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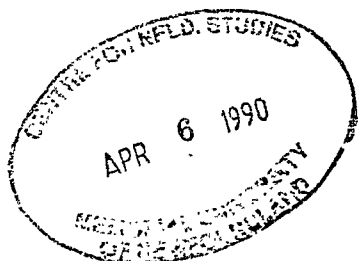
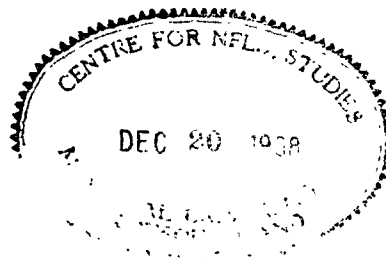
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MEMORANDUM on the Imposition by  
Colonial Enactment, of Bounties on  
Local Trade in British North America,  
and on the question of affording Pro-  
tection to the Fisheries of those Pro-  
vinces.

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*N. American*

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**Memorandum on the Imposition by Colonial Enactment of Bounties on Local Trade in British North America, and on the question of affording Protection to the Fisheries of those Provinces.**

Lieut.-Gov. of New Brunswick ;  
April 27, 1851.

ON the 27th April last, Sir E. Head, the Lieutenant-Governor of New Brunswick, forwarded an Address from both Houses of the Legislature of that Province, on the subject of the want of protection afforded to the local fisheries. The Address represented the importance to the province of this branch of commerce ; the encroachments of the Americans on its fishing grounds ; the heavy protective duty (20 per cent.) imposed by the United States on foreign-caught fish, whereby New Brunswick is excluded from the markets of that country, and requested attention to the recommendation submitted to a Committee of the House of Assembly by Captain Robinson, R.N., that four or five small cutters of the British Navy should be stationed off the coast, instead of the two men-of-war generally cruising there.

Colonial Office ; May 27, 1851.

This Address was sent to the Admiralty, to know whether Captain Robinson's scheme could be adopted.

Admiralty ; June 30, 1851.

The Admiralty answered that they had referred to the Vice-Admiral on the station, whose report has not been received, but that the Board considered that if the proposal were adopted, the service would become one of a local police rather than of Imperial protection, and that the conduct and payment of such service ought to devolve on the Colony.

Lieut.-Governor. (Separate and Confidential) ; April 27, 1851.

Simultaneously with the despatch above mentioned, Sir E. Head addressed a separate and confidential despatch to Lord Grey on this subject, in which, after adverting to his Lordship's known

objections to the policy of the Legislature of New Brunswick in granting bounties on colonial productions, and explaining the difference which was considered to exist in that colony between bounties on colonial productions paid for out of local revenues, and differential duties on foreign trade, he expressed his opinion that the most expedient course, if the Admiralty and the Admiral on the station approved, would be, to allow a trial to be made for one year of the scheme of Captain Robinson, on the understanding that if his plan succeeded and was continued, the local Legislature should abstain from attempting to propose bounties for the fisheries. If, on the other hand, the scheme were to fail, that then Her Majesty's Government should not undertake to furnish vessels, but should leave the local Government to deal with the question of a bounty on the fisheries as they might think fit, Her Majesty's Government continuing to entertain the opinion they have so often expressed, as to the inexpediency and mischief of the system of bounties. Upon this occasion the Lieutenant-Governor observed that it was most essential to prevent a different system with regard to bounties on fisheries in contiguous provinces, and that he made this remark because he believed the Legislature of Nova Scotia had voted a considerable sum of money for the encouragement of its fisheries. He added, that if in the application of this money, anything in the shape of a bounty be given there, whilst the Legislature of New Brunswick was precluded from doing the same, great irritation would be excited.

On referring to the journals of the House of Assembly of Nova Scotia it has been ascertained that the impression of the Lieutenant-Governor of New Brunswick is correct, and that on the 20th of March, 1851 a report from a Committee of the House of Assembly on the fisheries was presented to the House, recommending the establishment of an additional armed vessel to keep off intruders, and that encouragement be afforded to persons engaged in the fishing trade. In consequence of this report 500*l.* was, on the 2nd of April following, placed at the Lieutenant-Governor's disposal to employ an additional cruizer, and 2000*l.* to encourage the prosecution of the

See Appendix. deep-sea mackerel fishery. Mr. Howe's letter also shows that the annual Appropriation Act for 1851 contains a clause granting the above-mentioned bounty. Prince Edward Island has likewise followed the example of Nova Scotia, and has passed an Act whereby a bounty of 12*s.* 6*d.* per ton is allowed for three years on vessels engaged in the cod and mackerel fisheries, and from 10*l.* to 100*l.* granted to persons owning the greatest number of boats, and catching the largest quantity of fish in a season. This Act, though in operation, has not yet received the confirmation of the Queen.

Intimately connected with the general question of Bounties on the trade of the British North American Provinces, there is a further one as to the protection to be afforded to the Local Fisheries, on which the following statement is submitted for information.

It is well known that by the terms of the definitive Treaty of Peace with the United States in 1783, the citizens of that country acquired the right of fishing on the Grand Bank, and all other banks of Newfoundland, in the Gulf of St. Lawrence, and in all other places where the inhabitants of both countries used at any time previously to fish. They also obtained leave to fish on the coasts of all other the British dominions in America, and in any of the unsettled bays, harbours, and creeks of Nova Scotia, the Magdalen Islands, and Labrador, so long as the same remained unsettled. On the conclusion of the war of 1812, Great Britain maintained that the Treaty of 1783 was no longer in existence, the war having annulled its stipulations, and the American fishing-vessels were consequently driven off the coast. This measure was protested against by the American Government, and a negotiation having ensued on the subject, a Convention was finally agreed to in 1818, which still regulates the fishing rights of the United States. That Convention permitted the Americans to fish at certain places on the coasts of Newfoundland and elsewhere, in return for which the Americans renounced for ever the liberty of fishing within three miles of any other part of the British coasts in America. Permission was, however, accorded to them to enter the bays for shelter, to repair damages, and obtain wood and water. In virtue of this Convention, the

Americans appear in great numbers off the coasts, and do not confine themselves to the prescribed limits. The British Admiral on the station is therefore instructed to resist their encroachments to the utmost of his ability, but the means at his disposal being extremely scanty, and his vessels not well calculated for the service, the assistance which he is disposed to render, if he could, has proved very ineffectual. The Legislatures, therefore, of New Brunswick, Nova Scotia, and Prince Edward Island, have been compelled in self-defence to equip and maintain, at their own expense, small cruizers to repel the intrusion of the Americans, and have frequently urged the British Government to afford them more efficient protection, representing that the high bounties given by France and America to their fishermen, place the British colonial fishermen comparatively in a very disadvantageous position, and entitle them to the best attention of Government. This application for protection has, however, only been met by reiterated directions to the Admiralty to instruct the Admiral on the station to watch more carefully the proceedings of the Americans, and to check their aggressions. These orders have been observed so far as the means at his disposal admitted. In the meanwhile, the apparent neglect of the British Government to protect a source of most valuable trade, has engendered a strong feeling in the breasts of the colonists that their interests are treated with indifference: and they observe with dissatisfaction the fact that protection is granted to the fishermen of other countries, whilst they are themselves exposed to aggressions which they are unable to resist.

In this state of things a Convention was held at Halifax in September 1849, consisting of delegates from the Governments of Canada, New Brunswick, Nova Scotia, and Prince Edward Island (Newfoundland declining to send any), for the purpose of securing, if possible, a unity of action among all the North American Provinces on the subject of the negotiations with the United States for establishing reciprocity of trade. At that meeting, New Brunswick and Prince Edward Island were both desirous of offering the United States a participation in their coast fisheries as an inducement to that country to consent to reciprocity of trade, provided

it should be stipulated that fish imported into the United States by colonial fishermen should be treated upon a perfect equality with that imported by subjects of the United States. But this concession the Representatives of Nova Scotia refused to agree to, without obtaining the sanction of the Legislature. Her Majesty's Government, probably considering that in a matter of Imperial concern a colony is not at liberty to assume the right of resisting a measure of national importance, nevertheless instructed Her Majesty's Minister at Washington to propose, as one of the concessions for the desired free trade, the admission of Americans to a participation in the sea-fisheries of all the North American colonies, excepting Newfoundland, with permission to land for the purpose of drying their nets or curing their fish, subject, however, to the indispensable condition, that all fish, fresh or cured, exported from our colonies into the United States, in vessels of whatever nation or description, should be admitted duty free, and upon terms in all respects of perfect equality with fish imported by citizens of the United States.

The success of the negotiation with the United States for reciprocal trade being, in the opinion of Canada and the lower colonies, extremely problematical, retaliatory and protective measures, such as the closing of the canals, the repeal of the Canadian Act equalizing the import duties, and the vigorous enforcement of the Convention of 1818, have been threatened. Nova Scotia has, as is stated in the preceding part of this memorandum, voted money for the general protection of the fisheries; an Act giving bounties to fishermen has passed the Legislature of Prince Edward Island; and a formal demand has come from New Brunswick, that either the Convention of 1818 should be enforced, or that Lord Grey's instructions prohibiting the enactment of bounties should be rescinded. The Lieutenant-Governor of Prince Edward Island has further reported, in a late despatch, which is subjoined, that to the Act giving bounties will be added, when the Assembly meets, resolutions as to the Convention of 1818, which will be in favour of conceding to the United States free admission to the Prince Edward Island fisheries, on condition of their conceding in return the free

admission to the States of Prince Edward Island produce and shipping; but he thinks that he can secure an addition to such resolutions, to the effect that if this be not agreed to at Washington, the Convention of 1818 ought to be strictly enforced. The question, therefore, arises, whether, if the Congress continue to reject the general measure of reciprocal free trade, which is desired by the colonies, the Convention of 1818 should not be enforced, and stringent measures adopted to repress the illegal traffic of the Americans; or whether a separate proposition respecting fisheries and shipping, should not be addressed to the United States' Government.

Upon these two questions, the late Secretary of State for the Colonies has observed, in a Minute recorded in this office, that "the right policy would be, to endeavour by negotiation with the United States, to induce them to abolish the present differential duty on British fish, and the bounty given to their own, giving in return to American fishermen leave to fish as freely as our own on the coasts of the British provinces, with no other restrictions than may be necessary for the maintenance of the rights of individuals to fisheries in the mouths of rivers, &c. Even if no such arrangement can be concluded with the Government of the United States, I think no bounties ought to be granted to our fishermen; and that while the right of fishing ought not to be conceded to American fishermen on our coasts, no attempt should be made to enforce the prohibition or prevent a practical freedom of interchange between our fishermen and those of the United States. The effect of this would be precisely the same as that of the present system on the eastern shores of this country. The French fishing-boats come annually from Calais and Boulogne in large numbers for our herring fishery, and though the fishermen, to get the French bounty, are compelled on their return to declare that their fish are of their own catching, it is notorious that they seldom even shoot their nets, but buy their fish from our fishermen, who thus virtually receive a large share of the bounty granted by the French Government. This is now so well understood, that the fishermen on our coast, who twenty years ago were always making



applications to the Government for better protection from the French boats, now all agree that these boats are their best market. It is obvious from the report of Captain Ramsay (see Appendix), that the same thing is taking place on the coast of Newfoundland, and also to a certain extent, it appears from Lieutenant Kynaston's report, in the Bay of Fundy, between the British and United States' fishermen. In that report it is mentioned that the most active and intelligent of the provincial fishermen take employment in the fishing-vessels of the United States, and that practically, the fishermen of the two nations fish together, while at Eastport the American duties are not really exacted. It appears to me, therefore, plain, that it is not the real interest of the British provinces to enforce a prohibition on American fishing, which it is scarcely possible to maintain effectually ; and that if instead of trying to do this, any interference is avoided, except for the purpose of preserving the peace, or preventing fishing at improper seasons, &c., the result will be, that there may be a great nominal increase of the American fisheries, but that these will be carried on to a great extent by British subjects, who will bring their earnings into the provinces, while at the same time the provinces will carry on a lucrative trade with the American vessels which frequent their shores, and by their means practically evade the American Tariff, and introduce British produce into the United States without paying the high duties imposed by law.

“But while I believe that this would be the really wise policy, I fear the people of the British provinces are not yet prepared for its adoption, and that it is not a subject on which their feelings and opinions could be safely disregarded. It probably, therefore, will be necessary to take some steps to enforce the treaties with the United States, though the less that can be done, in my opinion, the better.”

It had been Lord Grey's intention to submit this subject to the consideration of his colleagues, but previously to doing so his Lordship communicated privately with the Secretary of State for Foreign Affairs, who expressed his opinion upon it as follows :

*“Foreign Office, February 20, 1852.*

“I have looked over with attention your memorandum on our North American Colonial Fisheries, and I find nothing to add to it.

“All the discussions which have taken place with the United States for the adjustment of the interests of the Colonial Fisheries having come to nothing, I am of opinion that it would be useless to renew them.

“Our Treaties do not seem to interfere in any way to prevent our colonists granting bounties to their respective fisheries. I conceive, therefore, that it may be right to let them spend their money, whether wisely or otherwise, in their own way.

“With respect to the cruizers furnished by our Admiralty, the question appears to me to turn upon whether the Imperial purposes could not be as well served by such small vessels or small war-steamers, calculated to protect the fisheries, as by the larger ships now employed.

“If such small vessels would not be applicable for such Imperial purposes, then the colonists who require them should pay for them, which process would probably soon convince the colonists of the truth of your arguments.”

A despatch has been lately received by the present Secretary of State for the Colonies from the Lieutenant-Governor of Prince Edward Island, transmitting a joint Address unanimously agreed to by both Houses of the Legislature of that colony, praying that the restrictions of the Treaty of 1818 may be removed, provided the American Government will admit on terms of reciprocity, articles the growth or production of Prince Edward Island; whilst from the Lieutenant-Governor of Nova Scotia a despatch has been received, transmitting a petition from merchants and others, entreating that prompt and decided measures may be taken to prevent the intrusion of American fishermen within the limits from which they are excluded by Treaty, and that the negotiation for conceding to the United States the right of fishing on the coasts of the province, may be suspended until the question can be reconsidered by the Imperial Government.

See Page 32,  
Despatch No. 9, Feb. 12, 1852.

See Page 43

See Page 44,  
Despatch No. 53. Feb. 19, 1852.

The Lieutenant-Governor has stated in a further despatch, that he cannot doubt that it would be unwise to make any concession of the fisheries, unless upon the terms mentioned by him in his despatch to the Governor-General of Canada of the 25th July, 1850, which is to be found at p. 41 of this memorandum. Those terms were reciprocity of trade as regards agricultural productions—the admission of the coal and iron of Nova Scotia—the admission of her vessels to registry in the American ports—and participation for them in the coasting-trade of that country.

From the foregoing statement and the correspondence subjoined, it will be perceived that two important and urgent questions demand decision :

1st. As to the course that should be pursued in regard to the subject of bounties, not only in New Brunswick but in British North America generally.

2nd. As to the propriety of affording vigorous protection to the Colonial Fisheries by stationing steam-vessels or cutters-of-war off the coast, and thereby forcing the American Government into reciprocal free trade with the British North American colonies.

*Colonial Office,*  
*March 26, 1852.*

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## No. 1.

CIRCULAR to the Governors of the British North American and West Indian Colonies.

SIR,

Downing Street, June 28, 1843.

I HAVE to desire that you would call the attention of the Legislature of the colony under your government to the following statement and suggestions.

The imposition of discriminating duties on goods imported into the British colonies, when the discrimination is made for the protection of some branch of British or colonial industry, is an office of great difficulty. To the right discharge of it, an intimate acquaintance with the commercial treaties and political relations between this kingdom and foreign States, is indispensable. To legislate on such a subject in ignorance of those treaties and relations, would be to render inevitable much serious practical error.

But in the nature of the case it is impossible that this knowledge should be possessed in the requisite degree by the various local Legislatures of the colonies of this kingdom. They have no means of knowing the state or the objects of pending negotiations, nor even of ascertaining, with absolute precision, the terms of treaties actually concluded. If they legislate at all on these subjects, they must do so in ignorance of some facts which cannot be safely excluded from consideration.

Neither is it possible that forty distinct Legislatures, having no means of mutual communication and concert, should act consistently with each other on such subjects. The local opinions or interests of each colony must dictate the laws of each, and the general code of the Empire, compiled from so many different sources, must be at the utmost variance with itself on a subject on which unanimity and consistency is indispensable. In such a state of the law, Her Majesty's Government could not negotiate or treat, with confidence, with any foreign State for commercial purposes; nor could they fulfil such treaties as might be made. Painful and injurious discussions with those States must arise, and perhaps indemnities and compensations must have to be paid.

For these reasons, Her Majesty's Government decidedly object in principle to the assumption by the local Legislatures of the office of imposing differential duties on goods imported into the respective colonies, Parliament having already prescribed the rules by which such duties are to be discriminated, with reference to the place of origin or of export; to Parliament alone the power of altering those rules must be reserved. The single exception to this general rule will occur in any cases in which Her Majesty's Government may have suggested to any local Legislature the enactment of any such discriminating duties. If such cases should arise, the Ministers of the Crown would be able to take the necessary measures for obtaining the subsequent sanction of Parliament for any such innovation.

You will therefore exercise all the legitimate influence of your office to prevent the introduction into the Legislature of the colony under your government, of any law by which duties may be imposed on goods in reference to their place of production, or to the place from which they may be exported. In the same way, you will exert yourself to prevent the introduction of any law imposing on refined sugar imported into the colony, higher duties, in the case of sugar refined in this country in bond from foreign sugar, than in the case of sugar refined here from British colonial sugar.

If, unfortunately, your efforts should be unsuccessful, and if any such law should be presented for your acceptance, your duty will be to withhold your assent to it. From the discharge of that duty, however unpopular it may be, you will not shrink; for by declining to undertake it, you would only subject Her Majesty's Government, and the colony itself, to a still more serious inconvenience.

