States' fishermen in Canadian waters under the Convention of 1818.

To this end the largest liberty compatible with the full protection of Canadian interests is to be granted United States' fishing-vessels in obtaining in our waters shelter, repairs, wood, and water.

Care should be taken that while availing themselves of these privileges, such vessels do not engage in any illegal practices, and all proper supervision necessary to accomplish this object is to be exercised, but it is not deemed necessary that in order to effect this an armed guard should be placed on board, or that any reasonable communication with the shore should be prohibited after the vessel has duly entered, unless sufficient reasons appear for the exercise of such precautions.

In places where United States' fishing-vessels are accustomed to come into Canadian waters for shelter only, the captain of the cruiser which may be there is authorized to take entry from and grant clearance to the masters of such fishing-vessels without requiring them to go on shore for that purpose. Blank forms of entry and clearance are furnished to the Captains of cruisers; these, after being filled in, are to be forwarded by the Captain of the cruiser to the Customs officer of the port within whose jurisdiction they have been used. In cases of distress, disaster, need of provisions for homeward voyage, of sickness or death on board a foreign fishing-vessel, all needful facilities are to be granted for relief, and both you and your officers will be carrying out the wishes of the Department in courteously and freely giving assistance in such cases.

The above special instructions, while designed with regard to the fullest recognition of all lawful rights and reasonable liberties to which United States' fishermen are entitled in Canadian waters, are not to be construed as authorizing a lax enforcement of the provisions of the laws for the protection of the Canadian fisheries. Fishing, preparing to fish, procuring bait, trading or transshipping of cargoes by United States' fishing-vessels within the 3-mile limit, are manifest violations of the Convention of 1818, and of Imperial and Canadian Statutes, and in these cases your instructions, which are explicit, are to be faithfully followed.

I have, &c.

(Signed)

GEORGE E. FOSTER,

Minister of Marine and Fisheries.

Inclosure 6 in No. 91.

Sir H. Holland to the Marquis of Lansdowne.

(Secret.)

My Lord,

Downing Street, July 7, 1887.

WITH reference to previous correspondence respecting instructions to the naval officers in command of Her Majesty's ships employed on the North American Station in connection with the protection of the fisheries, I have the honour to transmit to you, for communication to your Ministers, a copy of a letter which has been addressed by my direction to the Admiralty on the subject.

I have, &c.

(Signed)

H. T. HOLLAND.

No. 92.

The Marquis of Salisbury to Sir L. West.(No. 39. Treaty.)
(Telegraphic.)*Foreign Office, July 9, 1887, 5.30 P.M.*

FISHERIES.

Inform Mr. Bayard that if he will formally propose the appointment of a Commission, as suggested in his correspondence with Sir Charles Tupper, Her Majesty's Government will agree with great pleasure.

No. 93.

The Marquis of Salisbury to Sir L. West.(No. 40. Treaty.)
Sir,*Foreign Office, July 9, 1887.*

I TRANSMIT to you herewith copies of letters from the Colonial Office relative to correspondence which has passed between Mr. Bayard and Sir Charles Tupper on the subject of the fisheries.*

As it appears that the former has suggested the appointment of a Commission to consider the question in connection with the commercial relations between Canada and the United States, I have this day requested you, by telegraph, to acquaint him that such a proposal, if made formally, will be accepted with great pleasure by Her Majesty's Government.

I am, &c.

(Signed) SALISBURY.

No. 94.

The Marquis of Salisbury to Sir L. West.(No. 41. Treaty.)
Sir,*Foreign Office, July 11, 1887.*

WITH reference to your despatch No. 51, Treaty, of the 8th April last, I transmit to you herewith, for communication to the United States' Government, a copy of a Report from the Canadian Government relative to the firing of a blank shot by the Dominion cruiser "Vigilant" at an United States' fishing-vessel.†

I am, &c.

(Signed) SALISBURY.

No. 95.

The Marquis of Salisbury to Sir L. West.

(No. 42. Treaty.)

Foreign Office, July 11, 1887.

[Transmits copy of Colonial Office letter of July 8, 1887: ante, No. 90.]

No. 95*.

*Foreign Office to Colonial Office.**Foreign Office, July 11, 1887.*

[Transmits copy of telegram to Sir L. West, dated July 9, 1887: ante, No. 92.]

No. 96.

Colonial Office to Foreign Office.—(Received July 18.)

(Confidential.)

Sir,

Downing Street, July 16, 1887.

I AM directed by Secretary Sir Henry Holland to transmit to you, to be laid before the Marquis of Salisbury, a copy of a letter from Sir Ambrose Shea, inclosing copy of one from the United States' Minister at this Court relating to the question of the possibility of separate arrangements being made with Newfoundland on the subject of the fisheries.

I am also to inclose a copy of a despatch which Sir Henry Holland proposes, with

* Nos. 82 and 87.

† Inclosure 2 in No. 90.

his Lordship's concurrence, to address to the Officer administering the Government of Newfoundland upon that subject.

I am, &c.
(Signed) JOHN BRAMSTON.

Inclosure 1 in No. 96.

Sir A. Shea to Colonial Office.

Dear Sir Robert,

London, July 4, 1887.

I THINK it well to leave with you a copy of a letter from the United States' Minister in relation to a separate arrangement with Newfoundland for the settlement of the Fishery question with that Colony.

In my present position, I can, of course, take no further step in the matter, except under direction from Her Majesty's Government.

Yours, &c.
(Signed) A. SHEA.

Inclosure 2 in No. 96.

Mr. Phelps to Sir A. Shea.

Dear Sir Ambrose,

Legation of United States, London, June 16, 1887.

SHOULD the Government of Newfoundland see fit to give notice that American fishermen be admitted to the ports of that province for the purpose of obtaining supplies, the proposal will be cordially accepted and acted on by the Government of the United States.

In that event there would be no objection, on the part of the United States' Government, to entertaining suggestions for an independent agreement in respect to the fisheries of Newfoundland, if made by the authorized Agents of the Imperial Government.

Yours, &c.
(Signed) E. J. PHELPS.

Inclosure 3 in No. 96.

Draft of Despatch to the Officer administering the Government of Newfoundland.

(Confidential.)

Sir,

Downing Street, July , 1887.

I HAVE the honour to transmit to you herewith, confidentially, for your information, a copy of a letter from Sir Ambrose Shea, inclosing a communication from the United States' Minister at this Court relating to the question of separate arrangements being possibly made with Newfoundland on the subject of the fisheries.

You will be careful to bear in mind that it is the wish of Her Majesty's Government that no separate action should be taken by the Newfoundland Government in the direction suggested without full previous communication with Her Majesty's Government.

I have, &c.

No. 97.

Foreign Office to Colonial Office.

Sir,

Foreign Office, July 22, 1887.

IN reply to your letter of the 16th instant, I am directed by the Marquis of Salisbury to acquaint you that his Lordship concurs in the despatch in which Sir H. Holland proposes to address to the Officer administering the Government of Newfoundland on the subject of a proposed separate arrangement between the United States and Newfoundland on the Fisheries question.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 98.

Sir L. West to the Marquis of Salisbury.—(Received July 25.)

(No. 66. Treaty.)

My Lord,

Washington, July 13, 1887.

WITH reference to your Lordship's telegram of the 9th instant, I have the honour to inclose copy of a note which I have received from the Secretary of State, informing me that he would make instant reply to your Lordship's proposition respecting a Fishery Commission through the United States' Minister in London.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 98.

Mr. Bayard to Sir L. West.

Sir,

Department of State, Washington, July 12, 1887.

I HAVE communicated to Mr. Phelps, our Minister at London, the purport of the Marquis of Salisbury's telegram to you, of which you personally delivered me a copy yesterday afternoon, and through the same channel I shall make instant reply to his Lordship's proposition as contained therein.

I have, &c.

(Signed) T. F. BAYARD.

No. 99.

Foreign Office to Colonial Office.

Foreign Office, July 28, 1887.

[Transmits copy of Sir L. West's No. 66, Treaty, of July 12, 1887: *ante*, No. 98.]

No. 100.

The Marquis of Salisbury to Sir L. West.

(No. 54. Treaty.)

(Telegraphic.)

Foreign Office, July 29, 1887, 5 P.M.

FISHERIES.

Mr. Phelps proposes Commission. I have expressed willingness of Her Majesty's Government, but doubt whether one Plenipotentiary each side would be enough. Mr. Phelps was not sanguine of success.

No. 101.

The Marquis of Salisbury to Sir L. West.

(No. 55. Treaty. Ext. 54.)

Sir,

Foreign Office, July 29, 1887.

WITH reference to your despatch No. 66, Treaty, of the 12th instant, I have to acquaint you that the United States' Minister called upon me to-day and proposed the appointment of a Commission to consider the North American Fisheries question.

In reply, I stated that Her Majesty's Government were willing to take part in such a Commission, but I expressed a doubt whether one Plenipotentiary on each side would be enough.

Mr. Phelps did not express any dissent from that view.

I am, &c.

(Signed) SALISBURY.

No. 102.

Colonial Office to Foreign Office.—(Received July 30.)

Sir, *Downing Street, July 29, 1887.*
 WITH reference to your letter of the 22nd instant, respecting the question of separate action being taken between Newfoundland and the United States in the matter of the fisheries, I am directed by Secretary Sir Henry Holland to transmit to you herewith, to be laid before the Marquis of Salisbury, a copy of a telegram received from the Governor-General of Canada in reference to this matter. I am also to inclose copies of telegrams which were addressed to the Governor-General and to the Officer administering the Government of Newfoundland on the subject dated the 26th instant, together with despatches addressed to those officers respectively to follow the telegrams.

I am, &c.
 (Signed) JOHN BRAMSTON.

Inclosure 1 in No. 102.

The Marquis of Lansdowne to Sir H. Holland.

(Telegraphic.) *(Received July 21, 1887, 9-20 P.M.)*
 INFORMATION reaches us from Newfoundland that Newfoundland Government has been permitted to commence direct negotiations with United States for Reciprocity Treaty, involving the fisheries. Any such negotiations might seriously compromise position of Canada. I trust, therefore, you will not allow matters to proceed further without communicating with us. Sir C. Tupper sailed for England on the 13th, and will be able to give full explanation.

Inclosure 2 in No. 102.

Sir H. Holland to the Governor-General of Canada and the Governor of Newfoundland.

(Telegraphic.) *Downing Street, July 26, 1887.*

YOURS 21st.
 Following telegram sent this day to Officer administering the Government of Newfoundland:—*

“A letter from United States' Minister to Sir Ambrose Shea, touching possibility of separate arrangements being made with Newfoundland respecting fisheries, has been sent here by Shea. Inform your Government that no action should be taken in this direction without full previous communication with Her Majesty's Government.”
 [End of telegram.*]

Despatch follows.

