

that will clapse before the decision of our Legislature shall be given, it is most desirable that, with the least possible delay, the corresponding advantages of the Treaty should be extended to our own people.

I have, &c.
(Signed) J. GASPARD LE MARCHANT.

Inclosure 2 in No. 45.

The Executive Council of Nova Scotia to the Lieutenant-Governor.

May it please your Excellency,

Halifax, September 14, 1854.

WE beg leave respectfully to submit for your Excellency's consideration, the following observations which are suggested by the despatch addressed to your Excellency, by the Right Honourable the Earl of Clarendon, and which conveys the desire of Her Majesty's Government that a wish communicated to it by the Government of the United States, "that American fishermen should not be molested if they should at once attempt to use the privileges that will be secured to them by the Reciprocity Treaty," should be acceded to by the Provincial Government.

Whilst we entertain, in common with your Excellency, a sincere and earnest desire to promote every object of Her Majesty's Government having relation to the general interests of the Empire; and whilst we are not prepared to advise your Excellency to withhold your assent to the appeal thus earnestly made by the Ministers of our Sovereign, we feel that that assent may be productive of difficulty and embarrassment to your Excellency's Administration.

Uninformed officially of the terms of the Treaty, and gathering a knowledge of its stipulations literally from rumour and public journals, we presume, nevertheless, that the approval of our Legislature is made necessary to give it complete effect. This we cannot doubt, because the opinions of the Imperial Law Officers of the Crown, conveyed by Sir John Pakington's despatch of the 19th October, 1852, recognize the right of our Colonial Legislature to enforce the terms of the Convention of 1818 in our own waters, and because the Royal Assent has been given to a Provincial Statute, based on that right which embodies provisions for carrying it into effect. But though the result of our legislation on this subject is necessarily uncertain, your Excellency is invited, in effect, to assume that it will sanction the Treaty; and, in anticipation of this, in a matter of delicate and invidious legislation, to exercise legislative functions, and admit, by a mere Executive ordinance, Americans to a present participation in our fisheries, without our own people deriving that present advantage which would flow from the immediate free admission of the products of our soil, or our waters, into the ports of the Union.

Your Excellency is asked forthwith to permit American vessels to enter our waters, and carry thence their produce unrestricted by duty, into the United States during the present fishing season, and that the most profitable portion of it; whilst the catch of our fishermen will, during the corresponding period, enter their ports subject to the existing Tariff. At a very large expense to the Colonial Treasury, and by the express authority of the Legislature, provincial armed vessels arrived have been dispatched to the fishing stations to protect our interests; and yet, without any legislative revocation of the authority thus given, the Executive Government is now called upon, at the instance of the Government of the United States, to withdraw these vessels, and relinquish the object of protection hitherto deemed of vast importance by the Legislature, your Excellency thus incurring the hazard of compromising your Government in the possible event of the Treaty being repudiated by our Legislature, as being adverse to the true interests of the Province. Without, however, speculating upon possibilities, your Excellency is not acquainted with the fact that the people of Nova Scotia generally are deeply impressed with a sense of the magnitude and importance of the privileges which they will be called upon to concede, as well as of their constitutional exclusive right to legislate in relation to them, and that a difference of opinion amongst our leading men exists as to the expediency of granting to the citizens of the Union, on the conditions of the Treaty, a community of enjoyment of our fisheries, whilst the corresponding concessions are deemed by many to fall very far short of what, on grounds of fair reciprocity, they ought to be; and yet this knowledge of the conflicting sentiments of Nova Scotians, and the possible influence upon future legislation, that opinions adverse to the Treaty may exercise your Excellency is virtually required to ignore.

In conclusion, we cannot forbear remarking that objections to the Treaty are not likely to be weakened by a sense of the eagerness thus manifested by the Government of