Her Majesty could not be advised to sanction any colonial law imposing discriminating duties which Her Majesty's Government had not previously recommended, or which Parliament has not expressly established, or enacting such duties on any terms which Parliament has not prescribed. The disallowance of any such enactments would therefore be inevitable, and that measure would be attended with far more serious inconveniences than any which could result from your own refusal to accept them. I trust, however, that there is no good reason to anticipate, or to provide against, such a contingency.

I am, &c.

(Signed) STANLEY.

## No. 2.

EXTRACT of a DESPATCH from the Right Hon. W. E. GLADSTONE to Earl CATHCART.

(No. 18.)

February 3, 1846.

WHATEVER influence of persuasion your Lordship can exercise, you will employ for the purpose of recommending an adherence to the commercial principles of the circular of my predecessor, dated June 28, 1843, or at least of moderating the disposition to call for augmentations of differential duties upon foreign productions.

## No. 3.

EXTRACT of a DESPATCH from Earl GREY to Sir W. COLEBROOKE.

(No. 168.)

Downing Street, March 2, 1848.

THE Act, No. 1755, which grants a bounty on the cultivation of hemp is so objectionable in principle, that it is only in consideration of its limited duration, and from a desire to obviate the loss and inconvenience which its disallowance would occasion to those who may have already embarked their property in the cultivation of hemp, on the promise of such bounties, that Her Majesty's Government have felt themselves justified in advising the Queen to leave this Act in operation. Experience has so fully demonstrated the impolicy of artificially directing capital and industry into channels which they would not naturally follow, that I must request that you will withhold your assent from any law which may hereafter be passed by the Provincial Legislature involving a principle of this objectionable and impolitic nature.

## No. 4.

EXTRACT of a DESPATCH from Earl GREY to Sir EDMUND HEAD, Bart.

(No. 6.)

Downing Street, March 22, 1848.

It is very material that there should be a right understanding upon this question, as any doubt which was suffered to rest upon it might lead to considerable inconvenience. I have therefore to inform you that the instructions conveyed by Lord Stanley, on the 28th June, 1843, to the Governors of Her Majesty's colonial possessions continue in full force at the present time. It is desirable that the Legislature of New Brunswick should be soon apprized of this fact, as Sir W. Colebrooke mentions that the revenue bill for the ensuing year is under the deliberation of the Assembly, and that they are disposed to modify it in a manner which he does not exactly specify, but which leads me to infer that an inclination exists to impose something in the nature of differential duties. I may perhaps have misunderstood what Sir W. Colebrooke intended to convey. But if my apprehension should be well founded, I hope that the Local Legislature will not deliberately adhere to an intention of reviving a class of duties of which Parliament has so recently and on such strong ground condemned the policy. And although I cannot pronounce a positive judgment upon an Act not yet transmitted to me, I must state that I think it highly improbable that I could advise Her Majesty to sanction any measure which should contemplate the imposition of differential duties upon imports into New Brunswick, when the policy of levying such duties in this country has been abandoned by Parliament as detrimental to the general interests of the Empire.

## No. 5.

Sir EDMUND HEAD to Earl GREY.

(No. 38.)

MY LORD,

Government House, Fredericton, April 13, 1849.

I HAVE the honour to forward an address to Her Most Gracious Majesty, which has this day been presented to me by a Committee of the House of Assembly, on behalf of the House.

I cannot concur in the prayer of the petition, or in the principles relied on by the Assembly.

I can accordingly only ask your Lordship to lay the address at the foot of the Throne.

I have, &c.  
(Signed) EDMUND HEAD.

## Enclosure in No. 5.

## ADDRESS of the House of Assembly of New Brunswick.

To the Queen's Most Excellent Majesty.

The humble and dutiful Address of the House of Assembly of the Province of New Brunswick in General Assembly convened.

MAY IT PLEASE YOUR MAJESTY,

WE, your Majesty's faithful subjects, the Representatives of the people of New Brunswick, beg leave, with renewed assurances of loyalty and attachment to your Majesty's person and Government, and fully sensible of the deep interest your Majesty takes in the prosperity of your colonial subjects, most respectfully to bring under your royal consideration, that part of a despatch, No. 168, under date the 2nd day of March, in the year 1848, from the Right Honourable Earl Grey, Secretary of State for the Colonies, to the late Lieutenant-Governor of this Province, Sir William Colebrooke, in reference to the impolicy of encouraging the investment of capital, and industry in pursuits and enterprises, by granting bounties; in which despatch his Lordship was pleased to direct the Lieutenant-Governor of this Province, to withhold his assent from any law which might thereafter be passed by the Provincial Legislature involving such a principle.

That although fully sensible that such instructions have arisen from a conviction on the part of your Majesty's Government, that enactments of the description in question will militate against the interest of the Province, judging from the effect of such encouragement in the mother-country. Yet we, your Majesty's faithful Commons of New Brunswick, beg leave most respectfully, to urge the wide difference in that respect between an old and a new country.

That in a new colony like New Brunswick, where capital is scarce, and the natural resources of the country comparatively little developed, we respectfully submit, that it is not only good policy, but it becomes, in many instances, necessary, to encourage by Legislative bounties, the embarking of capital and industry in undertakings and pursuits which, however beneficial and profitably they may appear in theory, have not been practically tested.

With these views we would humbly submit that in matters so purely local, involving no constitutional principle, and in no way conflicting with your Majesty's relations with Foreign Powers, the Legislature of New Brunswick may be safely left to the free exercise of its discretion.

We, therefore, on behalf of your Majesty's faithful subjects, the inhabitants of this loyal colony, earnestly pray that your Majesty will be graciously pleased to direct that the instructions to the Lieutenant-Governor, contained in the despatch referred to, may be reconsidered by your Majesty's Government.

House of Assembly, April 12, 1849.

(Signed)

CHAS. P. WETMORE,  
Clerk of Assembly.

## No. 6.

## Earl GREY to Sir EDMUND HEAD.

(No. 170.)

SIR,

Downing Street, December 11, 1849.

1. I HAVE to acknowledge your despatch No. 38, of 13th April last, inclosing an Address to Her Majesty, presented to you by a Committee of the Assembly, on behalf of the House, the prayer of which is, that Her Majesty will direct the instructions given to Lieutenant-Governor Sir William Colebrooke, in my despatch of 2nd March, 1848, may be reconsidered, so far as regards the proposal of a bounty on the cultivation of hemp.

2. You will acquaint the Assembly that I have laid their Address before the Queen, and that Her Majesty was pleased to receive it very graciously; but you will also inform them, that after having given the fullest consideration to the subject, Her Majesty's servants do not feel themselves able to advise the Queen to comply with the prayer of the Address.

3. Parliament has for many years steadily persevered in a course of policy which has had for its object gradually to relieve the commerce of the empire from restrictions, and to abandon all attempts to direct capital and industry by artificial means into channels which they would not naturally seek. In pursuance of this policy, laws enacting such restrictions and imposing high duties upon imports, have been successively repealed, and bounties which were formerly granted to some extent in this country, have been gradually discontinued, until the trade of the empire may now be said to stand on the footing of being nearly free from such interference.

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4. The benefits which are expected to arise from this policy will be greatly increased through its general adoption by the principal nations of the world, which Her Majesty's Government hope to see eventually brought about. But it would materially interfere with the attainment of this happy result, if it should be observed by foreign countries, that the former and narrower policy of endeavouring by bounties or restrictions to divert capital and industry to other than their natural channels, was again adopted with Her Majesty's assent in any part of her dominions.

5. I cannot, therefore, alter the instructions given to your predecessor, and thus authorize you to assent, in Her Majesty's name, to enactments which would be prejudicial to the interests of the empire at large.

6. Her Majesty's Government have felt it the more necessary to come to this determination, because they are persuaded that measures of the kind, thus proposed, injurious as they would be to the empire, for the reasons already assigned, would be peculiarly so to New Brunswick itself. Indeed, one of the grounds assigned by the Assembly in favour of the policy which they recommend, seems to afford strong reasons against it. They state, that in a new colony, where capital is scarce, and the resources of the country comparatively little developed, the granting of bounties may be not only consistent with good policy, but in many instances necessary. But this argument appears to lose sight of the principle that the scarcer capital may be, the more necessary it is that it should be applied to the best advantage. The effect, and indeed the object of bounties is, to cause capital to be employed in pursuits which, without the assistance of such bounties, would not offer sufficient returns to induce individuals to follow them; while it is obvious that no capital can be devoted in any country to new branches of industry, unless it be withdrawn from old ones; and, consequently, the effect of the bounty would be to induce individuals to give up some business, naturally remunerative, in order to embark in some other in which they would have a bounty in addition to the natural and legitimate return. And this bounty would of course be derived from the taxes levied on the general industry of the colony.

7. I trust that the Assembly will, on further reflection, perceive how little such a result would tend to the real advantage of the Province.

I am, &c.  
(Signed) GREY.

#### No. 7.

Sir EDMUND HEAD to Earl GREY.

(No. 59.)

MY LORD,

Government House, Fredericton, September 7, 1850.

1. THE enclosed memorandum has been handed to me by the members of my Executive Council.

In connexion with this subject. I would observe that I laid your Lordship's despatch of December 11, 1849, No. 170, before the Colonial Legislature, in the confident hope that the arguments used in it with reference to the impolicy of bounties would be appreciated by its members. With many persons those arguments have no doubt their full weight, but I feel that some misapprehension and consequent dissatisfaction exists in this colony with reference to this subject.

2. This misapprehension I take to be founded on a notion that the prohibition of differential duties and bounties by the Imperial Government is a capricious interference with the right of the people here to regulate their own taxation, and dispose of their own money for the purposes of internal improvement.

I think the Legislature, whilst naturally anxious to do their best for the encouragement of their own trade and industry, do not sufficiently consider the importance of the principle involved in measures of this character in favour of a particular branch of industry by a Colonial Government forming one of a number of dependencies, sometimes with conflicting interests, and complicated relations one to the other.

3. The same policy which renders it essential that the Federal Government of the United States should reserve by the Constitution the right of regulating commerce, and of imposing duties on imports or exports seems necessarily to imply that the English Government, as the connecting link of all our numerous colonies, should prescribe certain general principles which commercial legislation is to follow.

All this, I think, has not been fully considered by the people of New Brunswick, nor do they see clearly the power of mutual injury which uncontrolled legislation on these subjects might allow one member of a particular group of colonies to inflict on its neighbours.

4. I beg your Lordship to understand that I attribute the dissatisfaction here to no factious motives, but partly to a conscientious difference of opinion on the principles of commerce, partly to an erroneous impression that interference of this kind is unnecessary and capricious.

With regard to differences in theories of political economy, there is nothing to be said by me. I have my own convictions, but I shall never let them interfere with my duties either as the head of the Provincial Government, or as the correspondent of Her Majesty's Government at home.

5. With regard to misapprehensions of another kind, as I know that your Lordship's wish is to leave to the Local Government all powers consistent with the general structure of the Empire, and the connexion of its dependencies with the mother-country, so I regret any misunderstanding of the principles which necessarily guide Her Majesty's Government in regulating the commercial legislation of the several colonies.

It is important that such measures should be looked on not only as bearing on the internal improvement of each colony, but also with respect to the indefinite power of injuring one another by an injudicious or improper application of their own limited resources.

6. I think it probable that an attempt to carry a bill, giving bounties on the fisheries, will be made in the course of the ensuing session of this Legislature.

I have, &c.  
(Signed) EDMUND HEAD.

Enclosure in No. 7.

MINUTE of the Executive Council.

THE Executive Council feeling satisfied that at the next meeting of the Legislature, measures will be introduced for the purpose of imposing differential duties on importations from the United States, to the extent of those now imposed by that country upon importations from New Brunswick, are of opinion that an application should be made to Her Majesty's Government to ascertain their views upon the subject; and whether, if any such bill should pass the Legislature, his Excellency would be authorized to give his assent thereto. On looking over the return to an Address of the Honourable House of Commons, dated 30th April last, of the duties payable under colonial enactments, on goods imported into the British colonies, the Council find that differential duties are imposed upon some articles in Newfoundland, as well as in Van Diemen's Land, and Western Australia. The trade with New Brunswick is considered of great value and importance in the United States, and the Council entertain no doubt that nothing would tend more speedily to bring about a liberal change of commodities, than a retaliatory Act, such as is contemplated.

September 6, 1850.

(Signed) J. R. H.  
J. A. M.  
J. P. P.  
C. F.  
D. H.  
W. B. K.

No. 8.

Earl GREY to Sir EDMUND HEAD.

(No. 220.)

SIR,

Downing Street, November 1, 1850.

It is with much regret that I have learnt from your despatch No. 59 of the 7th ultimo, that dissatisfaction has been occasioned among the inhabitants of New Brunswick, by the instructions given you to withhold your assent from any Acts which may be passed by the Provincial Legislatures, in contravention of that system of commercial policy which the Imperial Parliament and Her Majesty's Government have judged it advisable to adopt with a view to the interests of the empire at large.

2. While it is the desire of Her Majesty's Government to advise the Crown to use its authority in such a manner as to interfere as little as possible with the management of their own affairs, by the Legislatures of the several colonies, there are certain subjects on which measures cannot be adopted by an individual colony, without affecting the interests of others, and perhaps of the whole empire.

3. Measures for the regulation of trade are of this description; and from the very foundation of our colonial empire, the Imperial Parliament and Government has always claimed and exercised the right of deciding on the commercial policy which should be adopted by all British colonies.

4. Until a very recent period, this authority was used for the maintenance of restrictions upon trade, in many cases very onerous both to the mother-country and the colony. These have now for the most part been abolished, and Her Majesty's Government are not prepared to consent that they should be partially reimposed on particular colonies, without considering the effect of such reimpositions upon that general system of policy which has been adopted in their place.

5. As you have pointed out, bounties might be given in particular colonies, in such a manner as might be very injurious to others; and the imposition of differential duties on foreign produce by a particular colony, on the ground stated in the memorandum of the Executive Council, would be still more objectionable, as they might probably clash with the engagements of this country under Treaties.

6. It is true that there are still differential duties levied in the Australian colonies, but these are the remains of a former system, which has not yet been entirely changed. They were imposed by authority of Parliament, and Parliament has now empowered the Local Legislatures to abolish them, at the same time prohibiting those Legislatures from imposing any differential duties in future.

7. These are the general considerations on which Her Majesty's Government have acted with reference to this subject; and being satisfied that a steady adherence to that system of commercial policy which has been sanctioned by Parliament, is the course best calculated to promote the general welfare of the British Empire as a whole, and the interests of New Brunswick as an important part of that empire, it is out of my power to withdraw or modify the instructions I have already transmitted to you.

I am, &c.  
(Signed) GREY.

## No. 9.

Sir EDMUND HEAD to Earl GREY.

(No. 19.)

MY LORD,

Government House, Fredericton, April 27, 1851.

I HAVE the honour to enclose an Address from both branches of the Legislature of New Brunswick, on the subject of the protection of the fisheries.

I have to request that this Address may be laid at the foot of the Throne, for Her Most Gracious Majesty's favourable consideration.

I have, &c.  
(Signed) EDMUND HEAD.

## Enclosure in No. 9.

## ADDRESS of the House of Assembly of New Brunswick.

TO THE QUEEN'S MOST EXCELLENT MAJESTY,

The Humble Address of the Legislative Council and Assembly of the Province of New Brunswick.

MAY IT PLEASE YOUR MAJESTY,

THE Legislative Council and Assembly of your Majesty's Province of New Brunswick, beg leave to approach your Majesty with assurances of devoted attachment to your Majesty's person and Government.

The occasion of this Address is one that deeply concerns a large class of your Majesty's subjects in this Province.

The deep-sea fisheries belonging to this Province and to the subjects of your Majesty's other North American colonies, are of immense value if properly protected; but the encroachments by foreigners upon this important branch of colonial production has now grown to such an extent, as materially to affect its productiveness.

The citizens of the United States are restricted by the Convention of 1818 from fishing within three miles of the shores of this Province; but in defiance thereof they prosecute the fisheries within that limit, and frequently in such a manner as to prevent the resident fishermen from successfully following their usual avocation. They are stimulated to this by the heavy protective duty of 20 per cent. upon all foreign-caught fish, and by a large bounty on the tonnage employed, as well as upon the fish caught by themselves, which enable them to prosecute the fishery with a certainty of success.

Your Majesty's subjects, on the other hand, have neither protection nor bounty, and are, moreover, virtually excluded from the benefit of their natural and nearest market by the heavy protective duties already referred to. The West Indies also, formerly their greatest outlet, have now ceased in a great measure to be consumers.

Under these depressing circumstances, the Council and Assembly beg that your Majesty will be graciously pleased to direct the attention of your Majesty's advisers to the annexed memorandum by J. J. Robinson, Commander in your royal navy, laid before the House of Assembly of this Province, during the present session, by a Committee specially appointed to take into consideration the subject of the fisheries of this Province, and pray that such measures may be adopted as will remedy the evils complained of.

(Signed) WILLIAM BLACK,  
President of the Legislative Council.  
CHARLES SIMONDS,  
Speaker of the Assembly,

## Enclosure 2 in No. 9.

MEMORANDUM of J. J. Robinson, Commander Royal Navy, laid before the House of Assembly during the present session, by the Committee appointed to take into consideration the subject of the Fisheries of this Province.

THE existing mode of protecting the fisheries in this Province by two men-of-war, namely, one on the north shore, or Bay Chaleur, the other in the Bay of Fundy, for a few summer months, does not answer the purposes contemplated, although the officers so employed are most zealous in performing their duties while on the station, for the two following most simple and evident reasons:

In the first place, they come too late and go away too soon, arriving in May or June and leaving in October, the early herring fishery (as witness this year) and late line fishing being thereby entirely neglected, and also coming, as they generally do, to the Province as perfect strangers; by the time the commander and officers have learned the different localities and details, the time has arrived by the orders from the Commander-in-chief to return to Halifax, and the same vessel seldom or never comes a second time.

Secondly. The vessels are too large and the risk too great for them to be daily moving about among the different small harbours, so essential to the proper performance of the duty; and coming, as those vessels generally do, from the West Indies, they are generally and naturally more alarmed at our fogs than the masters of fishing-vessels and others navigating the waters of the Bay of Fundy and Gulf Shore.

