

The opinion of the Law Officers in England referred to by Mr. Perley, was given on a case dated 28th of April, 1841, and the opinion itself is printed at length in the Appendix to Mr. Perley's Report on the Fisheries of the Gulf of St. Lawrence, which is already in your Lordship's hands.

I have, &c.
(Signed) EDMUND HEAD.

Inclosure 2 in No. 123.

Memorandum.

*Government Emigration Office, St. John, New Brunswick,
May 27, 1850.*

BY Article I of the Convention of October 20, 1818, between Great Britain and the United States, it is stipulated that the citizens of the United States shall have liberty to take fish on the southern and western coasts of Newfoundland, from the Ramcau Islands to Cape Ray, and thence northwardly to the Quirpon Islands; on the shores of the Magdalen Islands; and from Mount Joly on the southern coast of Labrador, northwardly to and through the Straits of Belle Isle. And the United States thereby renounced for ever, any liberty theretofore enjoyed or claimed by the citizens thereof, to take, dry, or cure fish, in or within three marine miles of any of the coasts, bays, creeks, or harbours of the British dominions of America, not described in the above limits.

The Crown Officers in England, upon a case submitted to them by the Legislature of Nova Scotia, have given their decided opinion that the prescribed distance of three marine miles is to be measured from the headlands or extreme points of land, and not from the interior of bays or indents in the coast. This opinion has been acted upon in Nova Scotia, and has not been denied or disputed by the people of the United States.

The base lines which should form a boundary for American fishermen in the Gulf of St. Lawrence are shown in black on the annexed sketch.

Commencing at the North Cape of Cape Breton a line is drawn to the east point of Prince Edward Island; thence to North Cape of the same island; thence to Miscou, the north-eastern extremity of New Brunswick; thence to Cape Despair in Gaspé, between which and Point Miscou is the entrance to the Bay of Chaleur; thence to the East Point of Anticosti; thence to Mount Joly, on the Coast of Labrador, the point on that coast to which American fishermen are restricted by the express terms of the Convention.

The prescribed distance of three marine miles from these base lines is shown by the red line on the annexed sketch. Within, or to the westward, of that line the fishing vessels of the United States ought not to pass; yet they are found every season in large numbers within that limit. The American mackerel vessels obtain their fares almost wholly westward of the red line, especially in the Straits of Northumberland between the West Point and Richibucto, and thence northwardly to Escuminac, in the Bay of Miramichi, and northwardly to Miscou, and within the Bay of Chaleur, which they have no right to enter.

The injuries done by American fishermen to the cod and mackerel fisheries of New Brunswick in the localities last mentioned are stated in the Report of the Undersigned for 1849.

It is but justice to British fishermen that the Americans should no longer be permitted to commit these injuries without question or hindrance; and, in a national point of view, it is of great importance that the spirit of the Convention of 1818 should be strictly enforced and maintained until other arrangements are made.

(Signed) M. H. PERLEY.

No. 124.

Mr. Addington to the Queen's Advocate.

Sir,

Foreign Office, July 15, 1850.

I AM directed by Viscount Palmerston to transmit to you the accompanying letter from the Colonial Department,* inclosing a copy of a despatch from Sir Edmund Head, the Governor of New Brunswick, referring to the Treaty of Great Britain and the United

* No. 123.