Inclosure 3 in No. 102.

Sir H. Holland to the Officer administering the Government of Newfoundland.

(Confidential.)
 Sir, *Downing Street, July 28, 1887.*

I HAVE the honour to transmit to you herewith, confidentially, for your information, a copy of a letter from Sir Ambrose Shea, inclosing a communication from the United States' Minister at this Court relating to the question of separate arrangements being possibly made with Newfoundland on the subject of the fisheries.

You will be careful to bear in mind that it is the wish of Her Majesty's Government that no separate action should be taken by the Newfoundland Government in the direction suggested without full previous communication with Her Majesty's Government.

I informed you to this effect by my telegram of the 26th instant.

I have, &c.
 (Signed) H. T. HOLLAND.

* To Canada only.

Inclosure 4 in No. 102.

Sir H. Holland to the Marquis of Lansdowne.

(Secret.)

My Lord,

Downing Street, July 28, 1887.

WITH reference to your telegram of the 21st of July, and to my reply of the 26th instant, relating to the question of separate arrangements being made between the Newfoundland and the United States' Government respecting the fisheries, I have the honour to transmit to you, for the confidential information of your Ministers, copies of the correspondence noted in the margin.

I have, &c.
(Signed) H. T. HOLLAND.

No. 103.

Foreign Office to Colonial Office.

Foreign Office, July 30, 1887.

[Transmits copy of telegram to Sir L. West, dated July 29, 1887: *ante*, No. 100.]

No. 104.

Sir L. West to the Marquis of Salisbury.—(Received August 1.)

(No. 68. Treaty.)

My Lord,

Washington, July 20, 1887.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 33, Treaty, of the 30th ultimo, and to inclose herewith copy of a note which I addressed to the Secretary of State, communicating to him, as instructed by your Lordship, copy of the despatch from the Governor-General of Canada, inclosed therein, on the subject of the alleged ill-treatment of the United States' fishing-vessel "Laura Sayward," and I now have the honour to inclose copy of the reply thereto, stating that investigation will be made into the matter.

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

Inclosure 1 in No. 104.

Sir L. West to Mr. Bayard.

Sir,

Washington, July 18, 1887.

IN your note of the 11th November last, inclosing copies of the statements, with affidavits from Captain Medeo Rose, master of the schooner "Laura Sayward," of Gloucester (Mass.), you state that these papers impressively describe the "inhospitable and inhuman conduct of the Collector of the port of Shelburne, Nova Scotia, in refusing to allow Captain Rose to buy sufficient food for himself and crew to take them home, besides unnecessarily retaining his papers, and thus preventing him, with a wholly inadequate supply of provisions, from proceeding on his voyage." This note, I observe, appears in the papers relating to the Foreign Relations of the United States, transmitted to Congress with the President's Message (1886, No. 231, page 425).

I have now the honour to inform you that I am instructed by the Marquis of Salisbury to communicate to you the inclosed copy of a despatch from the Governor-General of Canada, together with copy of an approved Minute of the Privy Council, to which is appended a letter from the Collector of Customs at Shelburne, inclosing a declaration made by Captain Rose, in which he states that the statements made by him in the affidavit alluded to in your above-mentioned note are all untrue.

In communicating these papers to you, I am further instructed to ask whether the United States' Government have any observations to make thereupon.

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

Inclosure 2 in No. 104.

Mr. Bayard to Sir L. West.

Sir, *Department of State, Washington, July 19, 1887.*

I HAVE the honour to acknowledge your note dated yesterday and received to-day, inclosing a copy of a declaration of Captain Medeo Rose, master of the schooner "Laura Sayward," of Gloucester (Mass.), made on the 20th April last at Sandy Point, before a Justice of the Peace, apparently in contradiction of the statement made by the same party under oath on the 13th October last.

This document will be instantly made the subject of investigation, and the observations of this Government thereon, as suggested by your note, will be communicated to you as soon as information on the matter shall have been received from the Collector of Customs at Gloucester, through whom the original affidavits of Captain Rose were forwarded to this Department.

I have, &c.
(Signed) T. F. BAYARD.

No. 105.

Question asked in the House of Commons, August 1, 1887.

Mr. Gourley,—To ask the Under-Secretary of State for Foreign Affairs, whether he can inform the House what progress has been made towards a settlement of the Anglo-American Fisheries dispute :

When the correspondence which has taken place since the transmission of Lord Salisbury's proposals of the 24th March will be in the hands of members :

And, whether Her Majesty's Government can explain the circumstances of the capture, on Sunday last, of two American boats and thirteen men near Prince Edward's Island by the Canadian cruizer "Critic."

Answer.

Communications are now in progress which it is hoped will lead to a satisfactory settlement at no distant date.

At present there is no further correspondence to be presented.

No official report has as yet been received of the seizures referred to in the third question, but it is believed that they are at present under investigation.

No. 105*.

The Marquis of Salisbury to Sir L. West.

(No. 56. Treaty.)

Foreign Office, August 2, 1887.

[Transmits copy of Colonial Office letter of July 29, 1887 : *ante*, No. 102.]

No. 106.

Foreign Office to Colonial Office.

Foreign Office, August 3, 1887.

[Transmits copy of Sir L. West's No. 68, Treaty, of July 20, 1887 : *ante*, No. 104.]

Mr. Phelps to the Marquis of Salisbury.—(Received August 6.)

My Lord,

London, August 3, 1887.

I HAVE the honour to transmit herewith a communication from the Secretary of State of the United States, containing observations in reply to those of your Lordship on the proposal for an *ad interim* arrangement in respect to the Canadian fisheries.

I have, &c.

(Signed) E. J. PHELPS.

Inclosure in No. 107.

Fisheries Arrangement proposed by United States with "Observations" of British Government and Reply of Government of United States.

Ad interim Arrangement proposed by the United States' Government.

Observations on Mr. Bayard's Memorandum.

Reply to "Observations" on Proposal.

ARTICLE I.

WHEREAS, in the 1st Article of the Convention between the United States and Great Britain, concluded and signed in London on the 20th October, 1818, it was 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, here above 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 portions so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground;" and was declared that "the United States hereby renounce for ever any liberty heretofore enjoyed or claimed by the inhabitants thereof to take, dry,

THE most important departure in this Article from the Protocol of 1866 is the interpolation of the stipulation, "that the bays and harbours from which American vessels are in future to be excluded, save for the purposes for which entrance into bays and harbours is permitted by said Article, are hereby agreed to be taken to be such harbours as are 10, or less than 10, miles in width, and the distance of 3 marine miles from such bays and harbours shall be measured from a straight line drawn across the bay or harbour in the part nearest the entrance at the first point where the width does not exceed 10 miles."

This provision would involve a surrender of fishing rights, which have always been regarded as the exclusive property of Canada, and would make common fishing grounds of the territorial waters which, by the law of nations, have been invariably regarded, both in Great Britain and the United States, as belonging to the adjacent country. In the case, for instance, of the Baie des Chaleurs, a peculiarly well-marked and almost land-locked indentation of the Canadian coast, the 10-mile line would be drawn from points in the heart of Canadian territory, and almost 70 miles distance from the natural entrance or mouth of the bay. This would be done in spite of the fact that, both by Imperial legislation and by judicial interpretation, this bay has been declared to form a part of the territory of Canada. (See Imperial Statute 14 & 15 Vict., cap. 63; and *Mouat v. McPhee*, 5 Superior Court of Canada Reports, p. 66.)

A PRIOR agreement between the two Governments as to the proper definition of the "bays and harbours" from which American fishermen are hereafter to be excluded would not only facilitate the labours of the proposed Commission by materially assisting it in defining such bays and harbours, but would give to its action a finality that could not otherwise be expected. The width of 10 miles was proposed, not only because it had been followed in Conventions between many other Powers, but also because it was deemed reasonable and just in the present case; this Government recognizing the fact that, while it might have claimed a width of 6 miles as a basis of settlement, fishing within bays and harbours only slightly wider would be confined to areas so narrow as to render it practically valueless, and almost necessarily expose the fishermen to constant danger of carrying their operations into forbidden waters. A width of more than 10 miles would give room for safe fishing more than three miles from either shore, and thus prevent the constant disputes which this Government's proposal, following the Conventions above noticed, was designed to avert.

It was not known to involve the surrender of rights "which had always been regarded as the exclusive property of Canada," or to "make common fishing-ground of territorial waters, which, by the law of nations, have been invariably regarded, both in Great Britain and the United States, as belonging to the adjacent country."

The case of the Baie des Cha-

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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 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;" and whereas differences have arisen in regard to the extent of the above-mentioned renunciation; the Government of the United States and Her Majesty the Queen of Great Britain, being equally desirous of avoiding further misunderstanding, agree to appoint a Mixed Commission for the following purposes, namely:—

1. To agree upon and establish, by a series of lines, the limits which shall separate the exclusive from the common right of fishing on the coast and in the adjacent waters of the British North American Colonies, in conformity with the 1st Article of the Convention of 1818, except that the bays and harbours from which American fishermen are in the future to be excluded, save for the purposes for which entrance into the bays and harbours is permitted by said Article, are hereby agreed to be taken to be such bays and harbours as are 10, or less than 10, miles in width, and the distance of 3 marine miles from such bays and harbours shall be measured from a straight line drawn across the bay or harbour, in the part nearest the entrance, at the first point where the width does not exceed 10 miles, the said lines to be regularly numbered, duly described, and also clearly marked on Charts prepared in duplicate for the purpose.

2. To agree upon and establish such Regulations as may be necessary and proper to secure to the fishermen of the United States the privilege of entering bays and harbours for the purpose of shelter and repairing damages therein, of purchasing wood, and of obtaining water, and to agree upon and establish such restrictions as may be necessary to prevent the abuse

Observations on Mr. Bayard's Memorandum.

The Convention with France in 1839, and similar Conventions with other European Powers, form no precedents for the adoption of a 10-mile limit. Those Conventions were, doubtless, passed with a view to the geographical peculiarities of the coast to which they related. They had for their object the definition of the boundary-lines, which, owing to the configuration of the coast, perhaps could not readily be settled by reference to the law of nations, and involve other conditions which are inapplicable to the territorial waters of Canada.

This is shown by the fact that in the French Convention the whole of the oyster-beds in Granville Bay, otherwise called the Bay of Cancale, the entrance of which exceeds 10 miles in width, were regarded as French, and the enjoyment of them is reserved to the local fishermen.