To remedy this, I should propose that the Imperial Government be addressed to send from England four or five small cutters (such as are used in the different stations there), to be permanently employed on our coasts in lieu of the two men-of-war already referred to.

The expense of all these vessels would not be more than one of those previously referred to, for a sloop's company of the first class would officer and man the whole of them; and by distributing them during the winter at the different towns on the coast, they would be ready to proceed early in the spring to their respective stations, as well as to render, during the winter months, assistance in case of fire, or perform other services that might be required.

The officers commanding these vessels should be clothed with power from the Lieutenant-Governor of the Province for the time being, to assist in carrying into effect the different local laws relative to the fisheries and revenue as well as the treaties of the Imperial Government.

The immense importance also this arrangement would be to the trade and navigation of the Province must not be lost sight of, in saving the crews and property of wrecked vessels, for it is a fact known to every inhabitant of the Bay of Fundy, that the United States' Revenue Cutter has assisted nearly every British vessel in distress for years past.

And his Excellency the Lieutenant-Governor should be requested to forward a copy of such address to the Admiral Commander-in-chief of the station, requesting his advocating the measure; for every witness examined before the Committee most distinctly stated that were the fisheries effectually protected, they would require no other bounty to compete with their neighbours, the inhabitants of the United States.

Committee Room, April 5, 1851.

(Signed)

J. J. ROBINSON,  
Commander Royal Navy.

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 No. 10.

Sir EDMUND HEAD to Earl GREY.

(Separate and Confidential.)

My Lord,

Government House, Fredericton, April 27, 1851.

1. IN forwarding the joint address to Her Most Gracious Majesty on the subject of the protection of the fisheries, I think it advisable to offer a few remarks of a more confidential nature.

2. It has always appeared to me that the question of bounties within the colony rested on a footing somewhat different from that of differential duties. I, myself, entertain the strongest opinion as to the impolicy, whether in an old country or in a new one, of bounties of any kind; but the difficulty is that the Assembly and people of this province cannot be convinced that bounties paid from their own revenue are a proper matter for interference on the part of the Home Government. Differential duties as involving foreign trade have a more direct and obvious bearing on the general policy of the empire; but with regard to a bounty on the production of an article here, they say, "if we choose to spend our own money in this way, even if we are wrong, why should the Queen's Government interfere?" I know that this doctrine might very easily be pushed so far as to allow one colony to interfere most materially with its neighbours by granting such bounties, and most assuredly it would reap no benefit from them itself. But the question is not the expediency of the thing itself, so much as the expediency of positively prohibiting their

enactment by the Local Legislature, and thus adding another to the many subjects of jealousy which exist between the authorities in the colony and Her Majesty's Government in England. A very strong resolution has been passed by the House of Assembly on this subject, which will be forwarded by the next mail.

3. In the meantime, writing confidentially to your Lordship, I will venture to say that I think the most expedient course would be, if the Lords of the Admiralty and the Admiral on the station approve, to allow a trial to be made for one year of the scheme proposed by Captain Robinson, stating at the same time, that Her Majesty's Government do this on the understanding that if the plan succeeds, and is continued, the Local Legislature will abstain from attempting to propose bounties for the fisheries. If the scheme fail, however, that Her Majesty's Government will not undertake to furnish vessels for the protection of these fisheries; but, on the other hand, they will leave the Local Government to deal with the question of a bounty on the fisheries as they see fit; at the same time that Her Majesty's Government entertain the opinion they have already so often expressed as to the inexpediency and mischief of such a system; but for this mischief and the waste of their own revenues, the Representatives of the colony would have to answer.

4. It is most essential that care should be taken to prevent a different system with regard to bounties on the fisheries being allowed to exist in contiguous provinces. I mention this, because I believe the Legislature of Nova Scotia, have voted a considerable sum for the encouragement of the fisheries, and if in the application of this money anything in the shape of a bounty be given there, whilst the Legislature here are precluded by my instructions from doing the same, great irritation would be excited. I do not know the precise circumstances under which this vote has been made in Nova Scotia, or how it is intended to apply it, and therefore at present I speak at random, and merely by way of precaution.

5. I ought to add that Captain Robinson, with whom the present proposition originated, is a most respectable and intelligent man; he is a Commander in the Royal Navy, and resides with his father-in-law, Rear-Admiral Owen, at Campobello, one of the principal fishing stations at the entrance of the Bay of Fundy; the island itself, of Campobello, is mainly the property of Admiral Owen. Captain Robinson has been employed in the naval service on these coasts, he knows the nature of the trade, and the habits of the British and American fishermen. He is moreover now M.P.P. for the county of Charlotte.

Of his merits as an officer the Admiralty of course must judge, but if it were possible to employ him in carrying out any scheme such as he has proposed, there is no doubt that such an arrangement might be productive of material benefit to this province.

6. I enclose also for your Lordship's information one copy of a report by Mr. Perly on the fisheries in the Bay of Fundy, printed by order of the House of Assembly. Additional copies of this report shall be forwarded when they can be obtained. I also forward a copy of the Report of the Select Committee of the House on the fisheries.

I have, &c.

(Signed) EDMUND HEAD.

Enclosure in No. 10.

#### REPORT of the House of Assembly.

House of Assembly, April 5, 1851.

THE Committee, to whom was referred the subject of the Fisheries, beg to report, that they have taken the same into consideration; and in addition to the various petitions and documentary evidence brought before the Committee, have examined several practical men extensively engaged in the fisheries, that they are unanimously of opinion that the fisheries, which, from the geographical position of this province, ought to constitute one of its most valuable resources, and which at one time formed an extensive article of export, have, during the last twenty years, fallen off at least 40 per cent. That this remark is applicable both to the river and harbour fisheries, and to the deep-sea fisheries, and for the better information of this honourable House, the Committee will separately assign the reasons to which they attribute that depreciation.

First, with regard to the river and harbour fisheries. The injury has resulted from building dams and making other obstructions across the streams and rivers to which the salmon and other fish have been in the habit of resorting for spawning; from throwing saw-dust and mill rubbish into the streams and rivers; and from spearing, catching, or destroying the fish in the spawning-grounds; in those cases where, the rivers not being obstructed, the spawning-grounds can be reached, these causes tend to divert the fish from their old haunts; to drive them away from the rivers and harbours of the province, and to disturb and destroy them while breeding.

Secondly, as to the deep-sea fisheries. The decrease, more especially as regards the herring-fishery, has resulted from the destruction of the fish during the spawning-seasons on the spawning-grounds—particularly at the southern head of Grand Manan—from throwing gurny or offal overboard on the fishing-grounds; from the improper mode in which the fish for exportation, in many instances, are cured; from the Americans, in direct violation of the Treaty between Great Britain and the United States, resorting in

large numbers to our fishing-grounds, and carrying on the fisheries in our own waters, under advantages (resulting from the high protective duties, and the bounties given by their Government) with which it is impossible for our fishermen to compete, from the want of proper inspectors of the cured and pickled fish, and the insufficiency of the existing laws in not providing for proper officers to look after and enforce the provisions made by law respecting the fisheries.

With regard to the river and harbour fisheries, they would recommend that one or more wardens or officers be appointed for each county, to look after and enforce the provisions of the several laws respecting the fisheries, and the ordinances made by the authorities of the respective counties, by virtue of any powers conferred upon them by law, and particularly to see that in every dam or other obstruction now built or hereafter to be built or placed across the various streams and rivers of this province, a proper and suitable fishery shall be made and kept; that no saw-dust or mill rubbish shall be allowed or put directly or indirectly by any person or persons in any of the rivers or streams of the province; that no spearing or killing of the fish be permitted on the spawning-grounds during the spawning-season; such wardens or officers to be paid or remunerated as provided by a law hereafter to be submitted to this honourable House by the Committee for that purpose.

With regard to the Deep-Sea Fisheries, they recommend that strong legislative enactments should be made to prevent the destruction or catching of the fish on the spawning grounds during the spawning season, in the Bay of Fundy and the Gulf of Saint Lawrence; the throwing gurny or offal overboard on the fishing-grounds; to establish a stringent system of inspection of all cured and pickled fish intended for sale; and that provisions should be made by law to that effect, and officers appointed thereunto to enforce them.

But there are other important considerations connected with the Deep-Sea Fisheries, to which it is the duty of this Committee to call the attention of the House, whilst they are of opinion that if placed upon an equal footing with others, the fishermen of this province would require no encouragement, save the returns which always follow from steady industry and honourable competition, they do not hesitate to state to this honourable House, that the advantages possessed by the American fishermen above set forth, are such as utterly to prevent a fair or successful prosecution of the fisheries by our people, and one of three things is absolutely necessary: either,

1st. That the stipulations of the Treaty between Great Britain and the United States as respects the fisheries of this province should be rigidly enforced; or,

2ndly. That arrangements should be made with the United States' Government to admit the productions of our fisheries into their markets free from the present protective duties; or,

3rdly. That such bounties should be given by our Local Government as would put our fishermen upon equal terms with the American fishermen.

The practical men examined before this Committee all state, that with either of these alternatives they would be content; that they ask no favour, but simply fair and impartial justice; and the Committee cannot hesitate to coincide in the correctness of those views, and to say that one or the other of the above alternatives must be carried out, if the valuable Deep-Sea Fisheries of this province are in the opinion of this House worth preserving.

The Committee have, in accordance with the foregoing views, prepared three Bills, intituled severally, "A Bill for the protection and regulation of the Sea and River Fisheries of this province;" "A Bill to provide for the inspection of Dried and Pickled Fish;" and "A Bill for the encouragement of the Fisheries;" which are herewith submitted.

And they also beg to refer this Honourable House to the suggestions contained in the Memorandum of Captain Robinson, R.N., a member of this Committee, which is appended to this Report, and which in the opinion of this Committee are worthy of most serious consideration.

The Committee cannot close this report without strongly urging upon this House the importance of so valuable a source of wealth to this province; they also think that, if possible, legislative encouragement should be given to the establishment of Nautical Schools in the fishing districts, thereby tending to elevate the character of a most deserving class of our countrymen, and to give them those privileges and benefits which are enjoyed by others, whose better destinies enable them to obtain a livelihood on an element less stormy, and from pursuits less dangerous.

Committee Room, April 5, 1851.

(Signed)

J. H. GRAY.  
J. S. WILLISTON.  
B. BATISFORD.  
J. J. ROBINSON.  
ROBERT EADEN.  
WM. PORTER.

## No. 11.

RESOLUTIONS of the House of Assembly of New Brunswick, passed on the 28th April, 1851, and forwarded by the Lieutenant-Governor in his despatch of May 5, 1851.

Resolved,—That the policy enunciated in the several despatches of the Right Honourable Earl Grey, Her Majesty's Principal Secretary of State for the Colonies, on the subject of granting bounties, whereby the Provincial Legislature is prohibited from giving that encouragement to internal industry which the Legislature deems most efficacious to advance the interests and develop the resources of the province, however well intended, are inconsistent with what this House deems to be for the best interests of the province, and should, therefore, be still respectfully but firmly remonstrated against by this House; and further,

Resolved,—That the Provincial Legislature has the undoubted right to apply the monies raised by local taxation, to such purposes as the Legislature considers most beneficial for the best interests of the province; and further,

Resolved.—That having reference to our colonial connexion, the Local Government cannot be held responsible for the principles enunciated in the despatches from the Right Honourable the Secretary of State for the Colonies.

6th. Resolved,—That it is the imperative duty of the Legislature to give every reasonable encouragement to the agricultural interests, on which the prosperity of the province mainly depends; and while they believe a spirit of rural economy now prevails among the farming population, they are of opinion that their interests will best be subserved by the Legislature adopting such a course of sound political economy as will encourage the establishment of domestic manufactures in the province, thereby creating a remunerative home-market for the surplus produce of the farmer; and further resolved, that the agriculturists of the country have a just right to expect from the local Legislature and Government every encouragement that can be afforded, consistently with a due regard to the other branches of industry in this province.

## No. 12.

Mr. HOWE to Earl GREY.

MY LORD,

Halifax, September 2, 1851.

I HAD the honour to receive your Lordship's note of the 1st August, while in the country, too late to send an answer by the last mail.

All the laws of last session were transmitted in the usual way, about a month ago, with the Attorney-General's observations.

The mackerel bounty was granted by a clause in the General Appropriation Act, which runs thus:—"Two thousand pounds to be at the disposal of the Governor, to be employed in encouraging the prosecution of the deep-sea mackerel fishery, in such manner and under such regulations as may, by his Excellency in Council, be deemed advisable."

The Supply Bill never contains a suspending clause, and is acted upon the moment the session closes. No instructions, that I am aware of, had been received here, which could have created a doubt as to the propriety of making such a grant as that referred to. A Commission was therefore formed, and a fleet of fishermen have been fitted out in expectation of receiving the bounty. Perhaps, therefore, the wisest course will be to leave the Act to its operation, and call the attention of the Government and Legislature to the general subject in a public despatch. To this respectful consideration will be given, and the question disposed of in a way to prevent any future embarrassment.

Bounties were very common with us in former times. The annoyance produced by the American bounties continually prompts to some form of retaliation or encouragement. Bounties on tonnage, on the catch, on salt, were all tried in old times. I have laughed them out of the House for ten or a dozen years, and hope the result of this new experiment may prevent its repetition.

Bounties to encourage agriculture, and the erection of oat-mills, are always popular with the farming classes, and are always repeated from year to year, without entering at all into the wisdom of such appropriations; as they do no harm to the mother-country, and cannot affect our relations with foreign States, it may be sound policy to leave the colonies to correct their legislation by their own experience.

I have, &c.  
(Signed) JOSEPH HOWE.

No. 13.

SIR DONALD CAMPBELL TO EARL GREY.

(No. 27.)  
MY LORD,Government House, Prince Edward Island,  
June 12, 1849.

I HAVE the honour to transmit to your Lordship an Address of the Legislative Council and House of Assembly of this island to the Queen, "humbly suggesting that the relaxation or suspension of the Treaty existing between Her Majesty and the United States of America, which refers to the regulation of the fisheries in the waters surrounding this island, would be very advantageous to its inhabitants."

2. The object of this Address is to obtain a removal of the restrictions of the Treaty of 1818, between Great Britain and the United States of America, by which the fishing-vessels of the United States are prohibited from carrying on their operations within three miles of a line drawn from headland to headland of the various bays on the coast, and to permit the American fishermen to dry and cure their fish on the shores of this island. In point of fact this prohibition as to limits is altogether disregarded by the Americans, who carry on their fishery within the bays and close to our shores, we having no means whatever of preventing them from so doing.

3. I think that if the Americans were permitted to land and cure their fish here, the island would benefit to a certain extent by their consumption of agricultural produce, and an increased demand for labour in preparing materials, furnishing boats, and other necessary equipments. On the other hand, there is undoubtedly a risk that the revenue would suffer from an illicit trade, which might be carried on under cover of fishing.

4. I fear, however, there is an objection to the prayer of the Address being complied with, which will probably have much weight with Her Majesty's Government—that it would give rise to great dissatisfaction in the other provinces. I am led to draw this inference from the perusal of a correspondence as detailed in the margin, between Lord Stanley and Viscount Falkland in 1845, relative to a contemplated relaxation of the strict rule of exclusion exercised by Great Britain over the fishing-vessels of the United States entering the bays of the sea on the British North American coasts, from which it appears that Her Majesty's Government being of opinion that any such concessions would be injurious to the interests of the British North American Provinces, abandoned the intention they had entertained of relaxing the provisions of the Treaty of 1818.

I should have forwarded this Address at an earlier period after the close of the late session; but having understood that alterations had been recently made in the Fishery Laws of the United States, I applied for information to Mr. Grattan, Her Majesty's Consul at Boston, a copy of whose letter I transmit for your Lordship's information.

I have, &amp;c.

(Signed) DONALD CAMPBELL, Lieut.-Governor.

Enclosure 1 in No. 13.

## PETITION TO HER MAJESTY.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN.

WE, your Majesty's dutiful and loyal subjects, the Legislative Council and House of Assembly of Prince Edward Island, in general assembly convened, most humbly submit for your Majesty's gracious consideration, that the trade and prosperity of this island would be much increased if the Fisheries, for which its shores and harbours afford every facility, were extensively prosecuted.

It becomes our duty to represent to your Most Gracious Majesty, that although the seas which surround this island abound in fish, yet so few are caught by resident fishermen, that the inhabitants are dependant upon the importation of that article for a large portion of their consumption.

This neglect of the Fisheries is partly to be attributed to the want of capital, but principally to the people employing themselves in the more congenial pursuit of agriculture, and it is therefore unreasonable to conclude that fisheries will be extensively established or prosecuted until the soil be more extensively occupied; and as the census of 1848 shows that but little more than one-seventh of the total area was then in cultivation, it is very improbable that the state of the colony, in regard to Fisheries, will be materially altered during the present generation.

The Legislative Council and Assembly would therefore humbly suggest to your Majesty, that the relaxation or suspension of the Treaty existing between your Majesty



and the United States of America, which refers to the regulation of the Fisheries in the waters surrounding this island would be very advantageous to your Majesty's faithful subjects of this island.

The Treaty now existing, which prohibits the citizens of the United States from fishing within three miles of the shores, gives them at present a facility to infringe the revenue laws of this island, because that Treaty permits them to enter the harbours along the coast at all times for the purpose of procuring wood and water, and for shelter in stress of weather; whilst a great evil results from the practice, necessarily resorted to by the United States' vessels, of throwing bait overboard, with the view of attracting the fish from the shores, as it is injurious to the boat-fishery carried on by the inhabitants of this island.

