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 Miscellaneous.
 

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between Her Majesty's possessions in North America, and the United States, in such a manner as to render the same reciprocally beneficial and satisfactory, have respectively named plenipotentiaries to confer and agree thereon—that is to say, the President of the United States of America, William L. Marcey, Secretary of State of the States, and Her Majesty, the Queen of Great Britain and Ireland, James, Earl of Elgin and Kincardine Lord Bruce and Elgin, a Peer of the United Kingdom, Knight of the most ancient and most noble Order of the Thistle, and Governor General in and over all Her Britannic Majesty's Provinces on the Continent of North America, and in and over the Island of Prince Edward, who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles :—

ARTICLE I.—It is agreed by the high contracting parties, that in addition to the liberty secured to the United States fishermen by the above mentioned convention of 1818, of taking, curing and drying fish on certain coasts of the British North American colonies therein defined, the inhabitants of the United States, shall have in common with the subjects of her Britannic Majesty, the liberty to take fish of every kind except shell fish, on the sea coasts and shores, and in the bays, harbors and creeks of Canada, New Brunswick, Nova Scotia, Prince Edward Island, and of the several Islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the coasts and shores of these colonies and the Islands thereto, and upon the Magdalen Islands, for the purpose of drying their nets and curing their fish—provided that in so doing they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coast in their occupancy for the same purpose. It is understood that the above mentioned liberty applies solely to the sea-fishery, and that salmon and shell-fisheries, and all fisheries in rivers and mouths of rivers are hereby reserved exclusively for British Fishermen. And it is further agreed, that in order to prevent or settle any disputes as to the places to which the reservation of exclusive right to British Fishermen, contained in this article, and that of fishermen of the United States, contained in the next succeeding article, apply, that to each of the high contracting parties, on the application of either to the other shall, within six months thereafter, appoint a Commissioner.

The said Commissioners, before proceeding to any business, shall make and subscribe a solemn declaration, that they will impartially and carefully decide, to the best of their judgment, and according to justice and equity, without fear, favor or affection to their own country, upon all such places as are intended to be reserved and excluded from the common liberty of fishing under this and the next succeeding article, and such declaration shall be entered on the record of their proceedings.

The Commissioners shall name some third person to act as arbitrator or umpire in any cause or causes on which they may themselves differ in opinion. If they should not be able to agree upon the name of such person, they shall each name a person, and it shall be determined by lot which of the two persons so named shall be arbitrator or umpire in cases of difference or disagreement between the Commissioners.

The person so to be chosen to be arbitrator or umpire shall, before proceeding to act as such in any case, make and subscribe a solemn declaration, in a form similar to that which shall already have been made and subscribed by the Commissioners, which shall be entered on the record of their proceedings.

In the event of the death, absence, or incapacity of either of the Commissioners or the arbitrator, or umpire, or of their or his omitting, declining or ceasing to act as such Commis-