A reference to the action of the United States' Government, and to the admission made by their statesmen in regard to bays on the American coasts, strengthens this view; and the case of the English ship "Grange" shows that the Government of the United States in 1793 claimed Delaware Bay as being within territorial waters.

Mr. Bayard contends that the rule which he asks to have set up was adopted by the Umpire of the Commission appointed under the Convention of 1853 in the case of the United States' fishing-schooner "Washington," that it was by him applied to the Bay of Fundy, and that it is for this reason applicable to other Canadian bays.

It is submitted, however, that as one of the headlands of the Bay of Fundy is in the territory of the United States, any rules of international law applicable to that bay are not therefore equally applicable to other bays the headlands of which are both within the territory of the same Power.

The second paragraph of the 1st Article does not incorporate the exact language of the Convention of 1818. For instance, the words "and for no other purpose whatever" should be inserted after the mention of the purposes for which vessels may enter Canadian waters, and after the words "as may be necessary to prevent" should be inserted, "their taking, drying, or curing fish therein, or in any other manner abusing the privileges reserved," &c.

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leurs, the only case cited in this relation, does not appear to sustain the "observations" above quoted. From 1854 until 1866 American fishermen were permitted free access to all territorial waters of the provinces under Treaty stipulations. From 1866 until 1870 they enjoyed similar access under special licences issued by the Canadian Government. In 1870 the licence system was discontinued, and under date of the 14th May of that year a draft of Special Instructions to officers in command of the marine police, to protect the inshore fisheries, was submitted by Mr. P. Mitchell, Minister of Marine and Fisheries of the Dominion, to the Privy Council, and on the same day was approved. In that draft the width of 10 miles, as now proposed by this Government, was laid down as the definition of the bays and harbours from which American fishermen were to be excluded; and in respect to the Baie des Chaleurs, it was directed that the officers mentioned should not admit American fishermen "inside of a line drawn across at that part of such bay where its width does not exceed 10 miles." (See Sess. Pap., 1870; see also Appendix A to this Memorandum.) It is true that it was stated that these limits were "for the present to be exceptional." But they are irreconcilable with the supposition that the present proposal of this Government "would involve a surrender of fishing rights which have always been regarded as the exclusive property of Canada."

It is, however, to be observed that the instructions above referred to were not enforced, but were, at the request of Her Majesty's Government, amended, by confining the exercise of police jurisdiction to a distance of 3 miles from the coasts or from bays less than 6 miles in width. And in respect to the Baie des Chaleurs, it was ordered that American fishermen should not be interfered with unless they were found within 3 miles of the shore. (Sess. Pap., vol. iv., No. 4, 1871; see also Appendix B.)

The final instructions of 1870 being thus approved and adopted, were reiterated by their reissue in 1871. Such was the condition of things from the discontinuance of the Canadian licence system in 1870, until, by the Treaty of Washington, American fishermen

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of the privilege reserved by said Convention to the fishermen of the United States.

3. To agree upon and recommend the penalties to be adjudged, and such proceedings and jurisdiction as may be necessary to secure a speedy trial and Judgment, with as little expense as possible, for the violators of rights and the transgressors of the limits and restrictions which may be hereby adopted.

Provided, however, that the limits, restrictions, and Regulations which may be agreed upon by the said Commission shall not be final, nor have any effect, until so jointly confirmed and declared by the United States and Her Majesty the Queen of Great Britain, either by Treaty or by laws mutually acknowledged.

Observations on Mr. Bayard's Memorandum.

To make the language conform correctly to the Convention of 1818, several other verbal alterations, which need not be enumerated here, would be necessary.

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again had access to the inshore fisheries.

As to the Statute cited (14 and 15 Vict., cap. 63, 7th August, 1851), it is only necessary to say that it can have no relevance to the present discussion, because it related exclusively to the settlement of disputed boundaries between the two British provinces of Canada and New Brunswick, and had no international aspect whatever; and the same may be said of the case cited, which was wholly domestic in its nature.

Excepting the Baie des Chaleurs, no case is adduced to show why the limit adopted in the Conventions regulating the fisheries in the British Channel and in the North Sea would not be equally applicable to the provinces. The coasts bordering on those waters contain numerous "bays" more than 10 miles wide; and no other condition has been suggested to make the limit established by Great Britain and other Powers as to those coasts "inapplicable" to the coasts of Canada.

The exception referred to (of the oyster beds in Granville Bay) from the 10-mile rule in the Conventions of 1839 and 1843, between Great Britain and France, is found, upon examination of the latter Convention, to be "established upon special principles;" and it is believed that the area of waters so excepted is scarcely 12 by 19 miles. In this relation it may be instructive to note the terms of the Memorandum proposed for the Foreign Office in 1870 with reference to a Commission to settle the fishing limits on the coast of British North America. (Sess. Pap., 1871; see also Appendix C.)

The Baie des Chaleurs is 16½ miles wide at the mouth, measured from Birch Point to Point Macquereau; contains within its limits several other well-defined bays, distinguished by their respective names, and, according to the "observations," a distance of almost 70 miles inward may be traversed before reaching the 10-mile line.

The Delaware Bay is 11½ miles wide at the mouth, 32 miles from which it narrows into the river of that name, and has always been held to be territorial waters, before and since the case of the "Grange" (an international case) in 1793, down to the present time.

In delivering Judgment in the case of the "Washington," the

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Umpire considered the headland theory, and pronounced it "new doctrine." He noted, among other facts, that one of the headlands of the Bay of Fundy was in the United States, but did not place his decision on that ground. And immediately in the next case, that of the "Argus," heard by him and decided on the same day, he wholly discarded the headland theory, and made an award in favour of the owners. The "Argus" was seized, not in the Bay of Fundy, but because (although more than 3 miles from land) she was found fishing within a line drawn from headland to headland, from Cow Bay to Cape North, on the north-east side of Cape Breton Island.

The language of the Convention of 1818 was not fully incorporated in the second paragraph of the 1st Article of the proposal, because that paragraph relates to Regulations for the secure enjoyment of certain privileges expressly reserved. The words, "and for no other purpose whatever," would in this relation be surplusage. The restrictions to prevent the abuse of the privileges referred to would necessarily be such as to prevent the "taking, drying, and curing" of fish. For these reasons the words referred to were not inserted, nor is the usefulness of their insertion apparent.

ARTICLE II.

Pending a definitive arrangement on the subject, Her Britannic Majesty's Government agree to instruct the proper Colonial and other British officers to abstain from seizing or molesting fishing-vessels of the United States unless they are found within 3 marine miles of any of the coasts, bays, creeks, and harbours of Her Britannic Majesty's dominions in America, there fishing, or to have been fishing or preparing to fish within those limits, not included within the limits within which, under the Treaty of 1818, the fishermen of the United States continue to retain a common right of fishery with Her Britannic Majesty's subjects.

This Article would suspend the operation of the Statutes of Great Britain and of Canada, and of the provinces now constituting Canada, not only as to the various offences connected with fishing, but as to Customs, harbours, and shipping, and would give to the fishing-vessels of the United States privileges in Canadian ports which are not enjoyed by vessels of any other class, or of any other nation. Such vessels would, for example, be free from the duty of reporting at the Customs on entering a Canadian harbour, and no safeguard could be adopted to prevent infraction of the Customs Laws by any vessel asserting the character of a fishing-vessel of the United States.

Instead of allowing to such vessels merely the restricted privileges reserved by the Convention of 1818, it would give them greater privileges than are enjoyed at the present time by any vessels in any part of the world.

ARTICLE II.

The objections to this Article will, it is believed, be removed by a reference to Article VI, in which "the United States agrees to admonish its fishermen to comply" with Canadian Customs Regulations, and to co-operate in securing their enforcement. Obedience by American fishing-vessels to Canadian laws was believed, and certainly was intended, to be secured by this Article. By the consolidation, however, of Articles II and VI, the criticism would be fully met.

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ARTICLE III.

For the purpose of executing Article I of the Convention of 1818, the Government of the United States and the Government of Her Britannic Majesty hereby agree to send each to the Gulf of St. Lawrence a national vessel, and also one each to cruize during the fishing season on the southern coasts of Nova Scotia. Whenever a fishing-vessel of the United States shall be seized for violating the provisions of the aforesaid Convention by fishing, or preparing to fish, within 3 marine miles of any of the coasts, bays, creeks, and harbours of Her Britannic Majesty's dominions included within the limits within which fishing is, by the terms of the said Convention, renounced, such vessel shall forthwith be reported to the officer in command of one of the said national vessels, who, in conjunction with the officer in command of another of said vessels of different nationality, shall hear and examine into the facts of the case. Should the said Commanding Officers be of opinion that the charge is not sustained, the vessel shall be released. But if they should be of opinion that the vessel should be subjected to a judicial examination, she shall forthwith be sent for trial before the Vice-Admiralty Court at Halifax. If, however, the said Commanding Officers should differ in opinion, they shall name some third person to act as Umpire between them; and should they be unable to agree upon the name of such third person, they shall each name a person, and it shall be determined by lot which of the two persons so named shall be the Umpire.

ARTICLE IV.

The fishing-vessels of the United States shall have in the established ports of entry of Her Britannic Majesty's dominions in America the same commercial privileges as other vessels of the United States, including the purchase of bait and other supplies; and such privileges shall be exercised subject to the same Rules

Observations on Mr. Bayard's Memorandum.

This Article would deprive the Courts in Canada of their jurisdiction, and would vest that jurisdiction in a Tribunal not bound by legal principles, but clothed with supreme authority to decide on most important rights of the Canadian people.

It would submit such rights to the adjudication of two naval officers, one of them belonging to a foreign country, who, if they should disagree and be unable to choose an Umpire, must refer the final decision of the great interests which might be at stake to some person chosen by lot.

If a vessel charged with infraction of Canadian fishing rights should be thought worthy of being subjected to a "judicial examination," she would be sent to the Vice-Admiralty Court at Halifax; but there would be no redress, no appeal, and no reference to any Tribunal if the naval officers should think proper to release her.

It should, however, be observed that the limitation in the second sentence of this Article of the violations of the Convention which are to render a vessel liable to seizure could not be accepted by Her Majesty's Government.

For these reasons, the Article in the form proposed is inadmissible; but Her Majesty's Government are not indisposed to agree to the principle of a joint inquiry by the naval officers of the two countries in the first instance, the vessel to be sent for trial at Halifax if the naval officers do not agree that she should be released.

