

time may be established by the Newfoundland Legislature as to the mode in which fish are to be taken on the coasts of that island and Labrador.

I have, &c.

(Signed) ALEXR. MILNE,
Vice-Admiral and Commander-in-Chief.

Inclosure 3 in No. 148.

Captain Hamilton to Vice-Admiral Sir Alexander Milne.

(Extract.)

"Vesuvius," *Halifax*, October 15, 1862.

I PROCEEDED from thence to Middle Harbour. On entering, touched on a rock, as reported in my letter of the 16th ultimo. Here I found about fifty Nova Scotian and American schooners, anxiously expecting herring, which had not yet come in (September 14th), the usual commencement of that fishery being a month earlier. I was here informed, the Americans have expressed their conviction they were not bound by Newfoundland laws, and expressed their intention of barring in herring as usual, and defending their seines with fire-arms if attacked; the Newfoundlanders, on the other hand, were determined to prevent the barring of herring.

At Salt's Ponds the same opinions prevailed; and I have no doubt that had herring come in during my absence, there would have been serious disturbances, and to prevent which, I remained principally in the vicinity of the herring stations (Salt's Ponds), Sophia Harbour of Lame's chart, and Middle Harbour.

Inclosure 4 in No. 148.

Captain Hamilton to Governor Sir A. Bannerman.

(Extract.)

"Vesuvius," *St. John's, Newfoundland*, October 6, 1862.

IT was currently reported, and I believe with truth, that the Americans had expressed their opinion that they were not bound by the laws of Newfoundland; and had also expressed their intention to bar in herring as usual, and defend their seines by force, if necessary; and the Newfoundlanders of Battle Harbour and Salt's Ponds were equally determined to prevent it; and from some of the Nova Scotian masters having asked me if the Reciprocity Treaty did not except Americans, it was evident the subject had been discussed; and I am of opinion, that if herring had come in, there would have been a serious riot, in which fire-arms would probably have been used, had the "Vesuvius" not been present; and to prevent which, I remained a week later on the coast than I otherwise should have done, and till all prospects of herring coming in was over.

Inclosure 5 in No. 148.

Proposed Letter to the Law Officers.

Sir,

Downing Street, December , 1862.

I AM directed by the Duke of Newcastle to request that in conjunction with the Solicitor-General you will favour him with your opinion on the following question.

By a Treaty between Great Britain and the United States of America, dated October 20, 1818 (Hertslet, ii, p. 392), it was provided *inter alia* that the inhabitants of the United States should for ever have the liberty to take fish on the coasts of Newfoundland "in common with the subjects of Her Britannic Majesty."

This privilege was extended to the coasts of Canada, New Brunswick, Nova Scotia, Prince Edward Island, and the several islands thereto adjacent) Hertslet, ix, p. 999); and Acts were passed by the different colonies (Hertslet, x, pp. 648, 649, 651-653) to give effect to this Treaty and especially to suspend the laws of the different colonies which were inconsistent with the terms or spirit of the Treaty.

His Grace desires to be informed whether inhabitants of the United States fishing in waters within the jurisdiction of the Legislature of Newfoundland or of any other of the above-mentioned Colonies, are bound to obey and legally punishable for disregarding the laws or regulations enacted by or under authority of the respective Provincial Legislatures for the conduct of the fisheries.