

No. 122.

Viscount Palmerston to Sir H. Bulwer.

(No. 4.)

Sir,

Foreign Office, January 25, 1850.

IN my despatch No. 3 of the 1st of November last, I stated the reasons why Her Majesty's Government were of opinion that any arrangement which might be concluded with the United States for extending the commercial intercourse between Her Majesty's North American Possessions and that country, ought not to apply to Newfoundland, I have now to inform you that Her Majesty's Government have lately received a despatch from the Governor of Newfoundland stating that he is of opinion that it will be expedient, in any negotiation which may be entered into with the United States in this matter, to reserve, for future consideration, the question respecting Newfoundland, so that that Colony may hereafter either be included or excluded in any arrangement which may be settled between Great Britain and the United States.

I have accordingly to instruct you to treat the question of Newfoundland in the manner above pointed out by the Governor of that Colony.

I am, &c.

(Signed) PALMERSTON.

No. 123.

Mr. Merivale to Mr. Addington.—(Received July 4.)

Sir,

Downing Street, July 3, 1850.

I AM directed by Earl Grey to transmit to you the inclosed despatch from Sir Edmund Head, and to request that you will move Viscount Palmerston to favour Lord Grey with his opinion as to the steps which it may be advisable to take on it.

I am at the same time to state that, according to the last opinion which Lord Grey has been able to form of the terms of the Convention of the 20th October, 1818, as explained by the Queen's Advocate and Attorney-General in their opinion of August 30, 1841, it seems to his Lordship very questionable whether those terms would not be too much strained against the right of American citizens by the adoption of the line drawn in the inclosed map as marking off their right of fishery. It may be true that the prescribed distance of three miles is "to be measured from the headlands, or extreme points of land next to the sea, of the coast, or of the entrance of bays or indents of the coast," and yet, by taking the main headlands only, and drawing the lines across long distances from one to another, as appears to be done in this map, the Americans might be excluded not only from the interior of bays, but from large spaces forming parts of the sea not usually designated as "bays or gulfs."

I am, &c.

(Signed) HERMAN MERIVALE.

Inclosure 1 in No. 123.

Sir E. Head to Earl Grey.

My Lord,

Government House, Fredericton, June 4, 1850.

I AM desirous of calling your Lordship's attention to the inclosed Memorandum and sketch furnished to me by Mr. Perley with reference to the fisheries on these coasts in connection with the despatches of Lord Stanley to Sir W. Colebrooke of May 19, 1845, and to Lord Falkland of September 17, 1845. It appears to me at the present moment important that the privileges granted to the American fishermen on these coasts should be defined somewhat accurately, and that the instructions given to the officers commanding any of Her Majesty's vessels here, should be carried out in such a manner as to show the value of the rights of fishery which England is possessed of on the coasts of British North America. At the same time, I feel that the subject is so important and so delicate, as affecting the relative positions of the two Governments, that I am unwilling to do more at present than call your Lordship's attention to it, and recommend the officers employed off the shores of New Brunswick, to attend to those portions of the coast which are most likely to be encroached on.