They fear, however, that there would be serious practical difficulties in giving effect to this arrangement, owing to the great length of coast, and the delays, which must in consequence be frequent, in securing the presence at the same time and place of the naval officers of both Powers.

This Article is also open to grave objection. It proposes to give the United States' fishing-vessels the same commercial privileges as those to which other vessels of the United States are entitled, although such privileges are expressly renounced by the Convention of 1818 on behalf of fishing-vessels, which were there-

Reply to "Observations" on Proposal.

ARTICLE III.

As the chief object of this Article is not unacceptable to Her Majesty's Government—*i.e.*, the establishment of a joint system of inquiry by naval officers of the two countries in the first instance—it is believed that the objections suggested may be removed by an enlargement of the list of enumerated offences so as to include infractions of the Regulations which may be established by the Commission. And the treatment to be awarded to such infractions should also be considered by the same body.

ARTICLE IV.

The Treaty of 1818 related solely to fisheries. It was not a Commercial Convention, and no commercial privileges were renounced by it. It contains no reference to "ports," of which, it is believed, the only ones then existing were Halifax, in Nova Scotia, and possibly one or two more in the other provinces; and

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and Regulations and payment of the same port charges as are prescribed for other vessels of the United States.

Observations on Mr. Bayard's Memorandum.

after to be denied the right of access to Canadian waters for any purpose whatever, except those of shelter, repairs, and the purchase of wood and water. It has frequently been pointed out that an attempt was made, during the negotiations which preceded the Convention of 1818, to obtain for the fishermen of the United States the right of obtaining bait in Canadian waters, and that this attempt was successfully resisted. In spite of this fact it is proposed, under this Article, to declare that the Convention of 1818 gave that privilege, as well as the privilege of purchasing other supplies in the harbours of the Dominion.

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these ports were not until long afterwards opened, by reciprocal commercial regulations, to vessels of the United States engaged in trading.

The right to "obtain" (*i.e.*, take, or fish for) bait was not insisted upon by the American negotiators, and was doubtless omitted from the Treaty because, as it would have permitted fishing for that purpose, it was a partial reassertion of the right to fish within the limits as to which the right to take fish had already been expressly renounced.

The purchase of bait and other supplies by the American fishermen in the established ports of entry of Canada, as proposed in Article IV, is not regarded as inconsistent with any of the provisions of the Treaty of 1818; and in this relation it is pertinent to note the declaration of the Earl of Kimberley, in his letter of the 16th February, 1871, to Lord Lisgar, that "the exclusion of American fishermen from resorting to Canadian ports, except for the purpose of shelter, and of repairing damages therein, purchasing wood, and obtaining water, might be warranted by the letter of the Treaty of 1818, and by the terms of the Imperial Act 59, Geo. III, chap. 38; but Her Majesty's Government feel bound to state that it seems to them an extreme measure inconsistent with the general policy of the Empire, and they were disposed to concede this point to the United States' Government under such restrictions as may be necessary to prevent smuggling, and to guard against any substantial invasion of the exclusive rights of fishing which may be reserved to British subjects."

It is not contended that the right to purchase bait and supplies, or any other privilege of trade, was given by the Treaty of 1818. Neither was any such right or privilege stipulated for or given by the Treaty of 1854, nor by the Treaty of Washington; and the Halifax Commission decided, in 1877, that it was not "competent" for that Tribunal "to award compensation for commercial intercourse between the two countries, nor for purchasing bait, ice, supplies, &c., nor for permission to tranship cargoes in British waters." And yet this Government is not aware that, during the existence of the Treaty of 1854, or the Treaty of Washington, question was ever made of

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the right of American fishermen to purchase bait and other supplies in Canadian ports, or that such privileges were ever denied them.

ARTICLE V.

The Government of Her Britannic Majesty agree to release all United States' fishing-vessels now under seizure for failing to report at custom-houses when seeking shelter, repairs, or supplies, and to refund all fines exacted for such failure to report. And the High Contracting Parties agree to appoint a Joint Commission to ascertain the amount of damage caused to American fishermen during the year 1886 by seizure and detention in violation of the Treaty of 1818, said Commission to make awards therefor to the parties injured.

By this Article, it is proposed to give retrospective effect to the unjustified interpretation sought to be placed on the Convention by the last preceding Article.

It is assumed, without discussion, that all United States' fishing-vessels which have been seized since the expiration of the Treaty of Washington have been illegally seized, leaving, as the only question still open for consideration, the amount of the damages for which the Canadian authorities are liable.

Such a proposal appears to Her Majesty's Government quite inadmissible.

ARTICLE V.

This Government is not disposed to insist on the precise form of this Article, but is ready to substitute therefor a submission to arbitration in more general terms.

ARTICLE VI.

The Government of the United States and the Government of Her Britannic Majesty agree to give concurrent notification and warning of Canadian Customs Regulations, and the United States agrees to admonish its fishermen to comply with them and cooperate in securing their enforcement.

This Article calls for no remark.

APPENDIX (A).

"In such capacity, your jurisdiction must be strictly confined within the limit of 'three marine miles of any of the coasts, bays, creeks, or harbours' of Canada with respect to any action you may take against American fishing-vessels and United States' citizens engaged in fishing. Where any of the bays, creeks, or harbours shall not exceed 10 geographical miles in width, you will consider that the line of demarcation extends from headland to headland, either at the entrance to such bay, creek, or harbour, or from and between given points on both sides thereof, at any place nearest the mouth where the shores are less than 10 miles apart; and may exclude foreign fishermen and fishing-vessels therefrom, or seize if found within 3 marine miles of the coast.

"*Jurisdiction.*—The limits within which you will, if necessary, exercise the power to exclude United States' fishermen, or to detain American fishing-vessels or boats, are for the present to be exceptional. Difficulties have arisen in former times with respect to the question whether the exclusive limits should be measured on lines drawn parallel everywhere to the coast, and describing its sinuosities, or on lines produced from headland to headland across the entrances of bays, creeks, or harbours. Her Majesty's Government are clearly of opinion that by the Convention of 1818 the United States have renounced the right of fishing not only within 3 miles of the colonial shores, but within 3 miles of a line drawn across the mouth of any British bay or creek. It is, however, the wish of Her Majesty's Government neither to concede, nor for the present to enforce, any rights in this respect, which are in their nature open to any serious question. Until further instructed, therefore, you will not interfere with any American fishermen unless found within 3 miles of the shore, or within 3 miles of a line drawn across the mouth of a bay or creek which is less than 10 geographical miles in width. In the case of any other bay, as the Baie des Chaleurs, for example, you will not admit any United States' fishing-vessel or boat, or any American fishermen, inside of a line drawn across at that part of such bay where its width does not exceed 10 miles."—(Session Papers, vol. iii, No. 6, 1870.)

APPENDIX (B).

"In such capacity, your jurisdiction must be strictly confined within the limit of 'three marine miles of any of the coasts, bays, creeks, or harbours' of Canada with respect to any action you may take against American fishing-vessels and United States' citizens engaged in fishing. Where any of the bays, creeks, or harbours shall not exceed 6 geographical miles in width, you will consider that the line of demarcation extends from headland to headland either at the entrance to such bay, creek, or harbour, or from and between given points on both sides thereof, at any place nearest the mouth where the shores are less than 6 miles apart, and may exclude foreign fishermen and fishing-vessels therefrom, or seize if found within 3 marine miles of the coast.

"*Jurisdiction.*—The limits within which you will, if necessary, exercise the power to exclude United States' fishermen, or to detain American fishing-vessels or boats, are for the present to be exceptional. Difficulties have arisen in former times with respect to the question whether the exclusive limits should be measured on lines drawn parallel everywhere to the coast and describing its sinuosities, or on lines produced from headland to headland across the entrances of bays, creeks, or harbours. Her Majesty's Government are clearly of opinion that, by the Convention of 1818, the United States have renounced the right of fishing not only within 3 miles of the colonial shores, but within 3 miles of a line drawn across the mouth of any British bay or creek. It is, however, the wish of Her Majesty's Government neither to concede, nor for the present to enforce, any rights in this respect, which are in their nature open to any serious question. Until further instructed, therefore, you will not interfere with any American fishermen unless found within 3 miles of the shore, or within 3 miles of a line drawn across the mouth of a bay or a creek which, though in parts more than 6 miles wide, is less than 6 geographical miles in width at its mouth. *In the case of any other bay, as Baie des Chaleurs, for example, you will not interfere with any United States' fishing vessel or boat, or any American fishermen, unless they are found within 3 miles of the shore.*

"*Action.*—You will accost every United States' vessel or boat actually within 3 marine miles of the shore, along any other part of the coast except Labrador and around the Magdalen Islands, or within 3 marine miles of the entrance of any bay, harbour, or creek which is less than 6 geographical miles in width, or inside of a line drawn across any part of such bay, harbour, or creek, at points nearest to the mouth thereof, not wider apart than 6 geographical miles, and if either fishing, preparing to fish, or having obviously fished, within the exclusive limits, you will, in accordance with the above-recited Acts, seize at once any vessel detected in violating the law, and send or take her into port for condemnation; but you are not to do so unless it is evident and can be clearly proved that the offence of fishing has been committed, and that the vessel is captured within the prohibited limits." (Session Papers, vol. iv., No. 4, 1871.)

APPENDIX (C).

The Secretary of State for the Colonies to the Governor-General.

Sir, *Downing Street, October 10, 1870.*
I inclose a copy of a Memorandum, which I have requested Lord Granville to transmit to Sir E. Thornton, with instructions to communicate with you before addressing himself to the Government of the United States on the subject to which the Memorandum relates.

The object of Her Majesty's Government is, as you will observe, to give effect to the wishes of your Government, by appointing a Joint Commission, on which Great Britain, the United States, and Canada are to be represented, with the object of inquiring what ought to be the geographical limits of the exclusive fisheries of the British North American Colonies. In accordance with the understood desire of your advisers, it is proposed that the inquiry should be held in America.

The proposal contained in the last paragraph is made with a view to avoid diplomatic difficulties, which might otherwise attend the negotiation.

I have, &c.
(Signed) KIMBERLEY.

Governor-General the Right Hon. Sir John Young, G.C.B., G.C.M.G.

Memorandum for Foreign Office respecting a Commission to settle Limits of the right of exclusive Fishery on the Coast of British North America.

A Convention made between Great Britain and the United States on the 20th October, 1818, after securing to American fishermen certain rights to be exercised on part of the coasts of Newfoundland and Labrador, proceeded as follows:—

"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 miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America, not included within the above limits."

