

seventy sail in sight, which were nearly all within limits; but as these are fast sailing vessels, if they once get the start, and are out of gun shot, they feel quite secure. Were the British Colonies united, or was each Colony equally interested in the Fisheries, and would all come forward to protect the Fisheries, it would be of great consequence. The coast cannot be protected from encroachment by foreigners, by sailing vessels, unless there are three or four in number.

A small steam vessel would likely be of great service to prevent foreigners from encroaching, but as the fishermen are generally fitted with good glasses, it is not likely a steam vessel would take them in the act of fishing within the limits. In the Convention between the two nations, the words "curing fish" and "preparing the fish," it appears to me, to require some further explanation; on the former the American fishermen believe the object was to prevent them curing or drying cod fish on shore, as the hook mackarel fishing was not practised when that Convention was made. I have seen seen instances where American vessels had been fishing the whole of the day, towards evening, a gale springing up, they were forced to run for a harbour with fifty or sixty barrels of fresh mackarel on deck, and if salting those fish is understood curing fish, which I think is the only way mackarel can be cured, under those circumstances these people must cast their fish into the sea again, or run the risk of having the vessel and cargo seized. The words "preparing the fish," may be construed to what it was not intended.

When cruising in the schooner *Telegraph* last fall, being in *Little Canso*, an American vessel lay near; I discovered the men busily employed on deck, I manned my boat and boarded her; I found them employed grinding bait for mackarel; the Captain appeared quite innocent, and said he had been so careful he had not taken a lobster while in the harbour, this might be understood preparing to fish.

That part of the Convention which provides that American fishermen shall be admitted to enter the Bays and Harbours in the British Colonies, for the purpose of shelter, and repairing damages therein, of obtaining wood and water, and for no other purposes whatever,—if strictly carried out would not allow them, in my opinion, to do any more than is specified in the Convention. I made some enquiry respecting the words "preparing to fish," from those who I thought might understand the subject, who gave their opinion, that laying the vessel to, or putting her in a proper position to fish, was the proper meaning. Another question in my opinion requires some consideration—that is, that part of the Law which requires that vessels, after having been seized, shall be left in charge of the officer of her Majesty's Customs in the first port which they may enter.

In case the vessel and cargo should be sold, they would not be worth near as much in some ports as they would in others. As regards *Port Hood*, there is not any safe place for a vessel to lie unless she has a crew constantly on board. The sixth question, referred to the Law Officers in England,—whether American vessels have a right to enter the Harbours of this Province for the purpose of obtaining wood and water, having provided neither of these articles at the commencement of the voyage in their own country, appears to be unrestricted by any condition expressed or implied. I believe it has been the practice of American vessels, when bound to the *Labrador*, to stop at some port in *Nova Scotia* to procure firewood, small spars, such as boats' masts, sprits, oar rafters, gaff handles, and such like things.

It is my opinion that persons commissioned for the protection of the Fisheries, should have very explicit instructions: what would be a sufficient time for procuring wood, water, &c., and likewise, how far the word "shelter" should extend. I have examined the report of the Committee on the Fisheries, for 1851, and do not see any further explanation than the Law Officers in England have given. Their decision respecting the prescribed limits appears to be plain; but respecting the entering our Harbours, in my opinion, requires some additional explanation.

I have, &c.

Feby. 10, 1852.

PAUL CROWELL.