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CONFIDENTIAL.

North American

No. 125.

North American Fisheries.

MEMORANDUM RESPECTING INSTRUCTIONS TO NAVAL OFFICERS.

THE determination of the Washington Treaty contracted in 1871 between Great Britain and the United States, revived the First Article of the Convention of 1818 with various Imperial and Colonial Acts passed in connection with the Convention, but suspended during the continuance of the Washington Treaty.

That Article provides :—

(1.) That American fishermen may fish “in common with the subjects of Her Britannic Majesty,” in certain specified parts of Newfoundland and Labrador, and on the shores of the Magdalen Islands, with liberty to dry and cure fish on the shores of certain of the unsettled—or, with the consent of the inhabitants, of the settled bays, harbours, and creeks of Newfoundland and Labrador.

(2.) That except within the above limits, American fishermen are not to take, dry, or cure fish on or within three miles of the coasts, bays, creeks, and harbours of British North America. But that they may enter such bays and harbours to obtain shelter, repairs, wood, or water, and for no other purpose whatever, under such restrictions as may be necessary to prevent abuse by fishing or otherwise.

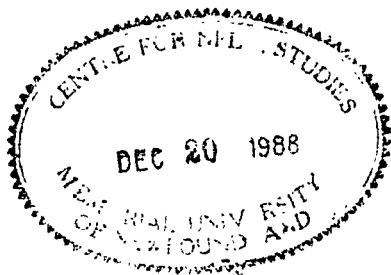
The position of the Fishery Question under the Convention of 1818 was the same therefore on the termination of the Washington Treaty, as it was on the termination in 1866 of the Reciprocity Treaty of 1854.

It may be well, therefore, to recapitulate shortly the chief points in the correspondence which passed on this subject between the years 1866 and 1873, the latter being the date at which the Fishery Articles of the Treaty of Washington came into operation in Canada.

Between 1866 and 1870, American fishermen were allowed to fish in all Canadian waters upon the payment of a license fee. This system was discontinued in 1870.

A letter to the Admiralty, dated 12th April, 1866, formed the basis of instructions issued to the Naval Officers on the North American station in 1870. (These instructions are annexed.)

Mr. Cardwell stated in this letter that Her Majesty's Government were clearly of opinion,



Instructions of 1870.
Annexure I.