

is, by the "Appropriation Act" "placed under the direction of the President of the United States with which to pay the Government of Her Britannic Majesty the amount awarded by the Fisheries Commission, lately assembled at Halifax, in pursuance of the Treaty of Washington, if, after correspondence with the British Government on the subject of the conformity of the Award to the requirements of the Treaty, and to the terms of the question thereby submitted to the Commission, the President shall deem it his duty to make the payment without further communication with Congress."

The occasion for this correspondence with the British Government arises from the great importance of reaching a complete and explicit understanding between the two Governments, as to the conformity of the Award made by the Commission to the terms of the Treaty of Washington by which its authority and jurisdiction are communicated and defined. If the Award in respect to the fisheries had relation only to the sum of the payment involved, considerable as that is, the Government might prefer to waive any discussion which could affect no continuing and permanent interests of the two countries, and would, therefore, comprehend only such considerations as would touch the principles or elements of computation applied by the Commission in arriving at a pecuniary amount, the payment of which carried no consequences. It is true, even in such case, the indisputable right of the parties to an arbitration public or private, to examine an award in respect of its covering only the very matter submitted, should not be too readily relinquished from mere repugnance to question, a result which, at least, if undisturbed, serves the good purpose of closing the controversy. If the benevolent method of arbitration between nations is to commend itself as a discreet and practical disposition of international disputes, it must be by a due maintenance of the safety and integrity of the transaction in the essential point of the Award, observing the limits of the submission.

But this Government is not at liberty to treat the Fisheries Award as of this limited interest and operation in the relations of the two countries to the important, permanent, and difficult contention on the subject of the Fisheries, which for sixty years has at intervals pressed itself upon the attention of the two Governments, and disquieted their people. The temporary arrangement of the Fisheries by the Treaty of Washington is terminable, at the pleasure of either party, in less than seven years from now. The Fisheries Award, upon such termination of the Treaty arrangements, will have exhausted its force as compensation for a supposed equivalent and terminated privilege. If the Government by silent payment of the Award should seem to have recognized the principles upon which it proceeds, as they may then be assumed or asserted by Her Majesty's Government, it will at once have prejudiced its own rights, when it shall become necessary to insist upon them, and seem to have concealed or dissembled its objections to the Award when Great Britain was entitled to an immediate and open avowal of them.

Upon these considerations the President and Congress have required that the sentiments of this Government respecting the Fisheries Award should be set before Her Majesty's Government, to the end that a full interchange of views, in a friendly spirit, between the two Governments, should leave no uncertainty as to the degree of concurrence or of difference in their respective estimates of this transaction.

It is greatly to be regretted that the Protocols of the Commission make no record of the steps by which the majority reached the conclusion which they announced as the Award of the Commission, and the dissenting Commissioner, on the other hand, arrived at so widely different a result. Had the record disclosed the methods of reasoning on the processes of calculation respecting either of the privileges which, under the submission of the Treaty, were to be measured and compared, upon which these divergent results of their deliberations were reached, the task of exposing the manner and extent in which, in the opinion of the Government, the Award transcends, the submission of the Treaty would be much simpler. Indeed, in the view which this Government takes of the narrow and well-defined question submitted to the Commission by the Treaty, and of the indisputable result of the evidence pertinent thereto, there seems little reason to doubt that if the Protocols exhibited a trace even, of the elements of computation by which the two concurring Commissioners made up their judgment, they would inevitably disclose the infirmity of the actual Award, and make any careful demonstration of the same superfluous.

I desire that you will first call Lord Salisbury's attention to the nature of the