

IN THE SUPREME COURT, 1886.

BETWEEN HER MAJESTY THE QUEEN, PLAINTIFF, }
 and } A. No. 1066.
 WARREN A. DOUGHTY, DEFENDANT.

Writ issued on the 20th day of May, 1886.

STATEMENT OF CLAIM.

The plaintiff says:

(1) The harbor of St. Anns, situate in the county of Victoria, in the province of Nova Scotia, together with its outlet to the bay of St. Anns, and also the said bay of St. Anns, all hereafter designated as the bay and harbor of St. Anns, are a portion of Her Majesty's dominions in America not included or lying on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau islands on the western and northern coasts of Newfoundland, from the said Cape Ray to the Quirpon islands on the shores of the Magdalen islands, or the coasts, bays, harbors, and creeks from Mount Joly on the southern coast of Labrador to one through the Straits of Belle Isle, and thence northwardly indefinitely along the coast, but the said Annapolis basin is a portion of the dominions in America of His late Majesty King George the Third, and now a portion of the dominions in America of Her Majesty the Queen, in respect to which the said United States of America, by article first of the convention hereinafter mentioned, forever renounced any and all liberty theretofore enjoyed or claimed by its inhabitants, to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks or harbors thereof, and to which bays or harbors by virtue of the said article American fishermen are permitted to enter for the purpose of sheiter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever.

(2) The above-named defendant, Warren A. Doughty, at present of Baddeck, in the county of Victoria and province of Nova Scotia, in Canada, fisherman, master of the United States fishing schooner *Ella M. Doughty*, was and is a citizen and fisherman of the said United States of America, and not a natural born subject of Her Britannic Majesty Queen Victoria.

(3) The said schooner *Ella M. Doughty* was and is a foreign ship, owned in and by citizens of the United States of America, and was licensed to carry on the fisheries in pursuance of the acts of the United States of America, and was engaged in the prosecution of the fisheries and on a fishing voyage, and is without a license to fish or any license whatsoever in that behalf from the government of Canada or of Nova Scotia, and was not navigated according to the laws of the United Kingdom of Great Britain and Ireland.

(4) The said defendant, Warren A. Doughty, as aforesaid, between the 10th day of May, 1886, and the 14th day of May, 1886, did in and with the said schooner *Ella M. Doughty* enter into the bay and harbor of