

the coasts of Newfoundland, Labrador, and His Majesty's other possessions in North America, according to a Convention made between His Majesty and the United States of America."

This Act will be found at large in the Statute Books in the Parliamentary Library, should your Excellency desire to refer to it. It gives power to the Crown, by orders in Council, to make regulations and issue orders within the scope of the Convention; and it provides—

"That it shall not be lawful for any person or persons, not being a natural born subject of His Majesty, in any foreign ship, vessel or boat, other than such as shall be navigated according to the laws of the United Kingdom of Great Britain and Ireland, to fish or take, dry or cure, any fish of any kind whatever, within three marine miles of any coasts, bays, creeks or harbours whatever, in any part of His Majesty's Dominions in America, not included within the limits specified and described in the 1st Article of the said Convention and hereinbefore recited; and that if any such foreign ship, vessel or boat, or any person on board thereof shall be found fishing, or to have been fishing, or preparing to fish, within such distance of such coasts, bays, creeks, or harbours within such parts of His Majesty's Dominions in America, out of the said limits as aforesaid, all such ships, vessels or boats, together with their cargoes, and all guns, ammunition, tackle, apparel, furniture, and stores, shall be forfeited.

There was also a clause, giving effect to any orders in Council, or to any regulations issued by the Colonial Governors, under and in pursuance of such orders, in any of the Colonies. Under this clause the Provincial Legislatures passed laws, and the Governors issued regulations, copies of these will be found in the pamphlet which I have the honour to inclose. Colonial cutters were fitted out, and by the Commanders of these, and by Her Majesty's ships of war, American fishing vessels were warned off, or seized and sent in to the Admiralty Court. The records of that Court, to which your Excellency can have easy access, will furnish information as to particular cases, and the doctrine laid down, should minute information, in a doubtful issue, be required; but, for all practical purposes at the present moment, it may be sufficient to remember that the American fishermen, tempted by the profits of the in-shore fishery, or desiring to carry on illicit trade, frequently trespassed beyond the limits, and being entitled to run in for shelter, and for wood and water, when they did, and were seized, almost invariably pleaded their privilege. On the other hand, the Provincial Governments and Legislatures were disposed to press their territorial rights with fervour and rigid exactness. Questions arose as to the meaning of the clause of the Convention. The American fishermen and diplomatists contending that a line following the indentations of the coast was meant, and our people taking their stand upon the plain language of the clauses. These seizures, adjudications, and controversies led to further diplomatic correspondence between the State Departments of the two countries in 1841, when a case was prepared and submitted to the Crown officers of England. Their opinion, a copy of which I have the honour to inclose, settled the question in our favour; and although American orators and diplomatists have expended a good deal of perverse ingenuity in trying to break it down, they have not succeeded, and I presume that your Excellency will be justified in taking your stand:—1st. On the Convention of 1818; 2nd. On the Statute of 1819; and 3rd. Upon the opinion of the Law Officers of the Crown.

The local laws and regulations, or the pleadings and decisions of the Provincial Courts flowing out of these instruments, may be curious and occasionally instructive; but these three documents emanating from the Imperial Government, must form the instructions to the Naval Commander-in-chief until modified or changed by the proper authorities.

There is one point which, in the present position of affairs, will not escape your Excellency's attention—the relaxation of the three-mile rule in the Bay of Fundy. Heavy fogs prevail in that bay; the tides and currents are impetuous; and, for a considerable distance on the western shore, it is bounded by the territory of the United States. Yielding to obvious and very fair arguments, urged by Mr. Everett in 1845, Lord Aberdeen consented to relax the rule as respects this Bay. The language employed, however, even in making this concession, is significant, and bears strongly on the right to enforce the rule elsewhere:—

"The Undersigned, Her Majesty's Principal Secretary of State for Foreign Affairs, duly referred to the Colonial Department the note which Mr. Everett, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, did him the honour to address to him on the 25th of May last, respecting the case of the 'Washington' fishing vessel, and on the general question of the right of United States' fishermen to pursue their calling in the Bay of Fundy, and having shortly since received