The Legislative Council and Assembly beg to represent to your Majesty, that the waters surrounding this island are annually visited by from three to five hundred sail of fishing-vessels, principally from the New England States, ranging from fifty to one hundred tons each, which make two voyages each with fish to be dried, and often a third with pickled fish; and it being a well-known fact, that could these fish be immediately dried on the shores of the island, instead of as at present, remaining so long in bulk in the vessels, their value, as an article of commerce, would be considerably increased. It is therefore to be presumed, that the removal of these restrictions by your Majesty would be accepted as a great boon by the American citizens engaged in these Fisheries, who would willingly submit to any regulations that might be imposed by the Government of this island, for the protection of your Majesty's revenue, whilst the commerce of the colony would be vastly increased,—a stimulus would be given to our own fishermen, and the interests of the farmer would be advanced by the increased consumption by the fishermen of agricultural produce, whilst other classes would be much benefited by the increased demand for labour in preparing materials and furnishing boats, and other necessary equipments.

The Legislative Council and Assembly most humbly pray your Majesty to take the foregoing premises into your most gracious consideration, and to cause such order to be made therein as may tend to the attainment of these desirable objects.

Council Chamber, May 1, 1849.

(Signed) R. HODGSON, President.

House of Assembly, April 30, 1849.

(Signed) JOSEPH POPE, Speaker.

[Enclosure 2 in No. 13.

Consul GRATTAN to Sir DONALD CAMPBELL.

SIR,

Boston, May 7, 1849.

I HAVE the honour to acknowledge the receipt of your confidential despatch of the 18th of April, informing me that the Legislature of Prince Edward Island have agreed to petition the Queen for a removal of the restrictions now in force which prohibit the citizens of the United States from catching fish within certain prescribed limits, and curing the same on the shores of Prince Edward Island; and further requesting information on several points connected with the fishery laws and regulations of the United States.

In reply to the queries which you have addressed to me, I beg to state—

1st. That all products of the fisheries of the United States and their territories are admitted duty free into the ports of the United States.

2ndly. The duty on foreign fish, when fresh, dry, pickled, smoked, or dry-salted, is 20 per cent. ad valorem. On foreign fish, in oil, it is 40 per cent. ad valorem.

3rdly. A bounty of 4 dollars per ton is allowed by the United States' Government on all vessels not exceeding 90 tons, which may have been employed four months at sea in the cod-fishing business. A bounty of 3½ dollars per ton is allowed to vessels so employed for the space of three months and a half. To vessels engaged for a lesser period, no bounty is allowed.

4thly. This bounty was intended as an equivalent for a drawback on the duty on salt, and as an encouragement to the cod-fishery.

5thly. A bounty or drawback of 20 cents per barrel is allowed on the exportation of pickled fish, which is intended to offset the duty on the salt.

There is no doubt but that a removal of the restrictions which at present exist in regard to fishing and curing fish on the coasts of the British North American Possessions, would be looked upon as a great advantage by the citizens of the United States engaged in those fisheries.

I have, &c.

(Signed) EDMUND A. GRATTAN.

No. 14.

Earl GREY to Sir DONALD CAMPBELL.

(No. 91.)

SIR,

Downing Street, November 26, 1849.

I HAVE to acknowledge the receipt of your despatch No. 27 of the 12th of June, inclosing an Address to the Queen from the Legislative Council and House of Assembly of Prince Edward Island, suggesting the relaxation or suspension of the Treaty existing between this country and the United States of America, regulating the fisheries in the the waters surrounding that island.

I have to instruct you to acquaint the members of the Council and House of Assembly, that I have laid this Address before the Queen, and that Her Majesty was pleased to receive it very graciously, and that the very important subject to which it relates will receive the best consideration of Her Majesty's Government.

I am, &c.  
(Signed) GREY.

No. 15.

Mr. MERIVALE to Mr. PORTER.

SIR,

Downing Street, August 4, 1849.

I AM directed by Earl Grey to transmit to you, for the consideration of the Lords of the Committee of Privy Council for Trade, the copy of a despatch from the Lieutenant Governor of Prince Edward Island, enclosing an Address to the Queen from the Legislative Council and House of Assembly, suggesting the relaxation or suspension of the Treaty existing between this country and the United States, regulating the fisheries in the waters surrounding that island; and in order to aid their Lordships in forming a correct opinion upon this question, I am to request that you will lay before them the following statement of facts.

By the Convention of 1818 (which regulates the privileges possessed by the Americans on all the fishing-grounds of the British North American Provinces) it was agreed, that, in consideration of certain rights of fishing granted to the citizens of the United States on the coasts of Newfoundland and Labrador, the fishermen of those States were to be prohibited from taking, drying, or curing fish on or within three marine miles of any of the coasts, bays, creeks, or harbours belonging to this country in America, not included within the limits defined in the Convention; but the fishermen of the United States were to be allowed to enter the bays or harbours for the purpose of shelter, and of repairing damage, of getting wood and water, and for no other reason whatever. Availing themselves of the permission thus conceded to the Americans to refresh in our harbours, their fishermen have for years transgressed the line of demarcation. In order to check such encroachments, the Provinces of Nova Scotia and New Brunswick established cruizers, and arrests for violations of the Convention have been the result. The American Government has not failed to protest against seizures, whenever it could do so; and a vessel, called the "Argus," having been wrongfully captured by a Nova Scotia schooner, the opportunity was taken by Her Majesty's Government to suggest whether it would not be advisable for the interests of both countries, that the strict rule of exclusion exercised by Great Britain over the fishing-vessels of the United States entering the bays on the British North American coasts, should be relaxed.

The main difficulty had hitherto arisen from the word "Bay," used in the Convention. The British construction of the word being that no vessel should fish within three miles of the entrance of those large inlets of the sea called Bays, such for instance as the Bay of Chaleurs, Miramichi and other bays; whilst the Americans construed the term "Bay" to include only any inlet which measures from headland to headland the double of three miles (as stated in a letter of Mr. Addington to this office of the 22nd March, 1845; meaning, apparently, "not more than" the double of three miles).

The British Government having a short time previously consented to allow the Americans to fish in the Bay of Fundy, provided they observed the rule of not approaching nearer than three miles from the ~~entrance of the bay~~, the Americans urged their pretensions to have this indulgence conceded to them in all bays. The Government of this country declined to comply with so extensive a demand; but not being unwilling to make some concession, proceeded to inquire of the Governments of Nova Scotia and New Brunswick whether any prejudice would be sustained to colonial interests by permitting the Americans to fish within those inlets of the sea which measure not more than six miles from headland to headland; and the Government of each province reported that any such relaxation would practically amount to an unrestrained licence to the American fishermen. The Imperial Government therefore abandoned the intention of relaxing the strict letter of the Treaty of 1818, except so far as related to the Bay of Fundy, which had already been thrown open to the Americans under certain restrictions.

*Coast*

Information has recently been received by Lord Grey, which gives additional importance to this question. The Lords of the Committee of Privy Council for Trade and Plantations, are aware that the greatest importance is attached by all the North American Colonies to the free admission of their agricultural produce to the United States; and that during the last session of Congress a bill was under the consideration of that body to provide for the reciprocal free admission in the United States and into the United States of certain articles of this description. There is now reason to believe that the existing Administration in the United States will not consent to recommend the adoption of this measure to Congress, unless in consideration of it some advantages which they do not now enjoy are conceded to American citizens, and that the privilege, of which the grant would be most valued, would be that of freely availing themselves of the fisheries of the British Colonies. On the other hand, there seems no doubt that those colonies would willingly yield the privilege in question, for the sake of obtaining that of the free admission into the United States of those articles of their produce to which the measure lately before Congress related.

Under these circumstances Lord Grey would be glad to be placed in possession of the views of the Lords of the Committee of Privy Council for Trade, before tendering to Her Majesty any advice on the subject of the Address of the Legislature of Prince Edward Island.

I have, &c.  
(Signed) HERMAN MERIVALE.

No. 16.

Sir EDMUND HEAD to Earl GREY.

(No. 78.)

MY LORD,

Government House, Fredericton, September 15, 1849.

A SHORT time since, the members of my Executive Council expressed a wish that two of their body should have an opportunity of conferring with members of the Executive Governments of the other North American Provinces, on the common interests of these colonies, with reference to commercial intercourse with the United States.

Accordingly I granted leave of absence for this purpose to the Provincial Secretary, Mr. Partelow, and the Attorney-General, Mr. Wilmot, who proceeded to Halifax, and there conferred with members of the respective Governments of Canada, Nova Scotia, and Prince Edward's Island.

It was fully understood that these delegates possessed no power whatever to commit the Governments to which they belonged, and that their proceedings were to form the subject of deliberation by the whole Council on their return.

Accordingly, at a meeting of my Executive Council, held on Thursday last, the 13th of September, the Report of Mr. Partelow and Mr. Wilmot was read, and a Minute was adopted, expressing the views of the Council as to the means which might be adopted for carrying out the extension of our commerce.

I concur with the members of my Council, in thinking that the object in view is one of the utmost importance, and I also believe, that it would be advantageous to us to obtain that object, at the cost even of our exclusive rights of sea-fishery, which are, as your Lordship knows, most valuable.

I can only recommend this subject to the serious consideration of Her Majesty's Government, since the uneasy feeling arising from a cramped trade, and a notion that they are neglected by England, is fermenting in this province as in Canada, though I am happy to say in a less degree.

The words "annexation" and "independence" are heard as subjects for discussion in the mouths of persons whose loyalty was their peculiar pride.

I attach, however, little value to talk of this character. "Annexation," for the most part, represents nothing but the desire of access to the markets of the United States; and "Independence" expresses a feeling that they are neglected by Great Britain, and a conviction that the connexion is not valued by the mother-country.

I believe myself, that the value attached to English institutions, and the true affection for Her Majesty as their Sovereign, is yet unimpaired in the great majority of the people of this colony.

Your Lordship's communications to me assure me that the Queen's Government appreciate the importance of diminishing as much as possible the pressure on the commercial interests of the colony, by opening other markets for her goods.

It affords me much pleasure to state that the crops of every kind, except hay, are excellent throughout the province. The potato blight has hardly appeared at all; the Indian corn will prove most productive, and the wheat and oats are abundant.

I have, &c.  
(Signed) EDMUND HEAD.

## Enclosure 1 in No. 16.

The ATTORNEY-GENERAL and PROVINCIAL SECRETARY to SIR EDMUND HEAD.

SIR,

Fredericton, September 12, 1849.

WE have the honour to submit, for the information of your Excellency, the following report of proceedings at the recent Colonial Conference.

We arrived in Halifax on Saturday the 1st instant, and on the Monday following met in conference with the Honourables Messrs. La Fontaine and Merritt, from Canada; Messrs. Hensley and Thornton, from Prince Edward's Island; and Messrs. Uniacke, Howe, Huntington, Tobin, Young, McNab, Bell, and Doyle, of the Nova Scotian Government.

The Government of Newfoundland having declined taking part in the Conference, there were no Representatives present from that colony.

After appointing the Honourable Mr. La Fontaine as Chairman, and the Honourable Mr. Howe as Secretary, the business of the Conference was opened by Mr. Wilmot, who briefly stated the causes of the present commercial depression in this province; the importance of obtaining the markets of the United States for our products; the probability of our obtaining those markets by opening our fisheries to the Americans; and that we were prepared on behalf of New Brunswick, to agree to such a modification of the existing Treaties relating to the fisheries as would throw them open to the Americans upon our receiving what we considered an equivalent, viz., a reciprocal coasting trade and a reciprocal free trade in such articles, the growth and production of the two countries, as should be agreed upon.

We urged upon the Conference that immediate and vigorous action was necessary to relieve this province from its present commercial depression.

Our views were responded to by several members of the Conference, and a free discussion ensued of the important questions involved.

On the second day of meeting several resolutions were adopted, a copy of which we have the honour to inclose.

It will be seen that no resolution was passed in relation to the fisheries. Viewing this question as we do as of vital importance in any future negotiations with the American Government, it was a cause of deep regret to us that the majority of the Conference were not prepared to concur at once with our opinion, and take the chance of the approbation and support of their respective Legislatures, but we were induced to believe from the individual opinions expressed, that no efforts will be spared by the members of the respective Governments to secure the support of their Legislatures on this important question.

It was a cause of great satisfaction to us to find the strong desire evinced by every member of the Conference to maintain our connexion with the British Empire. The tone and spirit of the Conference were of the most loyal and patriotic character, and our proceedings were closed by the expression of a mutual desire to know more of each other, and to be more united in future for the advancement of our common interests.

We cannot close this communication without recording our obligation to the members of the Nova Scotian Government, for the ample and comfortable accommodation provided for the Conference, as well as for the personal attention shown to ourselves while in Halifax.

We have, &c.  
(Signed) J. A. WILMOT.  
J. R. PARTELOW.

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Enclosure 2 in No. 16.

MINUTE of Conference.

AT a Conference of Delegates from the Executive Governments of the Provinces of Canada, New Brunswick, and Prince Edward Island, held in Halifax, on the 3rd and 4th September, 1849, in compliance with a proposition forwarded by the Government of New Brunswick on the 31st July, at which the members of the Executive Council of Nova Scotia were present, the following Resolutions were passed:

Present;

The Hon. Mr. La Fontaine.	The Hon. Mr. Uniacke.
Merritt.	Mc Nab.
Wilmot.	Howe.
Partelow.	Huntington.
Hensley.	Bell.
Thornton.	Young.

1. Resolved, That in consequence of the recent changes in the commercial policy of the British Empire, it is the opinion of this meeting, that it has become necessary to obtain

a more extended market for the natural products of the British North American colonies, and that a reciprocal free exchange of such products between those colonies and the United States of America, would be highly advantageous to both.

2. Resolved, That Her Majesty's Government be moved to negotiate with that of the United States, for the removal of existing duties on certain articles, the growth and production of the British North American colonies, allowing the like articles to be imported into these colonies, duty free.

3. Resolved, That the following be the articles to be so imported, viz. :

Grain and bread stuffs of all kinds.

Vegetables, fruits, seeds, hay and straw.

Animals—salted and fresh meats, butter, cheese, lard, tallow, hides, horns, wool, undressed skins, and furs of all kinds.

Ores of all kinds, iron in pigs and blooms, copper, lead in pigs.

Grindstones, and stones of all kinds, earth, coals, lime, ochres, gypsum, ground and unground, rock-salt.

Wood, timber, and lumber of all kinds, firewood, ashes.

Fish. Fish-oil, viz. :—train-oil, spermaceti-oil, head-matter and blubber, fins and skins, the produce of fish or creatures living in the water.

4. Resolved, That it be recommended to the respective Colonial Governments of British North America, to propose to the Legislatures the removal of all duties on their respective natural products, as above enumerated.

(Signed)

L. H. LA FONTAINE, President.  
JOSEPH HOWE, Secretary.

Enclosure 3 in No. 16.

#### MINUTE of Council.

READ the Report of the Delegates to the Colonial Conference :

Whereupon it is resolved, that the proceedings of the Conference, as reported, be approved, and transmitted by his Excellency the Lieutenant-Governor to the Secretary of State for the Colonies, with the following Minute of Council :

The present commercial depression of the province having been principally brought about by the withdrawal of British protection, we have good reason to believe from what has been already done, that every assistance will be afforded us by the Imperial Government in order to secure a free access to the markets of the United States with the products of our country.

We do not presume to question the wisdom and providence of the British Government in the recent modifications of the long-existing commercial policy of the empire ; neither do we question the adaptation of those modifications to the exigencies and necessities of the mother-country ; but we should fail in the honest and faithful discharge of our duty as Her Majesty's constitutional advisers in this province, were we to remain silent as to the dangers which now threaten this portion of Her Majesty's North American dominions, in consequence of our present commercial relations.

The same causes which have led the Imperial authorities to adopt the changes above adverted to, imperatively urge us to immediate and vigorous action.

We see not the only remedy for our present difficulties in the forfeiture of our allegiance, and alienation of our affections and our territory from the British Sovereign, but we believe that a sufficient remedy is to be found in such an extension of our commerce as will excite the industry and call forth the energies of our people.

Deprived of adequate protection at home we now only ask a market abroad. Free access to the markets of the United States with the products of our country will not only give prosperity to the colony, but greatly add to the power, and secure the permanency of the British Empire. To obtain such access we must depend upon Imperial influence ; and from the recent instructions to our Minister at Washington, we believe that influence will be so exercised as to obtain for us the desired result. But if with that influence in our behalf we should fail in the accomplishment of our present purpose, a stern necessity will ere long impel the public mind to seek for relief by an incorporation with the neighbouring republic.

To avert such a result we are prepared to use our utmost efforts. In common with the people whom we represent, we are devotedly attached to British institutions, and ardently desire to see them perpetuated on this continent. But at the present crisis there is danger, and a sense of duty compels us to distinctly point out what we conceive to be the only immediate and efficient remedy.

Were we empowered to treat with the United States' Government, we would not hesitate to concede to them a full participation in our rights of fishery, provided they would discontinue their present bounty ; would agree to a reciprocal free trade in certain articles, the growth and produce of the respective countries ; to a reciprocal coasting trade without limit as to the size of vessels to be employed ; and to the admission of colonial-built vessels to American registry.

To effect an arrangement of this kind would in our opinion provide the strongest guarantee for the preservation of the colonies to the empire, and under a wise and prudent direction of our colonial industry and resources, would soon elevate us to a condition of unexampled prosperity and contentment.

(Signed)

ED. B. CHAMBERS.  
J. R. HARRIS.  
J. LIVERMORE.  
GEORGE S. HILL.  
J. P. PARTELOW.  
W. B. KINNEAR.  
CHARLES FISHER.  
D. HORINGTON.  
ALEX. RANKIN.

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Enclosure 4 in No. 16.

Mr. MERIVALE to Mr. ADDINGTON.

SIR,

Downing Street, October 5, 1849.

WITH reference to previous correspondence on the same subject, I am directed by Earl Grey to transmit to you, for the information of Viscount Palmerston, the accompanying copy of a despatch from the Lieutenant-Governor of New Brunswick, enclosing a Minute of Council, with a report of the delegates sent from his Government to Nova Scotia to confer upon the measures which it may be proper to take for securing reciprocity of trade between the British North American provinces and the United States.

I am, &c.

(Signed)

HERMAN MERIVALE.

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No. 17.

Sir DONALD CAMPBELL to Earl GREY.

(No. 51.)

Government House, Prince Edward Island,  
September 21, 1849.

