

New Brunswick, Nova Scotia, Cape Breton, and the other English Dependencies in that quarter, would seem to be equally entitled to be considered as open to United States fishermen as the Bay of Fundy.

In the case of the "Argus," it appears to Lord Aberdeen that the assumption of the right of exclusion on our part was more than usually strained, since the officer who captured that vessel admits that she was not within three miles of any land, but alleges that she was still "much within the bay that is formed by a straight line drawn from Cape North to the northern head of Cow Bay."

After attentively examining the map, Lord Aberdeen has been unable to discover any bay formed by a straight line thus described. In fact, there is no such bay in existence.

Since, therefore, it cannot be denied that such exercises of power are extreme, and may justly be offensive to and resisted by the United States, and as much greater injury is liable to result to us nationally from the ill-feeling which such occurrences engender than could be sustained, provincially, by our dependencies, from the admission of United States' fishing vessels to within an equitable distance of their coasts or of the entrance of the *bout fide* bays on their coasts, Lord Aberdeen would submit to Lord Stanley whether the time is not come at which we should voluntarily recede from the exercise of a doubtful and dangerous right, and grant to the citizens of the United States that boon to which they appear to be fairly entitled.

I am, &c  
(Signed) H. U. ADDINGTON.

No. 9.

*The Law Officers of the Crown to the Earl of Clarendon.*

My Lord,

*Doctors' Commons, May 2, 1854.*

WE are honoured with your Lordship's commands signified in Mr. Hammond's letter of the 29th ultimo, stating that he was directed to transmit to us therewith an extract of a despatch from the Lieutenant-Governor of Nova Scotia to Her Majesty's Minister at Washington, by which we shall perceive that the Lieutenant-Governor appears to construe an opinion given by the Law Officers of the Crown of the 10th of August, 1853, of which a copy is inclosed, as entitling the Legislature of Nova Scotia to expect that its concurrence should be asked previously to the conclusion of any Convention by Her Majesty and the United States for admitting the fishermen of the United States to fish within three miles of the coast of Nova Scotia.

Mr. Hammond further states that your Lordship directs him to request that we would inform your Lordship whether that construction is correct, and whether if Her Majesty were to enter into a Convention with the United States for the purpose above mentioned, it would be necessary to insert in the Article relating to the fisheries a provision that its execution must depend on the assent of the Local Legislature of Nova Scotia.

In obedience to your Lordship's commands we beg to state,—

That the construction which it appears has been put upon our Report of the 10th of August, 1853, by the Lieutenant-Governor of Nova Scotia is not correct, if our opinion has been construed as importing that the authority of the Provincial Legislature of Nova Scotia over the three marine miles adjacent to the coast can either control or exclude the action of the Imperial Legislature.

We are, indeed, of opinion that the proposed Convention being in derogation of the provisions of the Statute 59 Geo. III, cap. 38, cannot be carried into effect without a Legislative Act, but such Act should proceed from the Imperial Parliament, and not from the Local Legislature.

We have, &c.  
(Signed) J. D. HARDING.  
A. E. COCKBURN.  
RICHARD BETHELL.