The right of Great Britain to exclude American fishermen from waters within three miles of the coast is unambiguous, and, it is believed, uncontested. But there appears to be some doubt what are the waters described as within 3 miles of bays, creeks, and harbours. When a bay is less than 6 miles broad, its waters are within 3 miles limit, and therefore clearly within the meaning of the Treaty; but when it is more than that breadth, the question arises whether it is a bay of Her Britannic Majesty's dominions.

This is a question which has to be considered in each particular case with regard to international law and usage. When such a bay, &c., is not a bay of Her Majesty's dominions, the American fishermen will be entitled to fish in it, except within 3 miles of the "coast;" "when it is a bay of Her Majesty's dominions," they will not be permitted to fish within 3 miles of it; that is to say (it is presumed), within 3 miles of a line drawn from headland to headland.

It is desirable that the British and American Government should come to a clear understanding in the case of each bay, creek, or harbour, what are the precise limits of the exclusive rights of Great Britain, and should define those limits in such a way as to be incapable of dispute, either by reference to the bearings of certain headlands, or other objects on shore, or by laying the lines down in a map or chart.

With this object it is proposed that a Commission should be appointed, to be composed of Representatives of Great Britain, the United States, and Canada, to hold its sittings in America, and to report to the British and American Governments their opinion either as to the exact geographical limits to which the renunciation above quoted applies, or, if this is found impracticable, to suggest some line of delineation along the whole coast, which, though not in exact conformity with the words of the Convention, may appear to them consistent in substance with the just rights of the two nations, and calculated to remove occasion for further controversy.

It is not intended that the results of the Commission should necessarily be embodied in a new Convention between the two countries, but if an agreement can be arrived at, it may be sufficient that it should be in the form of an understanding between the two Governments as to the practical interpretation which shall be given to the Convention of 1818. (Session Papers, 1871.)

No. 108.

Foreign Office to Colonial Office.

Foreign Office, August 10, 1887.

[Transmits copy of No. 56, Treaty, to Sir L. West, dated July 29, 1887: *ante*, No. 101.]

No. 110.

The Marquis of Salisbury to Mr. Phelps.

Sir,

Foreign Office, August 13, 1887.

I HAVE the honour to acknowledge the receipt of your note of the 3rd instant, containing observations in reply to those in mine of the 24th March last to Mr. White concerning the proposed *ad interim* arrangement respecting the fisheries; and I beg leave to say that this communication shall receive the attention of Her Majesty's Government.

I have, &c.
(Signed) SALISBURY.

No. 111.

Colonial Office to Foreign Office.—(Received August 17.)

Sir,

Downing Street, August 16, 1887.

WITH reference to your letter of the 29th June, I am directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, a copy of a letter from the Admiralty, inclosing the instructions which have been sent to the Naval Commander-in-chief on the North American Station on the subject of the Canadian fisheries.

I am, &c.
(Signed) R. H. MEADE.

Inclosure 1 in No. 111.

Admiralty to Colonial Office.

Sir, *Admiralty, August 4, 1887.*
 IN reference to your letter of the 6th ultimo, I am commanded by my Lords Commissioners of the Admiralty to inclose herewith, for the information of Sir Henry Holland, a copy of the Instructions which have been sent for the information and guidance of the Commander-in-chief on the North American Station, on the subject of the Canadian fisheries, in consequence of the determination of Articles XVIII to XXV and Articles XXX and XXXII of the Treaty of Washington made in 1871 between Great Britain and the United States of America.

I am, &c.
 (Signed) EVAN MACGREGOR.

Inclosure 2 in No. 111.

Admiralty to Commander-in-chief, North American and West India Station.

(Confidential.)

Sir, *Admiralty, July 30, 1887.*
 WITH reference to Article VII, sections 4, 5, and 6, of your Instructions to the Senior Officers of Her Majesty's ships employed in the protection of the fisheries, dated the 1st February, 1877, I am commanded by my Lords Commissioners of the Admiralty to transmit herewith, for your information and guidance, a copy of a letter (with its inclosures) from the Colonial Office, dated the 6th instant, on the subject of the Canadian fisheries.

2. You will observe, from the Colonial Office letter, that the determination of Articles XVIII to XXV and Articles XXX and XXXII of the Treaty of Washington made in 1871 between Great Britain and the United States, revives the 1st Article of the Convention of the 20th October, 1818.

3. To insure that the wishes of Her Majesty's Government are carried out in respect of the observance of that Article, so far as the force under your command will admit, my Lords desire that you will issue instructions to the Commanding Officers of Her Majesty's ships on the North American Station in accordance with the terms of the Colonial Office letter and of its inclosures; especially observing that the letter addressed to Captain Scott by the Minister of Marine, dated at Ottawa on the 23rd March, 1886, is to be treated as strictly confidential.

I am, &c.
 (Signed) EVAN MACGREGOR.

No. 112.

Foreign Office to Colonial Office.

(Confidential.)

Sir, *Foreign Office, August 18, 1887.*
 I AM directed by the Marquis of Salisbury to transmit to you a copy of a note from the United States' Minister at this Court, containing observations in reply to those made in his Lordship's note of the 24th March last to Mr. White, relative to a proposed *ad interim* arrangement concerning the North American fisheries.

It is not clear whether the United States' Government contemplate putting forward the *ad interim* arrangement in question as a matter for discussion by the proposed Commission; but, in the meanwhile, I am to request that if Sir H. Holland sees no objection, Mr. Phelps' note and inclosure may be referred to the Canadian Government for their observations.

His Lordship would further suggest that a copy might perhaps with advantage be communicated to Sir Charles Tupper.

I am, &c.
 (Signed) T. V. LISTER.

No. 113.

Sir L. West to the Marquis of Salisbury.—(Received August 22.)

(No. 73. Treaty.)

My Lord,

Washington, August 8, 1887.

I HAVE the honour to inclose to your Lordship herewith an article from the "New York Herald" on the Fishery question, indicating that there should be no serious difficulty in an amicable settlement of it.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 113.

Extract from the "New York Herald" of August 8, 1887.

THAT FISHERY MUDDLE.—Our correspondent at Halifax reported in yesterday's "Herald" that three British war vessels—Admiral Lyons' flagship, the "Bellerophon," the "Canada," and the "Pylades"—would probably be ordered to the Gulf of St. Lawrence early this week. There are already seven Dominion cruizers policing the shores of the gulf and endeavouring to keep our 250 American fishing-vessels from catching mackerel within the 3-mile limit. A contingent of the North Atlantic squadron also hovers in the vicinity to protect the threatened interests of the United States.

Our fishermen have been so long accustomed to the freedom of Canadian harbours that they find the existing order of things extremely irksome. They chafe at the sudden change of circumstances and are irritated at the exasperating, and, in some cases, high-handed methods of the Dominion Government. They ask—and properly too—why all the acts of courtesy should be on our side, to be repaid on the other side by a stringent and apparently vindictive enforcement of the letter of the Treaty of 1818. Heretofore, our vessels have spent their money freely in buying of the small farmers and tradesmen of Prince Edward Island barrels and woollen articles and ship stores and eggs, butter, and produce. Along the coast of Nova Scotia they have purchased 100,000 dollars' worth of bait per year. This was, of course, an advantage to the Americans, but it was no less an advantage to the maritime provinces.

Now we fall back on the Treaty of 1818 until a new arrangement can be made with Great Britain, and that Treaty stipulates that we shall take no fish within 3 marine miles of the shore, and that we may enter the bays of the coast for shelter or repairs or the purchase of wood or to get water, but "for no other purpose whatever."

There should be no serious difficulty in an amicable settlement of this fishery business. We have no desire to overreach Canada, but we do not propose to be made the victim of Sir John Macdonald's grasping policy. He has been acting under the impression that if he could make things sufficiently disagreeable we would accede to almost any terms, however unreasonable. During the period of the recently annulled Treaty we paid, as the award of the Halifax Commission, 5,500,000 dollars, and Canada was permitted to bring its fish to the United States free of duty. During a single year—1881, for example—the amount of duties remitted amounted to 300,000 dollars, a fair annual average during the twelve years of the Treaty. During this same year 1881 the Canadians caught, north of the 39th parallel, nearly 400,000 barrels, while the American catch amounted to less than 500 barrels all told.

Of course, Sir John would be willing to grant us our old privileges under the same conditions, but we are not in the habit of continuing a bad bargain longer than is necessary. We terminated the Treaty according to the conditions provided by itself, and now stand ready to reach a conclusion with our northern neighbours which will be just to both parties. If we hesitate to swap a thoroughbred for a worn-out nag, to give everything and receive nothing in return, it only shows that, though willing to make a fair exchange, we are not anxious to be imposed upon. The Canadian Government will learn at last that we pay for an article what it is worth, but no more; and if Sir John continues a policy of coercion, he may discover that the staying qualities of Americans are equal to his own.

Our fishermen have not lately been assisting the two Governments to a settlement. On the contrary, they have been tangling the snarl and hurting their own cause. In some cases they have captured mackerel within the 3-mile limit. They argue that

they have a right to take fish wherever they find them. No, not within 3 miles of the shore. They say it is hard to miss a big school of 100 barrels just because it is 40 rods within the line. True, the temptation is a strong one for a captain who is in a hurry to load up and get to a market. Human nature is weak under those circumstances, and this is precisely what Sir John depends on to carry his point. He is only too glad of a chance to pounce on a vessel and to exact a fine or confiscate the whole thing. He likes nothing better.

To make matters worse, the mackerel, which have had the decency to keep in deep water for a dozen years, have suddenly taken it into their heads to school inshore. Last year and this year they have devoted themselves to that eccentricity. Our captains, though, have only themselves to blame if they openly infringe on the stipulated conditions. Outside of the 3-mile limit they are all right and can laugh at the cruizers; inside of that limit they render themselves liable to seizure and have no redress.

It's a long lane that has no turning. Canada will come to her senses after a while and then we can make a bargain in which both she and we will be gainers.

No. 114.

Sir L. West to the Marquis of Salisbury.—(Received August 22.)

(No. 74. Treaty.)

My Lord,

Washington, August 8, 1887.

WITH reference to my preceding despatch, I have the honour to inclose to your Lordship correspondence which has appeared in the "New York Herald" respecting more especially the steps taken by the American Admiral to warn American fishermen against infringing Canadian Regulations which have not been approved by the Secretary of the Navy.

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

Inclosure in No. 114.

Extract from the New York "Sun" of August 8, 1887.