MY LORD,

I HAD the honour to transmit to your Lordship, in my despatch No. 44, of the 21st ultimo, copies of a correspondence with the Government of New Brunswick, relative to a conference proposed to be held at Halifax on the 1st instant, to deliberate upon the commercial interests of the British North American Colonies.

2. I have now the honour to enclose, for your Lordship's information, copies of the resolutions passed at the conference above referred to.

3. The first, second, and third resolutions refer to a reciprocal free trade between the British North American Colonies and the United States, in certain articles, the natural products of both countries.

Vide preceding  
page

4. The views entertained in this island upon the question of free trade with the United States are already before your Lordship, in an Act passed in the last session of the Colonial Legislature, to authorize a reciprocal free trade with the United States of America in certain enumerated articles; and as I believe that such a measure would be of advantage to this colony, I have no hesitation in recommending the intervention of Her Majesty's Government to procure the removal of existing duties upon the importation into the United States of the articles enumerated in the third resolution, the growth and production of the British North American Colonies, allowing the like articles to be imported from the United States into these colonies duty free.

5. I learn that the chief difficulty which presented itself at the conference to an unreserved intercourse between the United States and these colonies, was the restriction with regard to the fisheries.

6. Your Lordship is aware, that in my despatch No. 27, of the 12th June last, which accompanied an address to the Queen, praying for a relaxation or suspension of the Treaty between Great Britain and the United States of America, which relates to the fisheries surrounding this island, although personally favourable to the object of the address, I deemed it my duty to refer your Lordship to a correspondence which took place in 1845, between Lord Stanley and Viscount Falkland, relative to the strict rule of exclusion exercised by Great Britain over the fishing-vessels of the United States entering the bays of the sea on the British North American coasts, for the purpose of bringing under your Lordship's notice the views then entertained by the Government of Nova Scotia with regard to any relaxation of the provisions of the Treaty of 1818.

7. It appears that the Government of New Brunswick is favourable to the removal of the fishery restrictions; and should there be no insuperable objections on the part of Nova Scotia and Newfoundland, Her Majesty's Government will probably deem it expedient to

relax the provisions of the Treaty of 1818, in return for a reciprocal free trade between the United States and the British North American Colonies. The advantage of such an equivalent is, in my opinion, sufficiently obvious to justify such a modification of the Treaty, as would admit the United States to a full participation in the fisheries.

8. The fourth resolution recommends the removal of all duties upon the natural products of the British North American Colonies. A measure of that nature has already occupied the attention of the House of Assembly of this Island, but I regret to say, that it did not meet with a favourable reception. As it has now received the sanction of my Executive Council, I intend to propose its adoption by the Legislature in the early part of next session, when I trust that the recommendation of the Government will be complied with.

I have, &c.  
(Signed) DONALD CAMPBELL, Lieut.-Governor.

No. 18.

Sir JOHN HARVEY to Earl GREY.

(No. 140.)

MY LORD,

Government House, Halifax, September 7, 1849.

REFERRING to my despatch No. 139, of this day's date, transmitting a copy of the proceedings of the Colonial Delegates, I have now the honour to submit for your Lordship's information, the enclosed report of a Committee of the House of Assembly of Nova Scotia, on the subject of the fisheries of this province, and conveying the views of that body in reference to reciprocal trade with the United States.

I have, &c.  
(Signed) J. HARVEY.

Enclosure in No 18.

REPORT of Committee of the House of Assembly.

THE Committee on the fisheries of Nova Scotia report,—That they are gratified at being able to state that this branch of industry, notwithstanding the many difficulties the industrious class of our people engaged in it have to contend with, continues to prosper; but not so vigorously as the Committee desire.

The trade in pickled fish with Republican America increases, and is advantageous. From the 1st January, 1848, to 30th December, 1848, the large quantity of 100,800 barrels were shipped to that country, of which 96,500 were mackerel. The tables annexed also show that the general fish trade of the province is stable and prosperous.

The Committee of the last session, in their report on this subject, called the attention of the Assembly to the concessions made by the British Government to the people of the United States, in relation to the Bay of Fundy, and expressed their opinion that fishing privileges in that bay would lead to abuse, and in this anticipation they have not been disappointed. It having been represented that American vessels, manned by foreigners, were conducting that fishery within the conceded limits, Captain Darby, in the "Daring," was ordered to those waters, and finding the information correct, pursued and seized the United States' schooner "Hyades," which (for the sake of example and to restrict the fishermen of the United States to the terms of the concession, whereby they are permitted to enjoy the right of fishing in the bay) was prosecuted in the Admiralty Court; under the provisions of the law for the protection of the fishery, condemned and sold,—that owing to the circumstance of such vessels not being entitled to registers, and sympathy for the owner, who crossed from Maine and attended the sale in person, biddings were kept down, and the vessel sold for 13*l.* 5*s.*, insufficient to pay the expense incurred. As, therefore, no further seizures are likely to be made, it is probable that the fishery of the Bay of Fundy will be fully participated in by the American people, until the inhabitants of that portion of the province appreciate more justly their exclusive rights.

The Committee have reported a bill for the inspection of pickled fish, being fully sensible of the importance of raising the character of that article in foreign markets. Formerly pickled fish of Provincial brand sold for a higher price in the United States' market than their own catch; now it is the reverse, and the difference is attributed to defective inspection. Much expense is thereby incurred, and depreciation from 50 to 100 cents a barrel, which, on so large an exportation, amounts to an intolerable tax on the fisherman, and burthen on the trade. The Committee, therefore, recommend that the Government should adopt such measures as may lead to a reduction of duties on the products of the fishery of Nova Scotia, exported to the United States of America, by free communication, on that subject, through the British Government, or direct with the Government of the Republic, and should bring before the proper authorities the privileges conceded in the fishery, and the use permitted of the Passage of Canso—a relaxation of the

terms of the Convention accompanied by no corresponding concession;—and should press the fact, that while our law admits the chief export of the United States', bread stuffs, duty free, the staple of this province is subject to an excessive tax of 20 per cent.

Halifax, February, 1849.

(Signed)

JAMES B. UNIACKE.  
JOSHUA SNOW.  
HUGH MACDONALD.  
JOHN CAMPBELL.  
HENRY MARTELL.  
FRANCIS BOURNEUF.  
J. W. JOHNSTON.

No. 19.

EXTRACT of a DESPATCH from Sir DONALD CAMPBELL to Lord ELGIN.

Government House, Prince Edward Island,  
December 17, 1849.

No. 2 is a copy of an Address to the Queen from the Legislative Council and House of Assembly of Prince Edward Island, praying that the fisheries on the coast of the island may be thrown open to the citizens of the United States. I believe the feeling of the people of this colony to be strongly in favour of the measure prayed for, and I do not see any material objection to it, although I think it would have been more prudent had the Legislature requested me to communicate confidentially with Her Majesty's Government on the subject, instead of offering their fisheries to the Americans, without stipulating for any equivalent. There can be no doubt that the privilege of drying and curing fish on the shores of this island would be a valuable boon to the Americans. Prince Edward Island is indisputably the best fishing station within the Gulf of St. Lawrence, and its harbours are the most conveniently situated for the successful prosecution of this lucrative and important pursuit. I believe, that of the large fleet of fishing-vessels from the United States which annually visit the Gulf, from two to three hundred are, during the summer, engaged in fishing round the shores of the island, and it is understood that they always carry off two, and often three, full cargoes during the season. Even in the face of the high duties imposed by the United States on the produce of foreign fisheries, and the bounties given to its own citizens, the fish caught and cured by the fishermen of Nova Scotia, find profitable access to the American market to some extent. There is, therefore, I think, just reason to expect that a profitable fishery would be quickly established on the coast of this island if the obstacles to its present success were removed. The high duties upon foreign-caught fish being abolished by the United States, and the large bounties at present allowed being withdrawn, the Americans would find it advantageous to carry on their fishery and curing operations upon the shores of the island, thereby insuring a better quality of the article, and saving considerable outlay, as the fishing-vessels could be built and provisioned here at a cheaper rate than in the States.

No. 20.

Sir ALEXANDER BANNERMAN to Earl GREY.

(No. 50.)  
MY LORD,

Government House, Prince Edward Island,  
November 15, 1851.

1. BEFORE the Legislature of this colony shall again assemble (early next February), I am desirous to call your Lordship's attention to a document which was forwarded to the Colonial Office two years ago, despatch No. 27, June 12, 1849; an address to Her Majesty, praying for a relaxation or suspension of the Convention of 1818, between Great Britain and the United States, for regulating the fisheries on the coasts of North America. In the despatch, 28th November, 1849, No. 91, your Lordship states, "that this address had been laid before the Queen; that Her Majesty was pleased to receive it very graciously; and that the very important subject to which it relates will receive the best consideration of Her Majesty's Government."

No further correspondence since that time seems to have taken place with my predecessor on this subject.

2. It appears, however, by the printed copy of the document which I enclose, marked No. 1, that the Government of Nova Scotia have been negotiating with the British Minister at Washington, on the question of reciprocity with the United States, and the fisheries, *vide* page 10; and as your Lordship will perceive, page 15, Sir John Harvey's Government were then fully aware of the views entertained by the Legislature of this colony, which were liberal and comprehensive; the United States' Government being also well informed on the same subject, as appears by a Report of Mr. Corvin, Secretary of the Treasury, presented to the Senate, and printed at Washington, 1851, on the "Trade and Commerce of the British North American Colonies."



3. In so far as this colony is concerned, the question of the fisheries has now become one, which if left much longer in its present unsettled state, may be attended with serious consequences when least expected. Several of the masters of the few vessels belonging to British subjects, from the neighbouring provinces, who were fishing this season, have already complained to me of the Americans setting the Treaty at defiance, and obstructing them on the best fishing-grounds; some of them stating they are overwhelmed by numbers, or else "they would take the law into their own hands," and claiming protection from me; while to the inhabitants of this colony generally, the United States' fishermen are welcome visitors, frequently purchasing their agricultural produce, and they would be glad to see the United States' subjects catching fish along the coast, and curing them on shore, believing that agricultural produce would thereby be enhanced in value, capital introduced by the Americans, fishing-stations erected, suitable schooners built on the island, and its commerce extended.

4. For although the sea around this island teems with fish, that branch of industry has never been prosecuted to any extent, the colonists having principally confined themselves to ship-building, some of them carrying on a miserable truck system for wood and work; many of the ships are large and badly fastened, and are often unsalable, indeed the trade has become a ruinous one, and must be abandoned.

5. It must be a long time ere the colonists can find a proper class of men, numerous enough to prosecute the fishery on the same system of sharing, as the Americans carry on with great success. Last session the Assembly voted a small sum for premiums to encourage the fisheries; five or six schooners were fitted out for that purpose,—they were tolerably successful, and I hope they will increase; but even should they do so to a much greater extent than I anticipate, it would not alter my opinion as to the desirableness of endeavouring, if possible, to make some amicable arrangement with the United States' Government, in regard to the Convention of 1818, either by its suspension on certain conditions, or its relaxation on similar ones, for a limited time, to be annulled at the option of the British or United States' Government, on due notice being given by either. Prince Edward Island is, and will continue to be, the head-quarters of the American fishermen, and nothing will conduce more to its future prosperity than a settlement of this question.

6. To the United States' Government the fisheries are of vast importance, and they will become more so in this part of North America, when the New Brunswick Railway runs, as is proposed, near to Shediac, within a few hours' sail of the harbour of Bedeque, in this island, from which the produce of the fisheries would be sent to Boston in a very short space of time, leaving the fishing-vessels to prosecute their occupation, instead of carrying home their cargoes as they frequently do, and returning to the fishing-grounds, in the same season, performing a voyage of 12 to 1500 miles.

7. Your Lordship will have some idea of the magnitude of the American fleet of fishermen when I inform you, that about the latter end of September 250 United States' schooners came into Malpeque, on the north side of this island; they are beautifully equipped, averaging from 60 to 110 tons, and their crews consist of from 10 to 12 men each. About 1500 of them landed at Prince Town, and attended an agricultural show there: they behaved as well and peaceably as so many sailors congregated together could be expected to do, but this will not always be the case where brandy and rum are to be had cheap. They are under no control, and as they daily infringe the Treaty by fishing close to the shore, the United States' Government cannot be expected to send one of their cruizers to enforce it, and otherwise to keep the peace among them. Should any disturbance hereafter take place, which from many accidental causes is not improbable, the Lieutenant-Governor of this colony would be placed in a delicate position with the subjects of a foreign yet friendly Power.

8. Early in the summer, and afterwards in the autumn, Her Majesty's ship "Sappho" was here. Commander Cochrane was desired to communicate with me, and authorized to show me his instructions; their object was the protection of the fisheries. The duty is a delicate and difficult one. His cruise embraced the Gut of Canso, Labrador, Newfoundland, Gaspé, and to the westward the sloop-of-war I imagine traversed not less than 6 or 7000 miles; and the idea, therefore, of her protecting the fisheries in this vicinity was quite absurd; and farther, it is impossible to protect them without a steamer being stationed here for five months, the expense of which I may safely assure your Lordship this colony would object to pay for.

9. Some of the neighbouring provinces, I understand, fit out protecting vessels at their own expense. They justly attach great importance to the fisheries, from the capital embarked in the trade, and the number of men employed in it, but Prince Edward Island is very differently situated, having neither capital nor labour at stake, both of which they think would be secured to them by an abrogation of the Treaty of 1818. Should Her Majesty's Government, however, consider that the protection of the fisheries around this island might induce the United States' Government to come to an amicable arrangement, the experiment would be well worth trying by the employment of a war steamer. The United States' fishermen who at present, undisturbed, profitably carry on their trade, are a numerous body, and might prove too strong for their ship-building countrymen, and other interests which are opposed to concessions which otherwise would be readily granted.

10. As the Legislature of this colony will when it assembles again address Her Majesty, and as I am sure this Government will readily attend to any suggestion I may

be able to offer them, I shall be very happy to be favoured with your Lordship's views. After due consideration I am of opinion, that while the Assembly should pray for a suspension or relaxation of the Convention, they ought also to stipulate for the same privileges being granted to them which the British Navigation Act accords to subjects of the United States, in regard to the registration of ships built there and purchased by British subjects, and also for the admission of our produce on the same terms as that of American subjects; and if these concessions cannot be granted, to pray that Her Majesty's Government may strictly enforce the Convention of 1818, that her subjects in Prince Edward Island may direct their energies to induce English capitalists to establish fishing stations along its shores, which are so admirably adapted for that branch of commerce and industry.

11. The enclosed letter from the United States' Consul at Pictou, I send for your Lordship's perusal, that gentleman does not seem to be aware of the construction which is now put by the British Government on the Convention, 1818, viz., that the three miles distance from the shore is to be computed from the headlands and not the bays, and if his unfortunate countrymen had been three miles seaward of the two extreme points of the coast to which he refers, they could have easily rounded the island and run to the leeside of it in safety. The crews which were saved, upwards of 300, have been sent home at the expense of the United States' Government; and your Lordship will see by the annexed extract from a Massachusetts paper, that they were sensible of the hospitality they met with from the islanders.

12. In conclusion, I hope that the importance of the question to which I have requested your Lordship's attention will plead my excuse for the length of this despatch, I shall be glad to hear from your Lordship on the subject to which it relates, and to be informed, whether I am at liberty to communicate with the British Minister at Washington, should any circumstance arise, rendering such communication necessary.

I have, &c.

(Signed) A. BANNERMAN, Lieut.-Governor.

No. 21.

SIR ALEXANDER BANNERMAN to Earl GREY.

(No. 51.)  
My Lord,

Government House, Prince Edward Island,  
November 22, 1851.

IN reference to the accompanying despatch, No. 50, it is necessary I should acquaint your Lordship, that a steamer of any draught of water can receive fuel alongside the wharf at Charlotte Town, and also to the eastward, at George Town. On making the necessary inquiries, I find that the coal would be contracted for at 1*l.* sterling per ton, and delivered at that rate, either from the Pictou or Cape Breton coal-mines, and even coal from Wales (Swansea) may be had at a little higher rate, as ships coming here frequently ballast with coal from Wales. If it shall so happen that the Treaty of 1818 shall be enforced around this island, and the fisheries protected, a steamer arriving here by the 1st of June would be in perfect time, and leaving by the 1st of October, just about the time that the squadron at Halifax leaves that port for Bermuda and the West Indies. A steamer crosses twice a-week with the mail to Pictou during summer and autumn, and from Pictou to Halifax there is a telegraph, so that the Admiral could at any time communicate with a ship-of-war stationed here. Captain Bayfield, a most intelligent officer, who has been employed for many years on the survey of the Gulf of St. Lawrence, is stationed here, and commands the "Gulnare" surveying hired brig. His charts of this island, and everywhere on the coasts of North America, where he has been employed, are most perfect. Should any information be required on the important subject to which I have referred, the Admiralty will doubtless refer to that officer.

I have, &c.

(Signed) A. BANNERMAN, Lieut.-Governor.

No. 22.

SIR ALEXANDER BANNERMAN to Mr. MERIVALE.

(Private.)  
(Extract.)

Government House, Prince Edward Island,  
November 24, 1851.

I DARE SAY I will get no thanks for the long despatch to Lord Grey which accompanies this, but the subject is one of very great importance, and if our neighbours of the United States will not agree to reciprocate, nothing is more likely to force them into terms, than by protecting the fisheries around this island and enforcing the Treaty of 1818, by a war-steamer stationed as I propose for four months. The sloop-of-war which was here in summer carried 130 men, the steamer would not require above 30. So that the expense to Government would not be increased, and the duty will be effectually done, which no sailing-vessel can ever perform. In the Gulf of St. Lawrence last season there were 800 sail of American fishing-smacks, their combined crews sufficient to man ten line-of-battle ships; from the crews I have seen, I do not think they are to be compared to British seamen,

many of them being landmen of all professions, but all intent on the fisheries and sharing proportionally their great harvests around this island from June till October, all the Mackerel, which they salt, and for which there is an unlimited demand, fetching from 12 to 18 dollars per barrel, while Jonathan charges on British-caught fish 20 per cent. duty; were an amicable arrangement made, by which the Americans were allowed to fish any where, they would employ our people, our fish would go to the States duty free; and many of their fishing craft would be built in the British provinces. If this cannot be accomplished, the wise policy would be to enforce the Treaty of 1818, on the very best fishing-ground, and that is around this island, which may be done at a comparatively small cost. It is with that view that I shall urge on the Government here, to move an address to Her Majesty very different to the one which was forwarded to Lord Grey in 1849.

