

concessions and mutual privileges herein mentioned should be embodied in one convention between the British Government and the Government of the United States, and that when the concessions and privileges granted by the United States, or any of them, shall be abrogated either in part or in the whole, then the concessions and privileges granted by the British Government under such convention shall wholly cease and determine.

9th. In the event of the several arrangements proposed by this Report not being carried out, the undersigned would earnestly desire that the in-shore Fisheries and the Fisheries within Bays on the coast of New Brunswick should be efficiently protected against foreign encroachments, and the terms of the Convention of 1818 enforced in the strictest sense so as to secure these Fisheries to British subjects.

10th. With regard to the Fisheries within Bays on the coasts of the British North American Colonies, the undersigned desire to express their firm conviction that citizens of the United States have no right to participate therein under the Convention of 1818, either by the Law of Nations, the doctrines of Chancellor Kent as upheld against British Fishermen by the Government of the United States, or by the terms of the Convention itself. That Lord Aberdeen, Her Majesty's principal Secretary of State for Foreign Affairs, in his Note of March 10th, 1845, to Mr. Everitt, the Minister of the United States at the Court of St. James, maintained that the Bay of Fundy was rightfully claimed by Great Britain as a Bay within the meaning of the Convention of 1818, and his Lordship also maintained that with regard to other Bays on the coast of British North America, no American Fishermen had under that Convention "the right to fish within three marine miles of the entrance of such Bays as designated by a line drawn from headland to headland at that entrance." In announcing to Mr. Everett the determination of Her Majesty's Government to relax in favour of American Fishermen *the right* which Great Britain had previously exercised of excluding those Fishermen from the Bay of Fundy, Lord Aberdeen explicitly states such relaxation to be upon the condition that except in the cases specified in the Convention, American Fishermen should not approach within three marine miles of the entrance of any other Bay on the coasts of New Brunswick or Nova Scotia. The acceptance by the Government of the United States of the permission to enter and fish within the Bay of Fundy on the condition specified, was at that time a clear renunciation of all claim to fish within any other of the Bays of New Brunswick or Nova Scotia.

The undersigned consider the Note of Lord Aberdeen to Mr. Everett, dated the 10th March 1845, of so much importance in the present discussion that they have annexed a copy to this Report, and they respectfully request that it may be considered as forming a part thereof.

11th. While the undersigned are prepared to concede to American Fishermen the right to participate in the In-shore Fisheries and the Fisheries within Bays on the Coasts of New Brunswick, upon the terms and for the reasons above set forth, they are clearly of opinion that the prosperity of the Province is not now altogether dependent upon receiving the concessions proposed to be granted in return. They conceive that the exclusive enjoyment of those Fisheries may become, under a proper system, a source of unbounded wealth to the present and future population of New Brunswick, and further, that such exclusive Fishery may be made the basis of most beneficial commercial arrangements with Spain, Portugal, Sicily and the Italian States, Brazil, and the Republics of South America—in all which countries a greater or less quantity of New Brunswick caught fish is now consumed.

12th. The undersigned cannot close this Report without expressing the opinion they unanimously entertain, that in negotiating with the Government of the United States, Her Majesty's Government should consider that the Fisheries on the Coasts of New Brunswick are the natural rights and property of its people, and should not be alienated, conceded, or affected, without their assent.

13th. The undersigned request that His Excellency will be pleased to receive this Report in Council and transmit the same to Her Majesty's Government.

(Signed)

ED. B. CHANDLER,  
R. L. HAZEN,  
J. R. PARTELOW,  
J. A. STREET,  
W. B. KINNEAR,  
J. H. GRAY,  
ROBT. D. WILMOT,  
GEO. HAYWARD.

11th December, 1852.