THE FISHERIES DISPUTE.—*Halifax, August 7.*—Considerable excitement prevailed here yesterday over the latest seizure at Souris, which is now reported to be not only for an offence against the Customs Laws, but also for a violation of the Treaty of 1818, and to be such a serious case as to require the immediate presence of Consul-General Phelan. Great interest also attaches to a conference which took place yesterday between the Minister of Fisheries, Rear-Admiral Luce, Consul-General Phelan, and Captain Scott. The conference occurred on board the United States' flag-ship "Richmond," and lasted over an hour. It is understood that circumstances connected with recent seizures, the administration of Canadian Customs Regulations, the rights of American fishermen in Canadian waters, the statement of questions by Admiral Luce and Captain Scott's replies thereto, and other matters were freely and frankly discussed, though purely informally. The result is that this interchange of views has caused such a personal understanding to be arrived at as will materially aid in solving a number of knotty points hitherto a source of annoyance and irritation, and to tend to simplify affairs in the future.

Regarding the cases of the Gloucester schooners, "Argonaut" and "French," Minister Foster declared it to be the intention of the Canadian authorities to capture those vessels wherever they could find them, either inside the Canadian limits or on the high seas outside the territorial waters of the United States. He argued that the vessels, upon the admission of their crews, had clearly been guilty of violating the Treaty, and therefore were liable to forfeiture; and a forfeited vessel could be taken anywhere outside the territorial waters of another Power. Both Admiral Luce and Consul-General Phelan strongly dissented from this view, and emphatically expressed their opinions that the United States would never permit those vessels to be taken outside the territorial waters of Canada.

Regarding the supply of necessaries of life to American vessels coming in from the Banks destitute, the Minister explained that while no vessel would be permitted

to suffer for food, it was not his intention to allow American vessels to fish until all their provisions were exhausted, and then play upon Canadian sympathy for a fresh supply. The Minister said he had not received details of the "Souris" seizure, but if the men were shipped outside the limit, as alleged by the skipper of the "Perkins," he thought the matter could be amicably adjusted.

The gathering was mutually agreeable, and will doubtless result in more pleasant relations in the future than those which have hitherto prevailed. But while interest attached to the seizure and the conference, by far the greatest interest centred in the current report that Secretary of the Navy Whitney has telegraphed Admiral Luce to withdraw all Circulars or Memoranda of Instructions that he may have authorized or issued to American fishermen. This includes the Memoranda a summary of which was telegraphed the "Sun." It is understood the instructions to fishermen were issued upon Admiral Luce's personal responsibility, and without authority from the Navy Department or the advice or approval of Consul Phelan. There was no authorized joint action between them. Admiral Luce was anxious, it is understood, to ascertain what Canadian laws are, and to furnish a plain and simple summary of the same for the guidance of Americans which would prevent their falling a prey to Canadian officials. This is what he did, but such a statement of Canadian law, which American fishermen were urged to strictly obey in default of losing the confidence and support of the American Government and American nation, was in direct contradiction of almost every position assumed by Secretary Bayard in his correspondence with Lord Salisbury, and of the base upon which Congress enacted the Retaliatory Law last Session. Hence Admiral Luce's well-meaning effort to befriend American fishermen has been interfered with.

The British war ships now in the North American waters are to take a hand in settling the fisheries troubles. This announcement was made late last night, and has caused genuine surprise on all sides. It is the first time that the British authorities have interfered in the fisheries fight, and the unexpected change of policy occasions no little anxiety among Americans here. They do not know what to make of it. The men-of-war will not act as patrols only to keep American fishermen outside the forbidden waters, but will make seizures when they cross the line. There are three war ships available for the service at this moment—Admiral Lyons' flag-ship, the "Bellerophon," the "Canada," and the "Pylades." These vessels are now in Halifax Harbour.

The present intention is to send the ships early next week to the Gulf of St. Lawrence to reinforce the five Canadian cruisers already there. It is not likely that more than three war ships will be put at the work of seizing Yankees, but, if it should be considered advisable, as many more can be ordered into these waters from Newfoundland and Bermuda at a few days' notice.

Admiral Luce authorizes the following statement in regard to the Circular which he issued, giving instructions to American fishermen:—

"My position is easily defined. It is understood by common report that the United States' Government and that of Great Britain are now negotiating for a settlement of the Fisheries questions. Pending these negotiations it is the part of the United States' vessels of war in Canadian waters to avoid doing anything that might even harass our Government or add to the complications of the various questions at issue.

"The ships of the North Atlantic squadron were not sent to the Gulf of St. Lawrence to prevent by force the seizure of American fishermen by Dominion cruisers for alleged violation of laws for the protection of the inshore fisheries, but rather to render such moral support as the mere presence of our ships might afford. In the event of a seizure of an American fishing-vessel for an alleged violation of the laws of the Dominion the case must be fought out in the Courts, not by the Dominion cruiser and a vessel of war of the United States. This is not abating one jot or one tittle of the American side of the question, for if the Dominion Courts find in opposition to the claim of the United States, then the case can be taken up by our Government and submitted, if necessary, to arbitration. The appeal to arms, as some of our newspapers suggest, is supposed to be the measure of last resort.

"Had the entire United States' navy been present on the 1st September, 1886, it could not have legally prevented the seizures by a very small Dominion cruiser of the "Highland Light" for fishing within the 3-mile limit. However tenaciously we may uphold the justice of the American side of the question, it has not saved the cases of the "David J. Adams" and "Ellen M. Doughty" from dragging through the Courts now for over a year. And whatever may be the decision in those cases, the

fact remains that the voyage in each case was broken up, and the parties most directly concerned subjected to much inconvenience.

"Hence, to enable our fishermen to keep out of the Courts, the first and most obvious step was to ascertain the nature of the Instructions issued to the Dominion cruizers, and, having obtained that information, the next step was to give our fishermen the benefits of it without endorsement by me or of any American official of the views embraced in those Instructions.

"Coupled with this information was the warning that in the event of seizure the case would have to go to the Courts, as our vessels of war were not empowered to interpose force or to prevent the law from taking its course. The only exception to this that I am aware of is in doubtful cases, or in cases where the rights of our fishermen seem to have been clearly violated by the Dominion cruizers. In that event the question is referred by the nearest United States' Consul to our Consul-General at Halifax, who makes up the case and submits it to the State Department at Washington."

No. 115.

Sir L. West to the Marquis of Salisbury.—(Received August 22.)

(No. 76. Treaty. Confidential.)

My Lord,

Washington, August 11, 1887.

WITH reference to my despatch No. 59, Treaty, Confidential, of the 3rd May last, I have the honour to inclose to your Lordship herewith a cutting from a Washington newspaper. Your Lordship will perceive that the language which Senator Sherman* is reported to have used with regard to the Fishery question is much the same as that which he used to me, as reported to your Lordship in my above-mentioned despatch.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 115.

Extract from the "National Republican" of August 11, 1887.

SENATOR SHERMAN IN CANADA.—*Winnepeg, Manitoba, August 10.*—On his way to the north-west Senator Sherman travelled a considerable distance with Senator Ogilvie, the great flour-mill king of Canada. Mr. Ogilvie to-day stated that he discussed commercial union and the Fisheries question fully with Senator Sherman, and that the latter assured him the Fisheries question was but a trifling one in the United States, and of interest to a few people of Massachusetts and Maine only. Citizens generally of the United States took little or no interest in the question. Mr. Sherman further stated that he regarded the action of the Dominion Government upon the question as perfectly within their rights and extremely moderate. He said the Dominion was quite right in catching and punishing all the thieves who persisted in stealing their fish.

No 116.

Admiralty to Foreign Office.—(Received August 22.)

Sir,

Admiralty, August 20, 1887.

I AM commanded by the Lords Commissioners of the Admiralty to transmit, for the perusal of the Secretary of State for Foreign Affairs, an extract from a letter which has been received from the Commander-in-chief on the North American Station, dated the 3rd instant, respecting the Instructions issued to the Commanders of the United States' cruizers employed in Canadian waters for the protection of fisheries, &c.

2. A similar letter has been sent to the Colonial Office.

I am, &c.

(Signed) R. D. AWDRY.

* The conversation recorded by Sir L. West was with Senator Edmunds: see p. 53.

Inclosure in No. 116.

Commander-in-chief on the North American Station to Admiralty.

(Extract.)

August 3, 1887.

REAR-ADMIRAL LUCE, commanding the United States' North Atlantic Squadron, arrived at Halifax in his flag-ship "Richmond" on the 24th ultimo. He was preceded by the corvettes "Golena" and "Yantic," and followed on the 28th by the "Ossipee."

These vessels from the squadron dispatched by the Government of the United States for the protection of American citizens fishing in Canadian waters, I am assured by the Rear-Admiral that the Instructions issued to the Commanders of the cruisers are of a nature studied to meet the wishes of the Imperial and Canadian Governments. And this is confirmed by Commander Gordon, commanding the Dominion steam-cruiser "Acadia," returned last week from the Gulf of St. Lawrence, who informs me that the American officers are acting in the most conciliatory manner in cautioning their countrymen against improper fishing or violation of the Customs Regulations.

No. 117.

Colonial Office to Foreign Office.—(Received August 24.)

Sir,

Downing Street, August 22, 1887.

WITH reference to your letter of the 22nd July, I am directed by Secretary Sir H. Holland to transmit to you, for the information of the Marquis of Salisbury, copies of two despatches from the Officer administering the Government of Newfoundland, respecting the proposed separate arrangement between that Colony and the United States on the Fisheries question.

Sir H. Holland proposes, with Lord Salisbury's concurrence, to reply to these despatches that Her Majesty's Government will not fail to consider whether, without prejudice to other British interests, effect can be given to the wishes of Newfoundland to make a separate arrangement with the United States on this matter, but that it is a question requiring careful consideration.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 117.

Administrator Carter to Sir H. Holland.

(Confidential.)

Sir,

Government House, Newfoundland, August 1, 1887.

I HAVE the honour to acquaint you that immediately on receipt of your cypher message of the 26th July last, respecting the letter of the Minister of the United States to Sir A. Shea upon the subject of a separate fishery arrangement with the United States, I informed Mr. Winter, Attorney-General, Acting Premier in the absence of Sir Robert Thorburn, as directed, for the guidance of the Executive. Since then I have been informed, both by the Attorney-General and Sir Robert Thorburn, recently returned to the Colony, that no step will be taken in that direction without first apprising Her Majesty's Government, and that such course had been previously determined upon.

I beg to forward a copy of Sir A. Shea's letter to the Colonial Secretary, covering that of Mr. Phelps, of which I had not heard until after the receipt of your message.

I have, &c.
(Signed) F. B. T. CARTER.

Inclosure 2 in No. 117.

Sir A. Shea to the Colonial Secretary, St. John's.