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No. 23.

Sir ALEXANDER BANNERMAN to Earl GREY.

(Received March 1, 1852.)

(No. 9.)  
MY LORD,

Government House, Prince Edward's Island,  
February 12, 1852.

I HAVE the honour to forward herewith a joint address, unanimously agreed to by the Legislative Council and Assembly, to Her Majesty the Queen, on the subject of the Treaty for regulating the Fisheries, which I have to request your Lordship to lay at the foot of the Throne, and beg to refer your Lordship to my despatch No. 50, of date November 15th, on this important question.

No. 20, p. 29.

I have, &c.  
(Signed) A. BANNERMAN, Lieutenant-Governor.

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Inclosure 1 in No. 23.

ADDRESS to Sir ALEXANDER BANNERMAN.

MAY IT PLEASE YOUR EXCELLENCY,

THE Legislative Council and House of Assembly having given that part of your Excellency's opening speech at the commencement of the present session, which relates to the important subject of reciprocity with the United States and the encroachment of the American fishermen upon our shores, every consideration, have adopted a joint address to the Queen upon this important subject, and now respectfully request that your Excellency will be pleased to forward the same, so that it may be laid at the foot of the Throne; and also that your Excellency will be further pleased to give the prayer of the said address your powerful recommendation, in which we beg to assure your Excellency we have very great confidence.

Council Chamber, February 9, 1852.

(Signed) R. HODGSON, President.

House of Assembly, February 9, 1852.

ALEXANDER RAE, Speaker.

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Inclosure 2 in No. 23.

ADDRESS to Her MAJESTY.

TO THE QUEEN'S MOST EXCELLENT MAJESTY,

WE, your Majesty's dutiful and loyal subjects, the Legislative Council and Assembly of Prince Edward's Island, in Colonial Parliament assembled, humbly beg leave to renew our assurances of devoted loyalty and attachment to your Majesty's person and Government, and we beg again to approach the foot of the Throne on the subject of our joint address forwarded to Great Britain so long ago as the year 1849, praying for an abrogation or relaxation of the Treaty of 1818 with the United States' Government, as concerns the fisheries surrounding this island; this address, as we were informed by your Majesty's Colonial Minister, was most graciously received by your Majesty, and we were told would receive the earnest consideration of your Majesty's Government.

We beg to state that this subject becomes of daily increasing moment.

Your Majesty's Representative, the Lieutenant-Governor of this island, in the late fishing season, had the opportunity of personally witnessing hundreds of fishing-vessels belonging to the United States fishing on our shores and frequenting our harbours, in direct contravention of the Treaty of 1818.

His Excellency has not the means of preventing an intrusion, so detrimental to our best interests, the single ship of war of your Majesty's fleet usually employed in this duty being inadequate to the extensive service required of her.

The citizens of the United States have an advantage over the subjects of your Majesty in this island which prevents all successful competition, as our own fish, caught on our own shores by strangers, are carried into their ports by themselves, whereas we are excluded by high protective duties.

The Legislature of this island passed an Act in the twelfth year of your Majesty's

reign, which offered to reciprocate with the United States in the interchange of certain enumerated articles, notwithstanding which offers our fish and agricultural produce, for which latter there is an extensive demand in the northern States of the American Union, remain subject to high duties.

And although the British Navigation Laws have been so relaxed that foreign-built vessels, owned by British subjects, may obtain British registries, a concession from which the citizens of the United States have very recently derived great advantages by the sale of their vessels stranded on the shores of this island during the disastrous gale of last autumn, no reciprocal advantage is offered to us, which if obtained would be of immense importance to the builders of ships and fishing-vessels in this island.

Her Majesty's subjects are desirous to continue to cultivate the good will of the citizens of the United States by every reasonable concession and with a due consideration of the value of the intercourse, which on a basis of reciprocal advantage might be established. They presume that the immense importance to the United States of an uninterrupted right of fishing on the shores of this island as a basis of treaty ought to ensure for them valuable concessions, and if this be not possible, that the fisheries ought to be scrupulously maintained in the spirit of the Treaty of 1818.

We most humbly pray that your Majesty will be most graciously pleased to take the premises into your favourable consideration, and cause to be removed the restrictions of the Treaty of 1818, prohibiting American citizens from fishing within certain prescribed limits on the shores of this island, provided the American Government admit articles, the growth or production of this island, into the United States duty free, in accordance with the Act of the General Assembly of this island, passed in the twelfth year of your Majesty's reign, intituled "An Act to authorize Free Trade with the United States of America in certain enumerated articles, including fish, also vessels built on this island to American registry."

And as in duty bound we shall ever pray.

Council Chamber, February 9, 1852.

(Signed)

R. HODGSON, President.

House of Assembly, February 9, 1852.

ALEXANDER RAE, Speaker.

No. 24.

SIR ALEXANDER BANNERMAN to Earl GREY.

(Received March 1.)

(No. 10.)

Government House, Prince Edward Island,  
February 12, 1852.

MY LORD,

IN reference to the accompanying despatch, No. 9, I beg leave to direct your Lordship's attention to a Colonial Act, 6 Victoria, cap. 14, page 698 of the volume of Statutes which I recently forwarded to your Lordship. The Act to which I refer is one which received the Royal assent on the 3rd September, 1844, and an Order was on the same day made by Her Majesty in Council, declaring "that its clauses and provisions should be the rules, regulations, and restrictions respecting the fisheries on the coasts, bays, creeks, or harbours of the Island of Prince Edward.

2. By the provisions of this Act, officers of customs and excise, sheriffs, magistrates, and any person holding a commission from the Lieutenant-Governor, are authorized to board, search, &c., vessels within three marine miles of the coast, and "if found fishing, preparing to fish, or to have been fishing" within that distance, such vessels, with their cargoes, to be seized and forfeited, &c.

3. The provisions of this Act have never yet been enforced, but should the fishery question remain much longer unsettled, in all probability attempts will be made to seize American fishing-vessels, and such attempts will be resisted, which may lead to collision, the consequences of which are not easily to be foreseen.

4. To guard against any such occurrences, I think it would be very desirable for Her Majesty's Government to order a steamer to be stationed here from the 1st of June to the 1st October, the Commander of which, in addition to his instructions from the Admiralty, would be fortified with a commission from the Lieutenant-Governor of this island, enabling him, in terms of the Act and Order in Council, to legally enforce their provisions, within the limits prescribed by the Act; for I consider that the powers, which the statute vests in custom-house officers, &c., in so far as the fisheries are concerned, to be very dangerous ones, and such as ought only to be intrusted to those who have the means as well as the authority to enforce them.

5. I understand that there is nothing more likely to urge the American Government to an amicable settlement of this long-vexed question, than an enforcement of the Treaty around this island, where their fishermen catch most of the mackarel sent to the United States, and where last autumn, one of Her Majesty's steam-ships could, in a few hours, have seized and got legally-condemned property amounting to upwards of 50,000*l*.

6. Notification of the Royal assent to the Act alluded to and Order in Council were published in the "Royal Gazette" of this island on the 8th October, 1844; but I am ignorant whether the United States' Government are aware of its provisions, and it will be for your Lordship to determine if any intimation should be made to that Government on this important subject.

7. I trust from what I have already stated, that Her Majesty's Government will perceive the peculiar position in which this colony is placed in regard to the fisheries, so very different from the adjoining provinces. I apprehend that the Lieutenant-Governor, irrespective of any other interests, is entitled to carry that law into effect, applicable to this island, which has received the sanction of the Sovereign, and that the Legislature may modify, relax, or abrogate such law on conditions, subject to the approval of Her Majesty's Government. The importance of the subject will, I trust, be my excuse for troubling your Lordship at such length, while I have the honour to be,

I have, &c.  
(Signed) A. BANNERMAN, Lieut.-Governor.

No. 25.

The SECRETARY to the ADMIRALTY to Mr. HAWES.

SIR,

Admiralty, October 21, 1851.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Grey, copies of a letter from Vice-Admiral Sir George Seymour, dated the 17th September, No. 119, and of its inclosures, on the subject of the fisheries on the coasts of Newfoundland and in the Bay of Fundy.

I am, &c.  
(Signed) J. PARKER.

Enclosure 1 in No. 25.

Vice-Admiral Sir GEORGE SEYMOUR to the SECRETARY to the ADMIRALTY.

SIR,

"Cumberland," at Halifax, September 17, 1851.

I BEG to transmit, to be laid before the Lords Commissioners of the Admiralty, a report from Captain George Ramsay, of Her Majesty's ship "Alarm," dated 10th instant, on the fisheries he has visited on the coasts of Newfoundland, during the present season; also one from Lieutenant A. F. Kynaston, late Acting Commander of the "Persian," of the 4th, on the state of the fisheries in the Bay of Fundy.

2. Captain Ramsay was employed for a fortnight in July, in taking evidence in conjunction with a Commissioner from St. John's, on complaints against Mr. Tobin, stipendiary magistrate at St. George's Bay, on the western side. His opinion was, that the magistrates have exceeded their powers, in their treatment of the inhabitants, in very many cases, and contributed to the dissatisfaction which prevailed. The Administrator of Newfoundland has expressed a strong sense of the valuable assistance which was afforded by Captain Ramsay on the occasion.

3. Sir Edmund Head, the Governor of New Brunswick, has also signified his approbation of the zeal and activity with which Acting Commander Kynaston carried out the service on which he was employed in the Bay of Fundy. I have added my approval, and beg to recommend Lieutenant Kynaston's report to their Lordships' attention, as indicative of his having gained a good knowledge of the best means of protecting the fisheries in that quarter.

I have, &c.  
(Signed) G. F. SEYMOUR.

Enclosure 2 in No. 25.

Captain RAMSAY to Vice-Admiral Sir GEORGE SEYMOUR.

SIR,

"Alarm," Halifax, September 10, 1851.

I HAVE the honour to report to you that Her Majesty's ship "Alarm" anchored in St. Pierre Roads on the afternoon of 6th June, and found in the outer and inner roads 2 French war-steamers, "Phoca," of six, and "Stya," of four guns; 1 colonial schooner, "Gentile;" 16 brigs; 1 barque; 45 schooners; 27 luggers; all fishing-vessels. Some had lately returned from the banks and were discharging their cargoes of fish, and others were preparing to go there. The next morning I waited on the Governor, Lieutenant-Colonel Jervait (Artillery), and communicated to him your orders to me respecting encroachments on the south coast of Newfoundland by the French; he expressed his readiness to assist all in his power to comply with the spirit of the Treaties, and issued notices to that effect. On the 8th June he did me the honour to visit the "Alarm," and expressed his anxiety that no infringements, as far as laid in his power, should occur. Lieutenant-Colonel Jervait informed me that the fishing had commenced very badly; fish

were very scarce; and also that there was a great want of bait, as the caplin had not yet appeared on the coast. I observed many large boats on shore, which had not been launched; and the fishermen told me that in consequence of the weather having been so stormy and cold, that more hands were required in their fishing-boats; consequently fewer boats were employed: also that the fish had been very scarce, and they did not expect them to strike in now till the arrival of the caplin. Last season, St. Pierre and Miquelon were visited by the caplin in great abundance, but the French were not prepared to take them: however, this season they have provided themselves with proper nets for the purpose.

I was prevented by the weather from leaving St. Pierre until the morning of 10th June, and I arrived at the Burgeo Islands on the forenoon of the 11th, and found there two English brigs loading with fish, one for Oporto, the other for Jersey. The two great mercantile establishments of Newman and Co. of London, and Nicolle of Jersey, carry on an extensive trade in fish here, and as far west (I am told) as Cape Raye; but this season they have met with some opposition from a Mr. Furneux, who has set up a small business on his own account; and I was informed by the fishermen that he has reduced the price of flour from 43s. to 38s. per barrel. The agents of the two houses here complain of the fishermen along the coast to the westward, breaking faith with them, and selling their fish to Nova Scotia traders. These two houses exported last year about 30,000 quintals of cod, 200 quintals of salmon, and about 5000 of herring. The population of these islands has decreased; many families, I was informed, have gone further west, and carry on a trade for themselves. The herring fishery was very abundant this spring, and many cargoes were taken to St. Pierre, at which place the supply far exceeded the demand, and whole cargoes were thrown overboard, the boats returning to the islands for fresh herrings for the same market; each of these boats brings back supplies, brandy, &c., upon which no duties are paid. The country and the islands appear to be entirely bog; there is a wooden path laid from Newman's establishment to the nearest fishing-hut, about five feet wide, passing the church; and one of stone from Nicolle's house to it; without these two paths it would be impossible for the people to attend church in the summer; there is also a school-house, but to get at it one must travel about five yards through a bog. I observed little children were over their ankles in going from the path to the school-house, which appeared to be very much out of repair. The clergyman was not in the neighbourhood during my stay. The scurvy appeared to be the prevailing disease here, caused by their diet being entirely of fish; and the nearest medical man resides at a distance of forty miles to the westward. Several men and women were suffering so severely from this disease that the doctor had to visit them in their own houses.

There is very little ground in cultivation, a few small garden patches around some of the houses, cabbage and turnips being the only vegetables which they seem to cultivate, and these in very small quantities; the men seem too lazy to do anything but fish. There is no magistrate here, or collector of customs, but duties are paid in a certain way by the two houses of Newman & Co. and Nicolle, and I was informed that no allowance is made of any kind from the Colonial Treasury for the improvement of this settlement.

The French had not been on this coast this spring, either fishing or digging for bait. All payments to the fishermen are made in truck, and the fish are valued at the average price of the St. John's market at the end of the season, consequently the poor fisherman never can know how his account stands with these agents. It is expected the catch of fish this season will fall short at least one-third of last year, owing to the stormy winter and spring. I was detained at these islands by the fogs until the 16th, when I sailed for Harbour Briton, and anchored there on the 19th. This is a safe anchorage on the north-west side of Fortune Bay, opposite to which is Jersey Harbour, a bar across which permits only small vessels to enter. The house of Newman & Co. has a large establishment in Harbour Briton, they were loading two brigs with fish for the Brazil and Oporto markets, and they employ about 75 men in their business; the Jersey house, in Jersey Harbour, employs about 50 men. There is a collector of customs here, Mr. Gaden, who informed me that the export of last year from the district of Fortune Bay, was 47,651 quintals of cod, 300 barrels of salmon, 4,777 barrels of herrings, 79 tons of whale-oil and blubber, and 23 cwt. of fins.

The French had been seen fishing early in the season in the bay, and I am told the English fishermen encourage them to do so, for the sake of barter. There is a very large quantity of herring taken from here to St. Pierre in the season, and goods brought back, for which no duty is paid; the collector not being allowed a boat, cannot in any way prevent the smuggling which is carried on all along this coast to a great extent. The take of fish this season is expected to fall short of last season at least one-third; small punts, with one man and a boy, are employed for the fishing at the entrance of the harbour.

There is an episcopal church here, and two clergymen, one medical man, and a population of about 300 in all; about twenty acres of ground is in cultivation, chiefly in gardens.

Fogs preventing my leaving this harbour until the 23rd, when I sailed for Lamelin, and anchored there on the morning of 27th; immediately landed for the purpose of obtaining lodgings for an officer and boat's crew, but could obtain no house whatever. The stipendiary magistrate had gone to St. John's, and the sub-collector informed me that the duty on caplin had expired last session, that these fish had set in abundantly on the coast, and several cargoes had been taken over to St. Pierre and Miquelon, consequently the

traders in caplin are done up this season, the price given by the French not paying for the harbour. Mr. Pitman, the oldest fisherman here (85 years of age), told me that for the last sixteen years, he had not seen so late and severe a season; that hardly any fish had been taken, and now that the caplin were so plentiful that the cod would not catch; several fishermen along the coast told me the same; there were about 50 small schooners lying in the bay, and 32 punts fishing outside; several others were hauled up on the beach, as, in consequence of the stormy weather, two men had been employed in each punt instead of one as usual. The inhabitants here are much mixed with the French, and carry on a trade with them in fish and meat; there are about 350 head of cattle here, and a population of about 450. The fish which are not bartered to the French are sent in the schooners to the houses of Newman & Co. and Nicolle, in Fortune Bay.

The anchorage at Lamelin is very bad, and is open from S.W. by S.E., with a shingly bottom. I consider it to be a very unsafe anchorage; a heavy swell must always set in, and as the barometer was falling, I weighed and proceeded to Great Lawn, where I anchored in the afternoon.

This settlement appears to be one only used for the summer fishing, as the people leave it in the winter. The chief resident here belongs to the house of Nicolle, of Jersey, and all fish here which is not bartered to the French, are sent to the two firms in Fortune Bay. Punts are used here for fishing which is carried on at the entrance of the Bay. The French carry on a traffic here with the fishermen, who openly acknowledge, that without the French they could not subsist; there is a mutual understanding between them; and I found that good brandy was sold in one of the miserable huts for 1s. per bottle. There are few cattle here, and I only observed three small gardens.

