

*Lord Aberdeen to Mr. Everett.*

*Foreign Office, March 10th, 1845.*

The undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, duly referred to the Colonial Department the note which Mr. Everett, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, did him the honor to address to him on the 25th May last respecting the case of the "Washington" fishing vessel, and on the general question of the right of the United States Fishermen to pursue their calling in the Bay of Fundy, and having shortly since received the answer of that Department, the undersigned is now enabled to make a reply to Mr. Everett's communication, which he trusts will be found satisfactory.

In acquitting himself of this duty the undersigned will not think it necessary to enter into a lengthened argument in reply to the observations which have at different times been submitted to Her Majesty's Government by Mr. Stevenson and Mr. Everett on the subject of the right of fishing in the Bay of Fundy, as claimed in behalf of the United States' citizens. The undersigned will confine himself to stating that after the most deliberate re-consideration of the subject, and with every desire to do full justice to the United States, and to view the claims put forward on behalf of United States' citizens in the most favourable light, Her Majesty's Government are still constrained to deny the right of United States' citizens under the Treaty of 1818, to fish in that part of the Bay of Fundy which from its geographical position may properly be considered as included within the British Possessions.

Her Majesty's Government must still maintain, and in this view they are fortified by high legal authority, that the Bay of Fundy is rightfully claimed by Great Britain as a Bay within the meaning of the Treaty of 1818, and they equally maintain the position which was laid down in the note of the undersigned dated the 15th of April last, that with regard to the other Bays on the British North American coasts, no United States Fishermen has under that Convention the right to fish within three miles of the *entrance* of such Bays, as designated by a line drawn from headland to headland at that entrance.

But while Her Majesty's Government still feel themselves bound to maintain these positions as a matter of right, they are nevertheless not insensible to the advantages which would accrue to both Countries from a relaxation of the exercise of that right to the United States, as conferring a material benefit on their Fishing Trade, and to Great Britain and the United States conjointly and equally, by the removal of a fertile source of disagreement between them.

Her Majesty's Government are also anxious, at the same time that they uphold the just claims of the British Crown, to evince by every reasonable concession, their desire to act liberally and amicably towards the United States. The undersigned has accordingly much pleasure in announcing to Mr. Everett the determination to which Her Majesty's Government have come, to relax in favour of the United States' Fishermen, that right which Great Britain has hitherto exercised of excluding those Fishermen from the Bay of Fundy, and they are prepared to direct their Colonial authorities to allow henceforward the United States Fishermen to pursue their avocations in any part of the Bay of Fundy, provided they do not approach, except in the cases specified in the Treaty of 1818, within three miles of the entrance of any Bay on the coasts of Nova Scotia or New Brunswick.

In thus communicating to Mr. Everett the liberal intentions of Her Majesty's Government, the undersigned desires to call Mr. Everett's attention to the fact that the produce of the labour of British Colonial Fishermen is at the present moment excluded by prohibitory duties on the part of the United States from the markets of that country, and the undersigned would submit to Mr. Everett that the moment at which the British Government are making a liberal concession to the United States trade, might well be deemed favourable for a counter concession on the part of the United States to British trade by the reduction of the duties which operate so prejudicially to the interests of British Colonial Fishermen.

The undersigned has the honor to renew to Mr. Everett the assurance of his high consideration.

(Signed)

ABERDEEN.