Sir, *St. John's, July 15, 1887.*
 I BEG to inclose letter from the American Minister in London, and I have to inform you that, if application be made, Her Majesty's Government will be ready to assent to the proposal for a separate Treaty between the United States and this Colony.

I have, &c.
 (Signed) A. SHEA.

Inclosure 3 in No. 117.

Administrator Carter to Sir H. Holland.

Sir, *Government House, Newfoundland, August 3, 1887.*
 WITH reference to the proposal for a separate fishery arrangement between the United States and this Colony, I have the honour to inclose a Minute of the Executive Council just delivered to me for transmission.
 I have not deemed it necessary to make any observations on this, as the subject and circumstances are so well known to Her Majesty's Government.

I have, &c.
 (Signed) F. B. T. CARTER.

Inclosure 4 in No. 117.

Extract from Minutes of the Executive Council of August 3, 1887.

A COMMUNICATION was read from Sir A. Shea, inclosing a letter to him from Mr. Phelps, United States' Minister in London, on the subject of negotiations for an arrangement between the United States' Government and this Colony in relation to fishery questions, and to the effect that the granting of permission during the present season to the United States' fishermen to obtain supplies in the ports of this Colony would be regarded with favour by the Government of the United States in connection with such negotiations.

The Council are gratified at the expression on the part of the United States' Government of a disposition on their part to enter upon negotiations in relation to this important question in a friendly spirit.

The Council are of opinion that it would be greatly to the advantage of the Colony to be in a position to negotiate for an independent (separate) arrangement with the United States in relation to fishery and other cognate questions. And that it is desirable that authority should be obtained from Her Majesty's Government for the purpose of opening communication with the United States' Government upon the subject as soon as opportunity may appear favourable. Subject to such conditions as Her Majesty's Government may consider it advisable to prescribe.

(Signed) M. FENELON, *Colonial Secretary.*

No. 118.

*Foreign Office to Colonial Office.**Foreign Office, August 24, 1887.*

[Transmits copies of newspaper extracts (Inclosures in Sir L. West's Nos. 73, 74, and 76, Treaty, of August 8 and 12, 1887: *ante*, Nos. 113, 114, and 115.)]

No. 119.

Colonial Office to Foreign Office.—(Received August 26.)

Sir, *Downing Street, August 25, 1887.*
 I AM directed by the Secretary of State for the Colonies to transmit to you, for the information of the Marquis of Salisbury, a copy of a despatch from the Governor-General of Canada, forwarding a Report upon the seizure of boats and nets belonging to the United States' seiners "Argonaut" and "Colonel J. H. French," by the Canadian cruiser "Critic," and also a Report on the detention of the "Annie W. Hodgson" by the Canadian cruiser "Advance."

I am, &c.
 (Signed) R. H. MEADE.

Inclosure 1 in No. 119.

The Marquis of Lansdowne to Sir H. Holland.

Sir, *New Derreen, New Richmond, August 8, 1887.*
 I HAVE the honour to inclose herewith copy of a Report which has been received in the Department of Marine and Fisheries upon the recent seizure off East Point of boats and nets belonging to the United States' seiners "Argonaut" and "Colonel J. H. French," by Captain McLaren, of the Canadian cruiser "Critic;" also copy of a further Report by Captain Knowlton, of the Canadian cruiser "Advance," of his detention of the United States' schooner "Annie S. Hodgson," at Shelburne.
 2. You will observe that in the former case the boats seized were beyond all question engaged in fishing within the 3-mile limit.
 3. The "Annie S. Hodgson" has since been released upon deposit of the usual fine of 400 dollars for breach of the Customs Law.

I have, &c.
 (Signed) LANSDOWNE.

Inclosure 2 in No. 119.

Mr. McLaren to Mr. J. Tilton.

Sir, *Souris, Prince Edward Island, July 25, 1887.*
 IT is my duty to inform you that on yesterday, Sunday, the 24th July, I seized the seining boat and seine of the Gloucester United States' seiner "Argonaut," also the seining boat and seine of the Gloucester United States' seiner "Colonel J. H. French."

The facts of the seizures are as follows:—

8 A.M.—Northward off East Point, weighed anchor and followed the fleet (about sixty in number) round to the southward of the Point, the fleet keeping between 4 and 5 miles off shore.

About 10 A.M., the fleet being off shore, came to an anchor.

About noon, noticing that some of the vessels were working inshore, weighed anchor and stood off. When cruising off noticed four seine boats with seines out, inside the 3-mile limit. Bore down for them and found that two were Canadian and the other two United States' boats belonging to the seiners "Argonaut" and "Colonel J. H. French," both of Gloucester.

I took the latter two boats in tow, but was unable to seize the schooners as they, on seeing us bear down on the boats, had sailed off among the fleet. Immediately on seizing the above-mentioned boats I took cross bearings as follows:—

East Point Lighthouse bearing north-east half north, and bar in head bearing west half south. Sounded and found 9 fathoms of water, and so buoyed the spot, leaving the small boat with a man in her to watch the buoy. After getting the seine boats rightly in tow and the crews on board, sailed, for the purpose of measuring the distance with the taffrail log, inshore, towards the nearest land, and when in 3 fathoms of water, and judging myself to be about half-a-mile off, tacked and stood off for the buoy. I found the distance from the nearest land to the buoy to be $1\frac{3}{4}$ miles,

so that, giving them the benefit of all doubts, the boats were inside of 2 miles from the nearest land.

I am, &c.
(Signed) WM. McLAREN,
Master Government Cruiser "Critic."

We the Undersigned certify that the above statement, which has been read to us, is true in every particular.

(Signed) JOHN GRAHAM, 1st Officer.
GEORGE CRAWFORD, Boatswain.
NEIL KENNEDY, A.B.

Inclosure 3 in No. 119.

Captain Knowlton to Mr. J. Tilton.

Sir, *Halifax, July 28, 1887.*
WE arrived here to-day on our way to North Bay. Our port is Escuminac, New Brunswick. Cruizing ground North Point, Prince Edward Island, and Miramichi Bay. Will sail 29th.

I wired you that I detained the American fishing-schooner "Annie W. Hodgson." I sent seizure form. Did not write particulars, which I should have done. I will now give particulars.

The schooner entered Shelburne Harbour 24th during fog, and I always took my boat and cruized down the harbour during foggy weather. I left the cruiser about 8:30 A.M., after which the fog cleared. I sighted the vessel about 1½ or 2 miles from Roseway Light inside.

When the schooner saw my boat approaching, got under way, but, wind being light, I soon overtook him, brought him back to Shelburne, handed him over to Collector of Customs. I had been informed, when the schooner was in the week before, that she wanted bait. I only detained her for not reporting.

I feel I had good reason to detain her, and will always do my duty as far as possible.

Your, &c.
(Signed) C. T. KNOWLTON,
Cruiser "Advance."

No. 120.

The Marquis of Salisbury to Sir L. West.

(No. 58. Treaty.)

Sir, *Foreign Office, August 26, 1887.*
WITH reference to my despatch No. 55, Treaty, of the 29th ultimo, I have to acquaint you that the United States' Minister at this Court called upon me to-day and stated that his Government agreed to the appointment of a Mixed Commission, to consist of three English and three American Commissioners, to meet at Washington some time in October next to consider the North American Fisheries question.

I am, &c.
(Signed) SALISBURY.

No. 121.

Foreign Office to Colonial Office.

Sir, *Foreign Office, August 27, 1887.*
I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 22nd instant relative to the proposal for a separate arrangement between the United States and Newfoundland upon the Fisheries question, and I am to express to you his Lordship's concurrence in the reply which Sir Henry Holland proposes to make to the despatch which he has received from the Administrator on this subject.

His Lordship, however, desires me to add that he is not aware that any intimation has been made to Sir A. Shea in the sense stated in his letter to the Colonial Secretary of the 15th July to the effect "that if application be made, Her Majesty's Government will be ready to assent to the proposal for a separate Treaty between the United States and Newfoundland."

I am, &c.
(Signed) T. V. LISTER.

No. 122.

Foreign Office to Colonial Office.

(Confidential.)

Sir,

Foreign Office, August 29, 1887.

WITH reference to the letter from this Department of the 10th instant, I am directed by the Marquis of Salisbury to transmit to you, to be laid before Sir Henry Holland, a copy of a despatch which his Lordship has addressed to Her Majesty's Minister at Washington relative to the appointment of a Mixed Commission to consider the Fisheries question.*

I am, &c.
(Signed) T. V. LISTER.

No. 123.

Statement in the House of Commons, August 30, 1887.

Sir J. Fergusson.—As I have been repeatedly questioned with reference to the North American fishery disputes, perhaps the House will allow me to state that the United States' Government have agreed to the appointment of a new Fisheries Commission of three members on each side. I may add that the right honourable gentleman the Member for West Birmingham has accepted the office of First Commissioner.

Mr. E. Robertson asked whether the powers of the Commissioners would be wide enough to include other matters requiring adjustment between this country and the United States, or whether they would be strictly limited to disputes arising out of fisheries.

Sir J. Fergusson.—I thought I had made it clear that the Commission will have to deal with the questions which have been lately under discussion, viz., those affecting the North American fisheries.

Mr. E. Robertson.—Solely?

Sir J. Fergusson.—Yes, as far as I know.

No. 124.

Colonial Office to Foreign Office.—(Received August 31.)

Sir,

Downing Street, August 30, 1887.

WITH reference to previous correspondence, I am directed by the Secretary of State for the Colonies to transmit to you, to be laid before the Marquis of Salisbury, a copy of a letter from the Admiralty, inclosing a copy of a telegram from the Naval Commander-in-chief on the North American Station, recommending the withdrawal of the instructions recently issued to him with regard to the Canadian Fishery question.

Sir H. Holland desires me to state that he proposes, with Lord Salisbury's concurrence, to reply to the Admiralty letter that the instructions are very moderate in their character and are drawn up on the lines of the former instructions, and that he thinks that their publication should not be postponed as recommended by Admiral Lyons. Postponement of their publication at the present juncture would have a bad effect in Canada, and would tend to strengthen the erroneous reports as to their nature

which it appears from the newspaper extracts which accompanied your letter of the 24th instant have already arisen.

I am to request the favour of an early reply.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 124.

Admiralty to Colonial Office.

Sir, *Admiralty, August 20, 1887.*
WITH reference to your letter of the 6th July, requesting that instructions should be issued to the naval officers employed in the protection of fisheries on the North American Station to give support to the officers of the Dominion Government in respect to the Canadian fisheries, I am commanded by my Lords Commissioners of the Admiralty to transmit, for the perusal of the Secretary of State for the Colonies, copy of a telegram from the Commander-in-chief on the North American and West Indian Station on this subject.