There is a Roman Catholic chapel here, but no priest; I was informed by the fishermen that they contributed in kind one pound a-year to the priest who lived at St. Lawrence, and came here when sent for. The fishermen here also complain of the scarcity of the fish, and the old caplin-traders of the quantity of caplin on the coast of St. Pierre and Miquelon having quite ruined their trade for this season. There is a tolerable watering-place at the head of this bay. I sailed from this on 30th and proceeded off St. Pierre and Lamelin, and spoke to several fishermen, who all complained that the cod would not take in consequence of the abundance of the caplin. In the evening I made sail for Placentia Bay, and anchored in Burin in the evening of 1st July. The fish cured at this place are chiefly caught off Cape St. Mary, and are of a much larger and finer description than any I have seen elsewhere; there has been a plentiful supply this season, which has not been the case on any other part of the coast to the westward. The fishing is carried on in schooners of 25 to 40 tons, who bring their fish from Cape St. Mary to be cured. The fishermen expect upwards of 40,000 quintals of cod this year; the salmon-fishing was just commencing, very few had yet been taken; herrings, about 4000 barrels, had been exported this season to Halifax and Boston. Punts are also used here for fishing among the islands by the old men and men and boys, who were also employed doing the drying work of the fish, in the absence of the schooners. The stipendiary magistrate here informed me that he was not aware of any traffic in fish or otherwise being carried on with the French. There are three churches here—Episcopalian, Wesleyan, and Roman; all near each other. The population immediately in the neighbourhood exceeds 2000, and in the district of Burin above 4000; the three places of worship are about equally attended. There is more land cultivated here in gardens than I have seen in other places, and a great deal of natural grass on the hills; and there appears to be about 200 head of cattle in the neighbourhood. The people here seem to be a more industrious and respectable race, and chiefly descended from Devonshire and Somersetshire. I was detained here by fogs until 4th July, when I sailed for St. John's; and when off Cape St. Mary, I observed around St. Mary's Cays and off the Cape 72 schooners fishing; and during the day passed several going to Burin with their fish. I anchored at St. John's on 7th July, and found his Excellency the Governor about to embark for England in a merchant-brig; he sailed the same evening. Owing to a request from his Excellency, and afterwards by the Administrator, I felt it my duty to comply with their wishes, and received Mr. Pinsent and secretary for conveyance to St. George's Bay on the south-west side of the island. I left St. John's on 16th, and arrived in St. George's Bay on 22nd, and anchored off Sandy Point on 23rd. From all I could learn of this settlement, it appears that in 1828 there were 17 families of English extraction, and 2 families from Cape Breton; at the three Barrachois on the south side of the bay, there were about 6 families in each, and on Indian Head 7 families.

In 1841, the population had increased on Sandy Point to 167 Protestants, and 84 at the Barrachois; the Roman Catholics in the Bay about half that number. They are a breed of French Canadians and Cape Breton people, and are all called Jack-o'-tars. In August 1851, during my stay there, and from the best information I could obtain, the population at Sandy Point had increased to 267 Protestants, 108 at the Barrachois, and 8 at Indian Head, making a total of 383, while the Romans have increased to 460. The Protestants on Sandy Point are chiefly the descendants of the first inhabitants of the settlement, and possess what little property there is in the place; they subsist by the herring and salmon fisheries, every man fishing for himself, and after the herring-fishery ceases in June, they carry their own fish to Halifax Market, and return with supplies for the winter. Taxes and duties having been unknown in the place until the arrival of a stipendiary magistrate in June 1850. From the state of the society here, there is no account of the quantity of herrings caught in this Bay; several French vessels fish the



herrings here by right of Treaty. The agricultural capabilities of St. George's Bay are not better than any other part of the island, or the climate more clear from fogs. Having questioned several of the inhabitants, I found that with the help of manure, from five to six barrels of potatoes are procured from one of seed, but at the Barachois, the land there produces from nine to ten. Wheat and barley have been tried, but the return was too small to be repeated. There are about 200 head of cattle in the bay, 330 sheep, 40 pigs, and 15 horses. The bay is frozen over from December until March, and much drift ice comes up the bay, which is sometimes not entirely clear until the first week in May, when the herring-fishery commences, and continues for about six weeks. The herrings are so abundant, that one man may catch in the season 100 barrels, each barrel weighing 200 pounds of fish, which fetch two dollars in the Halifax Market; those who do not own a schooner, are charged freight 2s. per barrel. Cod fish is not attended to in the bay, and salmon-fishing is only carried on by the descendants of the old settlers, who claim the right of all the coves which the salmon frequent; there are about 280 barrels of salmon cured during the season, which are sent to Halifax; there is a great quantity of eels and lobsters caught here, and in the winter the Jack-o'-tars chiefly subsist on the eels; they are lazy, indolent people, and I am told addicted to thieving; in the winter and spring they are frequently in very destitute circumstances; they are looked upon by the English and French as a degraded race, thence styled Jack-o'-tars or runaways; they live entirely separate from the English, who are the most respectable portion of the inhabitants, and are in my opinion very stupid and ignorant, somewhat obstinate in their adherence to old customs, but not a desperate or lawless people. There are three French families who reside among the English community, on equal terms, but they keep aloof from the Jack-o'-tars. There are a few Indians at present living on the opposite shore, one family of five I met at Burgeo last June, they have coasted round here in an open boat, and walked; there are two families lately come from Twillingate, who intend to return in a few weeks; they had no other reason for coming here, than that they always came across in the summer; they mix with neither party. From the reports I heard of the fertility of St. George's Bay, and which were current at St. John's, I expected to have seen large timber, as well as oak, beech, and elm-trees of a large size, but I found timber of only one description, and in no respect superior to that found in all other parts of the island; the oaks, beech, and elms grow only in the imagination of those who circulated such statements. There is one Episcopal place of worship, which was erected seven years ago, and a school supported by the Newfoundland School Society; there is a Roman priest here, styled Vicar-General of Canada, and has resided for twelve months at the settlement; it is to be hoped that his residence among the Jack-o'-tars will prove beneficial to their morals.

Previous to June 1850, the inhabitants in the Bay were subject to no duties, customs, or any other tax. No Government authority was stationed in the Bay, and the people managed their own little affairs, and when any case of importance in their mind occurred, they usually referred it to the captain of the English man-of-war which visited the Bay annually. But in June 1850, the Government sent a stipendiary magistrate to the Bay (Mr. J. Tobin), who was also collector of customs, and the people were called upon suddenly to pay duties, taxes, &c.; consequently, arrests, fines, costs, and imprisonments, took place on the one hand, whilst refusals to pay, public meetings, and petitions to Government, ensued on the other, until the whole settlement was in a flame. The people of St. George's Bay are not represented in the Legislature, and therefore it seems unjust that they should be taxed by the Legislature of Newfoundland, and by such a tax as a boat and a net tax, when the French are permitted by treaty to fish alongside of them, and they are not called upon to pay any tax, but receive a bounty from the French Government for their fish. I think a magistrate stationed here, with a salary of 250*l.* per annum, and a Protestant, with plain good sense, a patient temper, and in tolerable acquaintance with the law, would be of great service in regulating and improving the community; and it would be advisable for him to unite his efforts with those of the clergyman and priest of the district for this purpose, as I am quite of opinion that the people are not violent or unmanageable, and by patient and judicious management, they might be governed without much difficulty and taught to be more active and industrious in their habits.

I now conceive it my duty to lay before you what, in my opinion, I consider is chiefly required for the protection of the fisheries and suppression of smuggling on the principal part of the south coast of Newfoundland.

The coast from Cape La Hune to Chapeau Rouge, with its numerous coves, affords every facility for illicit traffic to be carried on with the French islands to a great extent; the English and French schooners being exactly similar, and of the same size and rig, and during the spring and summer fishings, the fogs are so dense and frequent, that the fishermen have not the slightest cause to fear detection; it would be useless for a ship to attempt to chase one of these schooners near the line of limit, as the constant fogs in which the southern part of the coast is so suddenly enveloped, renders the navigation here, exceeding dangerous owing to the numerous ledges and rocks lying several miles from the coast with deep water close to them. A small schooner should be employed to the westward of the Burgeo Islands, so early as 1st April, and to continue until after the middle of May, to prevent the French from approaching the coast, and for checking the illicit traffic which is carried on by our fishermen and the French. The next part of the coast to require attention is from Cape La Hune to Chapeau Rouge, which I do not think can be properly protected by less than four small schooners; and they should be similar to



those trading to and from Fortune Bay, with an officer and from seven to nine men each; these schooners could be hired for the season, at a small cost to the colony; one of the fishermen should also be obtained at a reasonable price to act as pilot; no alteration in rig or appearance should be made to these schooners; they should be officered and manned from the ship sent early to the coast, and Great Lawn should be her head-quarters, it being the safest anchorage and easiest of access and egress on the south coast, and she should cruize within a reasonable distance off St. Pierre, as her presence there would be a check on the French as well as the English smugglers.

I beg also to state, that no account with a shadow of accuracy can be obtained, or any estimate formed of the present state of the fisheries on the south coast of Newfoundland, so long as the colony leaves her fisheries and men entirely at the mercy of a few private individuals.

From all I could learn, the population has nearly doubled on the south coast within the last ten years, and yet the import duties have not held way with this increase, and it cannot be said that the improved cultivation on that coast helps to feed her families of fishermen; every article of consumption must be imported, one-half of which in my opinion pays no duty.

I have been unable to derive more or better information respecting the fishermen, &c., on the south coast, from the apparent unwillingness on the part of individuals, and more so from those I considered best able to afford information; and this concealment on the part of the inhabitants has certainly confirmed me in my opinion, that a mutual understanding in trade is carried on with the French along the whole of the south coast to a very great extent.

During my stay in St. George's Bay on the 7th of August, the Prussian barque "Providence" arrived, having been run foul of when off St. Paul's on the morning of the 6th, by a large ship which carried away bowsprit, cutwater, and started bow planks, and as he could obtain no assistance from the shore, and having no resource himself, I sent the master and a part to repair him.

On the 9th August, 6 P.M. we (the magistrates) completed our task at the Court House. I was unable from the state of the barque, to leave until the morning of 12th, when I sailed for St. John's, and anchored in the Narrows on the morning of the 17th August; and as there were no despatches from the Commander-in-chief at the post-office for me, although three packets were due, I determined to await the arrival of the next packet. On Tuesday the 26th the weather assumed a very threatening appearance, the barometer fell rapidly, and by 10:30 A.M. it blew quite a gale. After 1 P.M. it began to moderate, no damage having been done to the shipping.

I sailed for Great St. Lawrence on the morning of 29th August, and anchored there on the afternoon of 1st September, and found that the fishing here had been fair. There is no resident agent at Great St. Lawrence; every one fishes for himself, and sells his fish to regular trading schooners from Fortune Bay, Burin, and Halifax, so it is impossible to ascertain with any accuracy the quantity of fish which are caught during the season. About 100 punts are employed in the fishing, which is carried on at the entrance of the bay. The population, as far as I could learn from the priest, amounts to about 600 in Great St. Lawrence, and about 150 in Little St. Lawrence.

There is no traffic carried on with the French and the inhabitants of St. Lawrence. There is very little ground in cultivation, although no places I have visited on the south coast is so capable of being cultivated with very little labour as the land about St. Lawrence. The people are very poor, badly housed, and as ignorant as all the rest of the inhabitants of this coast. The Romans' chapel is the only place of worship here. Many families leaves this for the woods during the winter, as fire has to be carried here above fourteen miles. The herring-fishery was said to be fair in the spring. I was unable to leave St. Lawrence, owing to fogs and calm, until the morning of 4th September, when I sailed for Halifax; and owing to calms, light winds, and fogs, I did not arrive until this day, the 10th September.

I have, &c.  
(Signed) GEO. RAMSAY.

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Enclosure 3 in No. 25.

Commander KYNASTON to Vice-Admiral Sir GEORGE SEYMOUR.

SIR,

"Persian," St. John's, New Brunswick, September 4, 1851.

HAVING resigned the command of Her Majesty's sloop "Persian," in pursuance of my orders, I have the honour to enclose a brief sketch of the nature of the service in these parts, as well as such general remarks on the habits of the people, which may be deemed useful for the guidance of vessels on future occasions about to be employed on the same service. Those relative to the navigation of the Bay are elsewhere given.

The appointment of wardens to the different fishing-stations, pursuant to act of the Provincial Legislation, dated April in this year, has already done much, and may eventually supersede the necessity of a cruiser being detached from the squadron, solely for their protection, further than an occasional visit to the different ports in the Bay.

As yet, however, these executives are ill supported, and much has yet to be done towards improving their position.

Until each province is completely awake to the importance of protecting its own fisheries by the establishment of a revenue or coast-guard, a man-of-war must be deemed absolutely necessary at certain periods to enforce such laws which the Legislature from time to time are empowered to pass; all Acts relative to the fisheries prior to 1850 having been repealed in that year by the Imperial Parliament, subject to being remodelled by future Acts of the House of Assembly; a new code may be said to be now under formation.

Civil Governmen  
of Fisheries.

Under the present system it would seem that the services of a man-of-war are called for as early as May, or even April.

Her Majesty's  
cruisers necessary  
under the present  
system.

Herring fishing commences at the Tusket's and Magdalen on the south-west coast of Nova Scotia, on 15th of the latter month, also more or less at Grand Manan at the same time, though few are caught before 15th May. In the northern part of the Bay line fishing begins in May, and the pollock, in Passamaquoddy Bay, come in about the same time.

Line-fishing is carried on more or less through the whole winter, according to the weather, which is very little to be relied on; after the fall of the year the fogs and rains of July and August are succeeded by dry and clear weather, and occasionally strong south-westerly breezes in the month of September, at the end of which fine weather may be said to be at an end.

Duration of the  
fishing season.

The herrings come into the southern head of Grand Manan, in immense numbers with spring-tides, between 13th June and middle of October.

On 15th October, the spawning season is said to be over, and the restrictions are withdrawn on that head; it is said that as many as 150 vessels may be seen at a time off the southern head, making the best of their time. An idea of the fearful destruction done to the fisheries on these occasions may be gathered from the fact, that not only are the nets burdened with masses of spawn, but the anchors and cables are said to come up ankle deep in the same.

I have mentioned the above facts to give a guide as to the necessary length of time for stationing a man-of-war in the Bay of Fundy, having received your instructions on that point.

Protected by boats  
and small vessels.

Should the province agree eventually to the establishment of revenue cruisers subject either to civil authority, or to control under the pendant, supported by the Government at home, the services of a small steamer of the size of "Lizard," or "Locust," might prove valuable, in the rapidity by which she might move from any one station to another, when they might be required; fuel is easily procurable.

The establishment of boat stations on the principle of our British coast-guard, and boats constructed for pulling or sailing, it seems to my humble experience, would do all the work that is necessary on shore, that is in the deep bays, rivers, and inlets.

From schooners of 30 tons, subdivided among the deep-sea fisheries and ripplings, the whole subjected to the control of the provincial revenue service, and a Government steamer, ready to act up to such suggestions which the officer commanding the latter, in his visits, might from time to time think proper to give.

They might be subdivided to this way—

On New Brunswick side:

#### Boat-Stations.

Deer Island, or Wilson's Beach (Campobello); Bay of Passamaquoddy; Islands of Grand Manan (station near the Southern Head); St. John's, and Musquash.

On the Nova Scotia side—

#### Boat-Stations.

Digby Gut, Bryer's Island, and Tusket's.

The stations for the revenue schooners might be as follows:—

On the New Brunswick side:

1st. For the north side of the bay, between Point Lepreaux and Basin of Minis, parallel of northern head of Grand Manan—one schooner.

2nd. Machias Seal Islands, Grand Manan, Bay of Passamaquoddy, as far as Point Lepreaux—one schooner.

For the off-shore fisheries on the Nova Scotia side:—

Between parallel of Cape Split and Bryer's Island—one schooner.

Bryer's Island, Seal Island, and Cape Sable—one schooner.

The protection of the Grand Manan, which is the key to the fisheries in general, demands constant attention. It may be looked upon as the key in this way: the wholesale and wanton destruction of the herrings which visit the bay, naturally must discourage the visits of the larger kind of fish, such as codfish, haddock, and pollock, who are chiefly dependent upon the herring for their support; the line-fishing, therefore, must fluctuate with that of the herring, and as the latter become scarce, is gradually removed to a greater distance from the shore; for instance, until I undertook to watch the spawning ground off Grand Manan, in the "Perseus" boats, and subsequently, in my absence, detached a boat for that sole purpose, fishermen were driven for their livelihood as far as eight and ten miles from the shore, while within the last few days they have again been tolerably successful in-shore.

Grand Manan, the  
key of the Bay of  
Fundy Fisheries.

Again, the inhabitants of Grand Manan are all more or less indolent, and ever ready to sacrifice their future interests to present and temporary advantages.

The most enterprising among them take the pay of Americans, where they are useful, moreover, as pilots, and their knowledge of the locality and identification with the American fishing-boats, and in a great measure with American interests, gives a colour to the encroachment of the flag of the latter nation, which is certainly gaining the ascendancy on these shores; in fact, the British ensign is hardly ever seen; from the northern to the southern head of Grand Manan, a distance of fifteen miles, there is not even so much as a flag-staff.

The islanders have, I believe, a natural dread of the law, but there seems none here to control them, physically or morally, with the exception of two magistrates (one generally of the island), a missionary of the Church of England, and one or more dissenting ministers.

Complaints against the Americans.

They complain of the intrusion of foreign vessels, larger and better found than themselves; but they take no pains either to put themselves on the same footing, or even to discourage these poaching visits on their shores; in fact, they rather encourage them than otherwise. They complain of their fish being carried off, and their means of gaining a livelihood thereby cut off; several take to farming a few acres of unprofitable land, rear stock, grow potatoes (the disease is said to make much greater havoc among the latter here than in Ireland); anything rather than put their shoulder to the wheel in the right way towards restoring their fisheries to their former state, and then reaping the harvest which a bountiful Providence has supplied for their wants.

During my visit to the bay, I confess I have met nothing but civility from the Americans; and although I may have heard of a few cases of their overstepping the law, none have come under my personal observation during my cruizes, either in the brig or her boats; of our own subjects I could not say as much. In fact (as I before mentioned), the scarcity of herrings on shore having been the means of removing the fishing-ground further off, the Americans have in fact no inducement to transgress the limits of three miles.

Moreover, the Americans at Eastport, to which market the Grand Manan fishermen resort with their fish, as if in return for the privileges they themselves enjoy in British waters, admit the produce of the islanders' industry free of the 20 per cent. duty which would otherwise be enacted by the strict rigour of a law so injurious to our British fisheries.

Hints on the navigation of the Bay of Fundy.

I would conclude with a few general remarks as to the navigation of the Bay of Fundy, which may perhaps be found useful for strangers.

