

No. 8.

The Earl of Clarendon to Mr. Crampton.

(No. 103. Secret.)

Sir,

Foreign Office, May 4, 1854.

THE Earl of Elgin being about to return to Canada, Her Majesty's Government have thought it advisable that his Lordship should take Washington on his way, and avail himself of the opportunity which he will thus have of personally communicating with the President and Secretary of State of the United States, in order to ascertain whether there is any disposition on their part to come to an understanding with Her Majesty's Government, on the question of fisheries and reciprocity of trade between the British provinces in America and the United States.

The unyielding spirit which dictated the last communication made to you on this subject by the United States' Government, decided Her Majesty's Government, as I informed you in my despatch No. 19 of the 2nd of February last, to suspend for a while your discussion with the American Secretary of State on the matter; and Her Majesty's Government would, under ordinary circumstances, have strictly abided by that decision. But it appears to them that, from the position which he holds as Governor-General of the British provinces, Lord Elgin may be enabled to induce the United States' Government on the one hand, and the Colonial Legislature on the other, to abate their extreme pretensions, and may thus have the means of facilitating if not concluding, an arrangement by which their conflicting pretensions may be satisfactorily reconciled. You will therefore clearly understand that it is not from any distrust of your ability to carry on the negotiation, but from the accidental circumstances connected with Lord Elgin's position, and his return to Canada, at the present moment, that Her Majesty's Government have determined to confide to him the task of endeavouring to settle these troublesome questions; and I can give you no better proof of the confidence which Her Majesty's Government repose in you, than by placing in your hands, although for your own personal information alone, a copy of the instructions with which Lord Elgin is furnished.

Knowing the deep interest felt by Her Majesty's Government in the settlement of these matters, you will, I feel convinced, stand in need of no special instructions from me to afford his Lordship the benefit of your advice and assistance, but will zealously aid him to the utmost of your power in his endeavours to give effect to the wishes of Her Majesty's Government.

I am, &c.

(Signed) CLARENDON.

No. 9.

The Earl of Clarendon to Mr. Crampton.

(No. 107.)

Sir,

Foreign Office, May 4, 1854.

MY attention having been called to the construction which the Lieutenant-Governor of Nova Scotia appeared to place upon an opinion given by the Law Officers of the Crown on the 10th of August, 1853, as entitling the Legislature of that Province to expect that its concurrence should be asked previously to the conclusion of any Convention by Her Majesty with the United States for admitting the fishermen of the United States to fish within three miles of the coast of Nova Scotia, I directed a further reference to be made to the Law Officers on the subject; and I now inclose, for your information, a copy of their Report, together with an extract of the Lieutenant-Governor's despatch, and a copy of the previous opinion of the Law Officers to which he referred.

You will perceive that the Law Officers consider the Lieutenant-Governor's construction of their Report to be incorrect, but that they call attention to the provisions of the Act 59 George III, cap. 38, of which I inclose a copy, and which renders an Act of the Imperial Parliament necessary to give effect to any such stipulations with regard to fisheries as those now in question.

I am, &c.

(Signed) CLARENDON.