I am, &c.
(Signed) R. D. AWDRY.

Inclosure 2 in No. 124.

Vice-Admiral Lyons to Admiralty.

(Telegraphic.) *Halifax, Nova Scotia, August 18, 1887.*

YOUR letter of 30th July.

Season far advanced; expediency of postponing support by Imperial officers to Canadian authorities proposed action might possible cause change of policy on the part of the United States of America. See my letter of the 3rd instant.*

No. 125.

Foreign Office to Colonial Office.

Sir, *Foreign Office, September 1, 1887.*
I HAVE laid before the Marquis of Salisbury your letter of the 30th ultimo, relative to the publication of the instructions issued to the Naval Commander-in-chief on the North American Station with regard to the Canadian Fishery question; and I am to acquaint you, in reply, that his Lordship concurs in the answer which Sir Henry Holland proposes to return to the Admiralty on the subject.

I am, &c.
(Signed) T. V. LISTER.

No. 126.

Question asked in the House of Commons, September 2, 1887; and Answer.

IN reply to Mr. Gourley,

Sir J. Fergusson said,—It is not intended at present to refer to the new Fishery Commission Article XXX, which relates to the passage of goods through Canada and the United States respectively, freely and without duty. The Memorandum referred to (see p. 15 of Parliamentary Paper "United States No. 1 (1887)"), expressed the views of the United States' Government at the time. I am not prepared to say that it will limit the scope of the present reference. I may refer the honourable Member to Lord Salisbury's despatch of the 24th March last, at p. 95 of Parliamentary Paper "United States No. 2 (1887)," for the views of Her Majesty's Government in proposing the

* Extracts sent to Colonial Office in letter dated August 20, 1887.

appointment of a Commission. The full terms of reference have not yet been decided upon, and this point will receive consideration.

Mr. E. Robertson.—Can the right honourable gentleman inform the House who the other members of the Commission are to be besides the Member for West Birmingham?

Sir J. Fergusson.—Her Majesty's Minister at Washington will be one, and the third will be a Canadian, but that is not settled.

No. 127.

Colonial Office to Foreign Office.—(Received September 6.)

(Confidential.)

Sir,

Downing Street, September 6, 1887.

I AM directed by the Secretary of State for the Colonies to acknowledge the receipt of your letter of the 29th ultimo, transmitting a copy of the despatch in which the Marquis of Salisbury informed Sir L. West that the United States' Government had agreed to the appointment of a Mixed Commission to consider the North American Fisheries question.

Sir H. Holland communicated this information to the Governor-General of Canada, and expressed the hope of Her Majesty's Government that Sir John A. Macdonald, the Premier of the Dominion, may be able to represent Canada on the Commission; and I am to inclose a copy of a telegram which has been received from Lord Lansdowne in reply, and also a copy of a telegram from the Acting Governor of Newfoundland. In both of these telegrams questions are raised which Sir H. Holland desires to bring, without delay, under Lord Salisbury's consideration.

The Dominion Government asks what is to be the scope of the proposed inquiry.

The Mixed Commission is the result of the correspondence between Mr. Bayard and Sir Charles Tupper, transmitted in the despatch from Lord Lansdowne which was inclosed in the letter of the 1st July from this Department; and after carefully perusing that correspondence, and consulting Sir Charles Tupper, Sir H. Holland is satisfied that it is the desire of both parties to deal not only with those questions of fishery limits on the Atlantic coast which had been specified in Mr. Bayard's proposals transmitted by Mr. Phelps in his note of the 3rd December, 1886, but, as far as may be practicable, with "the entire commercial relations of the two countries," in order that "not only a *modus vivendi* to meet present emergencies, but also a permanent plan to avoid future disputes," may be devised.

It appears desirable, therefore, that there should be no narrow definition of the subjects to be taken into consideration by the Mixed Commission, but that in the communication to be made to the United States' Government the language used by Mr. Bayard in his letter to Sir C. Tupper of the 31st May with regard to the scope of the inquiry should be closely adhered to, in order that the Commission may have full latitude to examine not merely the fishery questions connected with the Atlantic coasts, but also those relating to the seal fisheries in Behring's Sea, as well as all points connected with the commercial intercourse between Canada and the United States.

It remains to decide what answer should be given to the inquiry of the Government of Newfoundland, whether the Fishery question as between that Colony and the United States will be discussed by the Mixed Commission, and whether Newfoundland will be represented on that Commission.

Lord Salisbury will remember that the Governments of the United States and of Newfoundland have recently been disposed to desire that there should be an independent agreement between them; but that the Canadian Government has represented that such separate negotiations might seriously compromise the position of Canada; and as matters now stand, Sir H. Holland is inclined to think that it may be best, as on previous occasions, not to place a special Representative of Newfoundland on the Commission, but in the event of the proposals of the Commission not appearing to meet in all respects the requirements of Newfoundland to provide subsequently for a separate arrangement in regard to that Colony, the Government of Newfoundland should, however, have their Agent at Washington during the sittings of the Commission ready to confer with the British Commissioners when any point arises of special interest to Newfoundland.

Sir H. Holland will be glad to learn as soon as possible the views of Lord Salisbury on the several points herein submitted, in order that he may be in a position to reply to the question of the Canadian and Newfoundland Governments.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 127.

The Marquis of Lansdowne to Sir H. Holland.

(Telegraphic.)

September 2, 1887.

YOUR telegrams of 30th August and 1st September.

Before naming our Representative we should like to know what is scope of the inquiry. Is it limited to the Atlantic fisheries, or will Pacific and Behring's Sea be included? Is there any mention of the commercial relations which were the subject of the Sir Charles Tupper correspondence referred to in your telegram of the 14th July? Can you send me terms of the reference, and account of the powers of the Commission, as well as the subjects referred to it?

Inclosure 2 in No. 127.

The Officer Administering the Government of Newfoundland to Sir H. Holland.

(Telegraphic.)

Newfoundland, September 3, 1887.

AT the earnest request of the Executive Council, I beg respectfully to ask if Newfoundland fisheries question [? in relation to the] United States of America will be subject of discussion at the proposed Conference, and if Newfoundland will be accorded representation on the Commission.

No. 128.

The Marquis of Salisbury to Sir L. West.

(Treaty)

(Telegraphic.)

Foreign Office, September 7, 1887, 4.50 P.M.

WILL you accept post of British Commissioner on Fishery Commission?
Please answer by telegraph.

No. 129.

Sir L. West to the Marquis of Salisbury.—(Received September 8.)

(Treaty.)

(Telegraphic.)

Washington, September 8, 1887.

YOUR Lordship's telegram of yesterday.
Accept with pleasure.

No. 130.

International Arbitration and Peace Association to the Marquis of Salisbury.—(Received September 9.)

My Lord,

40 and 41, Outer Temple, Strand, September 8, 1887.

THE inclosed copy of a Resolution adopted by our Executive Committee, expressing its gratification that Her Majesty's Government have arranged with that of the United States to refer the disputes regarding the Canadian fisheries to a Joint Commission, is forwarded for your Lordship's information.

In doing so, we have to draw your Lordship's attention to the desire expressed in the concluding paragraph, that some means may be found of including the disputes

regarding the fisheries of Nova Scotia and Newfoundland in the subjects of reference to the Government Commission.

We might also, on our own motion, venture to add that though the North Pacific and Behring's Sea fisheries affect large questions of international law, it is manifestly desirable that the Joint Commissioners should be instructed also to include that subject in their investigations.

We have, &c.
(Signed) HODGSON PRATT, *Chairman*.
W. MARTIN WOOD, *Vice-Chairman*.

Inclosure in No. 130.

Agreement between Her Majesty's Government and that of the United States of America to appoint a Special Commission to propose a Settlement of Disputes regarding the Fisheries on the Coast of our North American Colonies.

Resolution.

Resolved,—That this Committee learns with much satisfaction that Her Majesty's Government has agreed, in conjunction with that of the United States, to the appointment of a Special Commission to investigate the questions now at dispute between the Dominion of Canada and the United States regarding the claims of American fishermen to exercise their calling in or near the coasts of British territory in those seas.

That, this course being in accordance with the representations on the subject frequently made by the Committee, it desires to express the hope that the instructions given to the Commission will be sufficient to cover all the causes of the fishery disputes, some of which have from time to time engaged the attention of the respective Governments during a period of nearly sixty years.

Further, in view of the dissatisfaction long felt by the people of Nova Scotia regarding the proceedings of American fishermen in their waters, and the more serious grievances of the people of Newfoundland regarding the extensive privileges of French fishermen on their coasts, this Committee would earnestly urge that these subjects should also be brought within the purview and instructions of the Special Commission now being appointed regarding the Canadian fisheries, in order that the whole of these difficult and protracted disputes may be finally settled on a basis of amicable mutual agreement.

No. 131.

Question asked in the House of Commons, September 9, 1887; and Answer.

Mr. Gourley asked the Under-Secretary of State for Foreign Affairs whether his attention had been called to the reported arrival of the Canadian schooner "Pathfinder" at Victoria, Columbia, from American waters, with 3,000 sealskins, having eluded detection by the United States' cruizers; if so, whether, if not already issued, Her Majesty's Government would cause to be published notices prohibiting British subjects from these infractions of the Alaskan Fishery Laws; how many British vessels had been captured for alleged illegal seal fishing, and whether any of them had been released, or condemned, or the masters fined; whether the vessel recently captured, which was ordered to proceed to an American port, but instead of doing so went to a British port, would, with her crew, be transferred to American jurisdiction; and whether it was true that Her Majesty's Government intended arranging for a reference of the Behring's Straits fishery disputes to a separate Commission, or whether it was intended to refer them to the Commission already arranged with the United States' Government.

Sir J. Fergusson.—Her Majesty's Government have no information respecting the proceedings in the case of the "Pathfinder," but unless she had been engaged in fishing within 3 miles of the coast she would not, in the view of Her Majesty's Government, have rendered herself liable to lawful seizure. Reports have been received of the seizure of seven vessels in all, three last fishing season, and four in the present year, but orders were given by the United States' authorities for the discontinuance of all

pending judicial proceedings, and for the discharge of the vessels and persons seized, reserving any questions involved. As was stated to the honourable Member for Mid-Cork on the 5th instant, Her Majesty's Government are in communication with the Government of the United States on the subject of these seizures. I am not prepared at present to state what course Her Majesty's Government will take as to dealing with this question.

X