First.—Never to leave a good anchorage, without a certain degree of security, in the way of wind and tide, of being able to reach another by nightfall.

Secondly.—Never to run for the Grand Manan in a fog, should you have no observation for twenty-four hours; not to calculate upon dead reckoning, within twenty miles.

Thirdly.—Not to start in a fog, except it be absolutely necessary, and then let there be wind enough to insure steerage-way, and a stream-anchor at the bows, for dropping in deep water, and other anchors on reserve.

Fourthly.—Never to start too close into the land, however bold it be; there are eddies in-shore which may baffle a ship in stays; a large barque, with a first-rate pilot on board, was stranded on the 8th on the bold Island of Campobello, from the above cause. More minute details on the subject of the different anchorages in the Bay are given in my remark-book.

Drifting.

A cruizer drifting about the bay can be of little service for the protection of the fisheries; fishermen within ten miles are soon made acquainted with her whereabouts, and make their arrangements accordingly; but once at anchor by detaching her boats to the coves and harbours, screened from notice, she may succeed in detecting a few law-breakers.

Cruizing in boats.

On referring to Captain Robb's report on this head, I find he partly advocates the necessity of a boat blockade, but did not adopt the plan, from the fear of desertions. I may here state that during the time of my stay at Grand Manan, on several occasions I have had as many as three boats, with thirty men, under my orders, and away for three days at a time, and that not only have I had no case of desertion on these occasions, but not a single complaint of any kind against any individual; in the night I always billeted them amongst the inhabitants at their own request, and on my being superseded by Commander Mitchell, I had not a man on the sick-list, although soon after leaving Halifax, there were as many as ten in the surgeon's hands. On the subject of desertion, so common to every ship in these parts, owing to the strong inducement of high wages in the lumber trade, and the vicinity of American crimps, I am told that I am fortunate in my loss of five; three from a watering party, and two from Campobello, not one from hence.

I have already addressed you on this subject, and am happy to state that my labours in urging the civil authorities to take steps for punishing those who harboured and aided the men in their escape, have been successful, and a few fines and penalties have been enforced, which have impressed the islanders of Grand Manan with a salutary fear of the law, for the security of the vessels who may follow me.

The smuggling into the island of the New England rum, in many cases drugged, and of itself the most pernicious of all spirituous liquors, has been the chief incentive.

The sale of this, I am happy to state, was stopped at Eastport on the 1st of this month. It is moreover to be regretted that the Americans are so much given to harbour our deserters, even when implicated in cases of petty larceny, such as stealing arms, accoutrements, and even boats, to assist their escape; in the opinion of American judges this being considered incidental to the act of desertion, no penalty is awarded under the Ashburton Treaty.

I have proofs that a vessel of Lubeck came over to Grand Manan with the express purpose of carrying off two marines, deserters from this sloop, and whom I have endeavoured in a friendly way to persuade some of the American authorities to give up; they have offered to do so, should they find them; I have moreover addressed the British Vice-Consul at Eastport on the subject; I have of course particularly avoided any steps which might create any international dispute or revival of this old grievance; and the friendly feelings between the brig and the opposite shore have been in no way interrupted. In fact, however well disposed certain among the Americans are towards us, on this point, considering the present state of Democracy, they dare not act for the mob.

Their own ships are by no means free from desertions, the "Pablo" corvette, during a week's stay at Eastport, is said to have lost fifteen within the last few days. In the hopes that my short services in the Bay of Fundy may have met your approbation,

I have, &c.  
(Signed) A. F. KYNASTON.

Crimping by  
American vessels.

No. 26.

Sir JOHN HARVEY to Earl GREY.

(No. 184.)

Government House, Halifax, July 25, 1850.  
(Received August 5, 1850.)

MY LORD,

I HAVE the honour to transmit, for your Lordship's information, copies of a despatch addressed by me to the Right Honourable the Governor-General of Canada, and a communication to his Excellency Sir H. Bulwer, in reference to the commercial relations between the United States and the North American Provinces.

I have, &c.  
(Signed) J. HARVEY.

Inclosure I in No. 26.

Sir JOHN HARVEY to the Earl of ELGIN and KINCARDINE.

MY LORD,

Government House, Halifax, July 25, 1850.

THE commercial relations between the United States and the North American Provinces, and the extent to which these may be affected by the exertions of Sir Henry L. Bulwer and the legislation of Congress, are naturally to this Government the subject of much solicitude.

From the best information which I have been able to obtain, I am apprehensive that upon some very material points the decision of Congress may be unfavourable.

2. The people of Nova Scotia are desirous to establish with the United States a reciprocal interchange of agricultural productions, and would be prepared to accept any terms which Canada may obtain, having reference to these alone, if a measure mutually advantageous could be matured, requiring no peculiar sacrifice on either side.

Of breadstuffs Nova Scotia has none to spare, the quantity required to make up her annual deficiency being imported from Canada and the United States.

Hay and straw, being bulky articles, will rarely be interchanged, except where there is a marked deficiency in either country, the length of winter in both in average seasons ensuring the consumption of all that can be raised.

The agricultural export of Nova Scotia will be chiefly confined to potatoes. Her imports will be flour, corn, meal, and breadstuffs of all kinds, the advantage being largely in favour of the United States.

3. To the admission of wood of all kinds I should hope that there would be little or no objection.

It should be borne in mind, however, that Nova Scotia, unlike Canada and New Brunswick, has few, if any, extensive pine forests; that what she has are required for the construction of her own vessels, and that, although it would be an advantage to have the free admission of any cord, wood, deals, or ship timber, which she may have to spare, into the United States, even in this traffic the Republic would be compensated by the free export of the more costly woods grown in her extensive territory, and the admission at a comparatively low rate of duty, of her manufactures of wood, which now form an extensive and valuable branch of her industry.

4. So far your Lordship will perceive that a reciprocal trade in these productions alone, though very important to Canada and New Brunswick, would not (though she is prepared and willing to accept it) warrant, on the part of Nova Scotia, any peculiar sacrifice.

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5. If, then, she can be included in any general measure, which goes no further, her Legislature and her people would be content.

6. In the discussions between the delegates who met here in September, and in the subsequent debates in the Legislature, the possibility of the Americans demanding the surrender of our exclusive rights of fishery was contemplated, and the advantages and disadvantages of such a sacrifice freely discussed.

7. The fishery of Nova Scotia is to her people an unfailing and valuable resource.

From the insular formation of this province, and the endless indentations of the sea coast, her people become fishermen and navigators almost instinctively.

In the fishery a large amount of capital is invested.

It yields an annual export of 403,045*l.* sterling, exclusive of the quantity consumed within the province.

It employs a large amount of population, and is at once a firm basis of commercial operations, and a noble nursery for seamen.

Even in the face of the high duties and high bounties of the United States, this valuable branch of industry is steadily progressive, and appears capable of indefinite extension.

8. Your Lordship will at once perceive that no Government should lightly disturb a branch of industry which is so advantageous, and that if foreigners are to be admitted to free participation with our own, the privilege should be purchased by corresponding concessions and equivalents.

The repeal of their bounties, and the free admission of our fish by the Americans, might, and probably would be regarded as placing the fishing-trade on a legitimate footing; and if disposed to so shape their legislation, there would, I apprehend, be no objection to meet them on fair terms.

If, however, the duty on fish only is withdrawn, and our catch can but enter the American markets in competition with their own, protected by high bounties, then it becomes my duty to state that the close fishery ought not to be yielded, at all events not until there is an opportunity of consulting the Legislature of Nova Scotia again.

9. I am more particular and explicit upon this point, because I have reason to apprehend that, upon some others, to which the Legislature of Nova Scotia attach considerable importance, difficulties may be raised by the Government of the United States.

10. The right to register vessels built on any part of the extensive sea-coast of the Republic in the British Provinces, has been conferred by the Act 12 & 13 Vic., cap. 29.

11. That colonial-built vessels should be entitled to the corresponding privilege, would appear to be the natural result of British legislation.

If, upon this point, the American Government adhere to their restrictive policy, the fact will be significant, and ought to inspire great caution in making further concessions, unless in return for well-defined and substantial equivalents.

12. By address to the Sovereign, the people of this province are about to throw open their coasting-trade to American bottoms. Will the reciprocal privilege be conceded?

If it is, other points may be more easily adjusted.

If it is not, adherence to this monopoly must inspire caution in dealing with other interests.

13. The coal trade of Nova Scotia, next to its fishery, furnishes its most bulky and valuable export.

The mines being inexhaustible, and easily approached by sea-going vessels, would, were the protective duties removed, supply to the United States ten times the quantity now exported.

It is feared that the Congressional strength of Pennsylvania, and other coal-producing States, may exclude coal from the list of articles to be mutually exchanged, with a view to avert the consequences of free competition.

Should this interest be successful, and one of our valuable staples be still burdened with protective duties, your Excellency will perceive that the numerous class whose capital and labour are embarked in the fishery and coal-trade, would view, with distrust, the surrender of a protective policy which guards the one, while no equivalent relaxation opened a prospect for the extension of the other.

14. Iron is not yet made in any quantity in Nova Scotia. Ores of the richest kinds are, nevertheless, abundant, and establishments are forming to work them. Although, in the present unproductive state of this great natural resource, it would not be wise to embarrass or retard a general measure that might largely develop others already further advanced, still the free admission of iron ores, and other pigs and blooms, was contemplated by the Legislature, and ought to be yielded, if Nova Scotia is to abandon her close fishery, which, in proportion to her population, affects the prejudices and interests of a much larger class, than cling to the protection of the peculiar branches of industry in the United States, which are likely to be affected by this negotiation.

15. From what has been stated, your Lordship will readily comprehend the policy to which this Government, after mature reflection, is disposed to adhere.

If the United States exclude the coal and iron of Nova Scotia, and will neither remove their bounties, nor admit her vessels to registry, or to participation in the coasting-trade, then she will not (at least not willingly) abandon her rights of fishery.

16. If, without reference to any of these questions, reciprocity in the productions of the forests and the soil can be arranged on fair and honourable terms, Nova Scotia is content to participate.

17. As the instructions from the Right Honourable the Secretary of State restrain this Government from any direct communication with Washington, I am compelled to trouble your Lordship with this long explanation; and have respectfully to request your Excellency's permission for two members of my Government, or gentlemen possessing their confidence, to proceed to Washington, and put themselves in communication with Sir H. L. Bulwer, at such time as, in his judgment, their presence and information may be best calculated to aid in the solution of the questions in which this province is so deeply concerned.

I have, &c.  
(Signed) J. HARVEY.

Inclosure 2 in No. 26.

Sir JOHN HARVEY to Sir HENRY BULWER.

SIR, Government House, Halifax, July 25 1850.

I HAVE had the honour to receive your Excellency's note of the 4th of July, and beg to return my thanks for the information it contained.

I have also the honour to inclose a copy of a despatch which I have this day addressed to his Excellency the Governor-General, and which will put you in possession of the views of this Government in reference to the questions about to be discussed in Congress.

I have, &c.  
(Signed) J. HARVEY.

No. 27.

Governor Sir J. HARVEY to Earl GREY.

(No. 49.)  
MY LORD,

Government House, Halifax,  
January 22, 1852.

AT the instance of some of the parties interested, I transmit, for your Lordship's information, a copy of a petition to the Queen, which is now in the course of signature, but cannot be obtained in time to be forwarded by the present mail, requesting that any negotiation for conceding to the United States the right of fishing on the coasts of this province may be suspended until the question can be reconsidered by Her Majesty's Government.

Copies of this petition have been transmitted to the Right Honourable the Governor-General and Mr. Crampton.

I have, &c.  
(Signed) J. HARVEY.

Enclosure in No. 27.

PETITION TO THE QUEEN.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The petition of the undersigned merchants, traders, and fishermen, residing in Halifax, and the adjoining harbours on the shores of Nova Scotia:

Humbly Showeth,—

THAT your petitioners are all deeply interested in the successful prosecution of the fisheries of this province, as the chief means of extending their trade with their sister colonies, and the sole dependence of many of its inhabitants for their livelihood.

That from a recent publication of official correspondence between the Government of the United States and Her Majesty's Minister at Washington, your petitioners have learned with intense sorrow and apprehension, that the British Government is prepared to grant to the United States the free right of fishing, curing, and preparing their fish, in the harbours and on the coasts and shores of this province, in common with its inhabitants; privileges from which they have hitherto been excluded by the terms of the Convention of 1813.

That your petitioners humbly beg to remind your Majesty, that, previous to the ratification of the present Treaty with the United States, respecting the rights of fishing, the inhabitants of this province, by memorial dated the 8th October, 1813, entreated his then Majesty's Ministers, "to guard against the hurtful Article of 1783, and to exclude American and all foreign fishermen from the narrow seas and waters of these Northern Colonies;" stating that "their inhabitants procured a living by their industry on those waters, which unquestionably belonged to Britain;" they urged, and strongly urged, that if American fishermen were to obtain the right of entering the gulfs, bays, harbours, or creeks of these colonies, there would be no security against the numerous evils inevitably attending such intercourse—that it was the first and dearest wish of these colonies to be completely British—their surest defence and greatest blessing; that, notwithstanding the fervent wish of our people, set forth in the memorial alluded to, the Minister of that day,

disregarding their earnest entreaty, consented to the ratification of the Convention of 1818, under which the inhabitants of this province have been stripped in a great measure, a second time of their natural rights.

That your petitioners have brought the remonstrance of 1813 to your Majesty's notice for the purpose of stating that thirty years experience of the evil consequences resulting from the privileges granted to the Americans, under that Treaty—so much feared and so earnestly set forth by the memorialists, have been fully realised, and that the most flagrant violations of the terms of the Convention are constantly occurring, in direct opposition to the best interests of your Majesty's subjects.

That your petitioners consider the right of fishing on the shores of the British Provinces as the natural and exclusive right of the owners of the soil. That the fisheries on our rocky shores must be regarded as the peculiar gift of a bountiful Providence, most suited to our wants, while the fertile soil and genial climate of the United States yields in abundance the most valuable productions of the earth.

That your petitioners are persuaded that, unless the fishing-grounds on the shores of these Northern Colonies, are reserved for the exclusive use of British subjects, they will cease to be of any value to your petitioners or to the British Crown. That provincial fishermen do now experience great loss from the encroachments of American fishermen, and their unwarrantable attempts to destroy our fishery, in defiance of the terms of the Convention, and it is this experience that leads your petitioners to anticipate the total destruction of this valuable branch of industry, when our rivals are permitted to pursue their unlawful practices without restraint.

That although it is understood that this grant of fishing privileges to citizens of the United States, is to form part of a mutual arrangement for the admission of certain natural productions, free of duty, into the markets of the United States and the British Colonies respectively, yet your petitioners humbly submit that the proposed concession of fisheries, (in which Canada and New Brunswick have comparatively but little interest), will lead to results of far greater magnitude than any question of exemption from duties, and they deeply regret that any such proposition should ever have been entertained.

That your petitioners are most desirous of having the commerce between the United States and the British Colonies placed on a footing of mutual advantage and reciprocity. That the existing commercial relations between them are decidedly in favour of the United States, her natural productions being for the most part received into colonial markets free of duty, and her manufactures on equal terms with those of Great Britain, while almost every article imported into the United States from the colonies, is subject to a high protective duty, to the manifest injury and loss of the colonial trader. American citizens possess the same advantage in their direct trade with Great Britain, whose immense markets are thrown open to the admission of her natural productions (with one or two exceptions) at nearly nominal duties, without any corresponding exemptions in the ports of the United States.

That Great Britain, having it in her power to redress the wrongs of the colonies, under this unequal system of commercial intercourse, by withdrawing privileges which she has so freely granted, your petitioners would humbly submit, that to concede to the United States a participation in our fisheries, in return for exemptions from duty (to which we are entitled, on the principles of reciprocal trade), could only be regarded as another mortifying proof of a readiness to comply with the demands of the American Government, however unreasonable and unjust.

That, for the reasons here given, your petitioners must remonstrate firmly and earnestly against any concession whatever being made to the United States, of the right of fishing on the shores of the province within the limits prescribed by the existing Convention; deeming such a concession not only utterly ruinous to the shore fishery of this province, but most injurious to the national welfare, and derogatory to the honour of the British Crown.

Your petitioners would therefore entreat your Most Gracious Majesty to take the premises into your consideration, and to grant to your Majesty's faithful and loyal subjects the continued enjoyment of their natural rights and privileges (which, if once conceded, will never be regained), and further, to take such prompt and decided measures at the proper season, as will effectually prevent the intrusion of American fishermen within the limits from which they are excluded by Treaty.

And your petitioners, as in duty bound, will ever pray,  
Halifax, January 20, 1852.

No. 28.

Sir JOHN HARVEY to Earl GREY.

(No. 53.)

Government House, Halifax, February 19, 1852.  
(Received March 1, 1852.)

MY LORD,

I HAVE the honour to transmit to your Lordship, for the purpose of being laid at the foot of the Throne, the petition herewith inclosed, to which reference was made in my despatch No. 49, of the 22nd ultimo, signed by a large and highly respectable body of merchants, traders, fishermen, and others residing in Halifax and the adjoining harbours

on the shores of Nova Scotia, earnestly praying Her Majesty to refuse any concession whatever to the United States, of the right to fish on the shores of the North American Provinces within the limits of the restriction specified in the existing Convention with that Government; the Petitioners deeming such a concession not only utterly ruinous to the shore fishery of this province but most injurious to the national welfare.

In forwarding this petition to your Lordship, I feel that I should be neglecting my duty were I to omit soliciting the earnest attention of Her Majesty's Advisers to the statements and request it contains; and I cannot doubt that on a deliberate review of the subject it will be apparent, that unless upon the terms described in my despatch to the Governor-General of the 25th July, 1850, of which a copy was transmitted in my despatch to your Lordship of the same date, No. 184, it would not be politic to make the concession to which the petitioners appear so much opposed.

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I have, &c.  
(Signed) J. HARVEY.

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Inclosure in No. 28.

PETITION TO THE QUEEN'S MOST EXCELLENT MAJESTY,

With 1225 Signatures.

[See Inclosure in No. 27, Page 43.]

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