

the answer of that Department, the Undersigned is now enabled to make a reply to Mr. Everett's communication, which he trusts will be found satisfactory.

"In acquitting himself of this duty the Undersigned will not think it necessary to enter into a lengthened argument in reply to the observations which have at different times been submitted to Her Majesty's Government by Mr. Stevenson and Mr. Everett, on the subject of the right of fishing in the Bay of Fundy, as claimed on behalf of the United States' citizens. The Undersigned will confine himself to stating that, after the most deliberate consideration of the subject, and with every desire to do full justice to the United States, and to view the claims put forward on behalf of United States' citizens in the most favourable light, Her Majesty's Government are nevertheless still constrained to deny the right of United States' citizens, under the Treaty of 1818, to fish in that part of the Bay of Fundy which, from its geographical position, may properly be included within the British dominions.

"Her Majesty's Government must still maintain—and in this view they are fortified by high legal authority—that the Bay of Fundy is rightfully claimed by Great Britain as a bay within the meaning of the Treaty of 1818. And they equally maintain the position that was laid down in the note of the Undersigned, dated 15th April last, that with regard to the other bays on the British American coasts, no United States' fisherman has, under that Convention, the right to fish within three miles of the entrance of such bays, as designated by a line drawn from headland to headland at that entrance."

After giving his reasons for relaxing the rule, Lord Aberdeen says, "the Undersigned has accordingly much pleasure in announcing to Mr. Everett the determination to which Her Majesty's Government have come to relax, in favour of the United States' fishermen, that right which Great Britain has hitherto exercised of excluding those fishermen from the British portion of the Bay of Fundy; and they are prepared to direct their Colonial authorities to allow henceforward the United States' fishermen to pursue their avocations in any part of the Bay of Fundy, provided they do not approach, except in the cases specified in the Treaty of 1818, within three miles of the entrance of any bay on the coast of Nova Scotia or New Brunswick."

Fairly construing Lord Aberdeen's language, it would appear that we have only the right, in those western waters, to exclude the Americans from fishing in the Basin of Mines above Partridge Island, in the Basin of Annapolis, and St. Mary's Bay. Small herrings are caught inside of Digby Gut, and shad in the Basin of Mines, but very few codfish. Mackerel and codfish are caught in St. Mary's Bay, where the American fishermen occasionally poach in the autumn; but their spring fishing is chiefly carried on in the open bay around Grand Manan, Campo Bello, and along their own seaboard. It is not likely that at this season there will be any intrusions, unless there be a disposition to try conclusions and provoke a quarrel, which I trust there is not. It may be as well for any man-of-war going westward to look into St. Mary's Bay and Digby occasionally; but it will scarcely be worth while to send them to the Basin of Mines.

Your Excellency will, perhaps, pardon the suggestion that, as a question of public policy, it may be as well, unless there be some case of flagrant outrage or intrusion which cannot be overlooked, to exercise our rights, even over the smaller bays, with great moderation till the Irish difficulty blows over.

The Fenians, who are assembling at Eastport, Castine, and Calais, are endeavouring to fraternize with and excite the resident inhabitants along the coasts of Maine. They will, for this purpose, endeavour to make them believe that our squadron in the bay are there to enforce a harsh construction of the Treaty. You may disappoint them by making it generally understood that the ships are there to co-operate with the land forces in the two Provinces, and to protect our soil from raids and armed intrusions. We can deal with both questions better, if we avoid complications and keep them entirely distinct. This paper has grown to a greater length than I had at first intended; but I could not well make it shorter, and bring out the points to which it is desirable that your Excellency's attention should be promptly turned.

Believe me, &c.  
Signed) JOSEPH HOWE.

No. 188.

Mr. Howe to the Earl of Clarendon.—Received July 14.)

My Lord,

Halifax, Nova Scotia, July 4, 1866.

I HAVE the honour to report that I have closed up the business of the Fishery Boundary Commission with as little delay as possible after the expiration of the