

directly in conflict with their object, and entirely subversive of the rights and interests of the citizens of the United States. It is one, moreover, which would lead to the abandonment, to a great extent, of a highly important branch of American industry, which could not for a moment be admitted by the Government of the United States.

The Undersigned has also been instructed to acquaint Lord Palmerston that the American Government has received information that, in the House of Assembly of Nova Scotia, during the Session of 1839-40, an Address to Her Majesty was voted, suggesting the extension to adjoining British Colonies, of rules and regulations relating to the fisheries, similar to those in actual operation in that Province, and which have proved so onerous to fishermen of the United States; and that efforts, it is understood, are still making to induce the other Colonies to unite with Nova Scotia in this restrictive system. Some of the provisions of her code are of the most extraordinary character. Amongst these is one which declares: That any foreign vessel preparing to fish within three miles of the coast of any of Her Majesty's dominions in America; shall, together with her cargo, be forfeited; that, in all cases of seizure, the owner or claimant of the vessel, &c., shall be held to prove his innocence, or pay treble costs; that he shall be forced to try his action within three months; and give one month's notice at least to the seizing officer, containing everything intended to be proved against him, before any suit can be instituted, and also prove that the notice has been given. The seizing officer, moreover, is almost wholly irresponsible, inasmuch as he is liable to no prosecution if the Judge certifies that there was probable cause, and the plaintiff—if successful in his suit—is only to be entitled to two-pence damages, without costs, and the defendant fined, not more than one shilling. In short, some of these rules and regulations are violations of well-established principles of the Common Law of England, and of the principles of the just laws of all civilized nations, and would seem to have been designed to enable Her Majesty's Authorities to seize and confiscate with impunity American vessels, and embezzle indiscriminately the property of American citizens employed in the fisheries on the coasts of the British Provinces.

It may be proper also on this occasion to bring to the notice of Her Majesty's Government, the assertion of the Provincial Legislature "that the Gut, or Strait, of Canso is a narrow strip of water completely within and dividing several counties of the Province," and that the use of it by the vessels and citizens of the United States is in violation of the Treaty of 1818. This strait separates Nova Scotia from the Island of Cape Breton, which was not annexed to the Province until the year 1820. Prior to that, in 1818, Cape Breton was enjoying a Government of its own, entirely distinct from Nova Scotia, the strait forming the line of demarcation between them, and being then, as now, a thoroughfare for vessels passing into, and out of, the Gulf of St. Lawrence. The union of the two Colonies cannot therefore be admitted as vesting in the Province the right to close a passage which has been freely and indisputably used by the citizens of the United States since the year 1783! It is impossible, moreover, to conceive how the use, on the part of the United States, of this right of passage, common (it is believed) to all other nations, can in any manner conflict with the letter or spirit of the existing Treaty stipulations. The Undersigned would therefore vain hope that Her Majesty's Government will be disposed to meet, as far as practicable, the wishes of the American Government in accomplishing, in the fullest and most liberal manner, the objects which both Governments had in view in entering into the Conventional arrangement of 1818. He has accordingly been instructed to bring the whole subject under the consideration of Her Majesty's Government, and to remonstrate on the part of his Government against the illegal and vexatious proceedings of the Authorities of Nova Scotia against the citizens of the United States engaged in the fisheries, and to request that measures may be forthwith adopted by Her Majesty's Government to remedy the evils arising out of the misconstruction, on the part of its Provincial Authorities, of their Conventional obligations, and prevent the possibility of the recurrence of similar acts.

The Undersigned, &c.

(Signed)

A. STEPHENSON.

No. 108.

*Mr. Rush to Mr. Backhouse.—(Received March 31.)*

32, Upper Grosvenor Street, March 30, 1841.

MR. RUSH presents his compliments to Mr. Backhouse, and is directed by Mr. Stevenson to say that, in an official note to Lord Palmerston of the 27th instant,