

cap. 94, sec. 3) occurs a precisely similar provision.*

3. In 1841 the United States, through their Minister in London, Mr. Stevenson, complained that the colonial authorities claimed to exclude their fishermen from fishing, not only within their bays, but also within three miles of a line drawn from headland to headland of such bays. They also brought under review an assertion of the Legislature of Nova Scotia that the use of the Strait of Canso between the Continent and Cape Breton by the citizens and vessels of the United States was a violation of the Convention of 1818. On the other hand, Mr. Stevenson, on behalf of the United States, urged the right to fish in any situation not within three miles of land, and the right to navigate the Strait of Canso as having been exercised in common with other nations from 1783, the union of Nova Scotia and Cape Breton and Treaty stipulation notwithstanding. It was alleged by the Government of Nova Scotia, not only that United States' vessels passed through the Strait of Canso, but that their crews both fished there and, by dropping bait, lured the fish away. The Law

* In 1841, Mr. Stevenson, the United States' Minister in London, observed of the Local Act 6 William IV, cap. 8, which the Revised Statutes follow in the matters noticed by him, "Some of the provisions of her code (the code of Nova Scotia) are of the most extraordinary character. Amongst these there is one which declares that any foreign vessel preparing to fish within three miles of the coast of any of Her Majesty's dominions in America shall, together with her cargo, be forfeited; that in all cases of seizure the owner or claimant of the vessel, &c., shall be held to prove his innocence or pay treble costs; that he shall be forced to try his action within three months, and give one month's notice, at least, to the seizing officer, containing everything intended to be proved against him, before any suit can be instituted; and also prove that the notice has been given. The seizing officer, moreover, is almost wholly irresponsible, inasmuch as he is liable to no prosecution if the judge certifies that there was probable cause; and the plaintiff, if successful in his suit, is only to be entitled to twopence damages, without costs, and the defendant fined not more than one shilling. In short, some of these rules and regulations are violations of well-established principles of the common law of England, and of the principles of the just laws of all civilized nations, and would seem to have been designed to enable Her Majesty's authorities to seize and confiscate with impunity American vessels, and embezzle indiscriminately the property of American citizens employed in the fisheries on the coasts of the British Provinces."