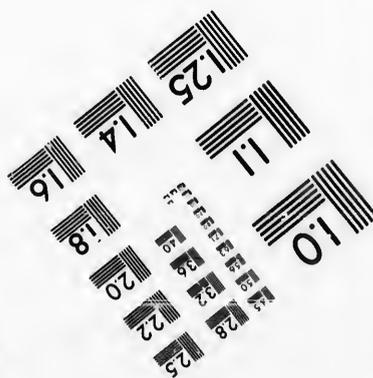
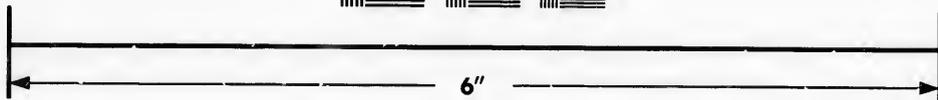
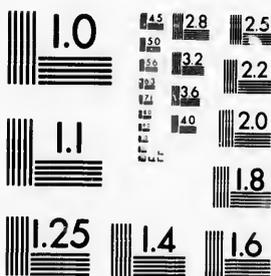


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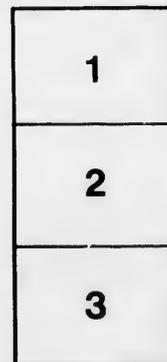
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The following Documents are submitted for the consideration of the Members of His Majesty's IMPERIAL PARLIAMENT, British Merchants, and others interested in the trade and prosperity of the British North American Colonies :—

To Vice Admiral Sir Peter Halkett, G. C. H. Commander-in-Chief of H. M. Ships and Vessels of War, on the North American and West India Stations, &c. &c.

THE MEMORIAL OF GEORGE HANDLEY, OF HALIFAX, IN THE PROVINCE OF NOVA SCOTIA, MERCHANT,

Respectfully Sheweth,

That your Memorialist is an Englishman, and a loyal subject of His Majesty, and has never resided out of H. M. Dominions.

That your Memorialist has been engaged in business for upwards of 20 years in this town, and during that period has been interested in a greater or lesser degree, in the prosecution of the fisheries on the coasts of this and the neighboring Provinces, and of the Island of Newfoundland.

That your Memorialist had made arrangements early in the season for the prosecution of the fisheries on the said coasts, having provided good vessels, fitted with all things necessary and proper for the purpose, and having on board good and experienced masters and crews; but from the interference of foreigners fishing on the British coasts, your Memorialist has been subjected to heavy loss, and to a disappointment painful and unexpected as resulting from circumstances against which a British subject should not be called upon to guard.

That your Memorialist respectfully refers to the affidavits hereunto annexed, in which the facts of the cases respectively are detailed, and your Memorialist submits that it is impossible for British subjects under such circumstances to prosecute their business, and as the number of foreign fishermen on the Coasts before mentioned far exceeds the number of British fishermen, unless some protection is afforded to the latter, the British fisheries must be abandoned.

Your Memorialist would further respectfully refer to the treaties between Great Britain and France, and particularly the 13th Art. of the Treaty of Utrecht, 1713. 5 Art. of the Treaty of Paris, 1763—4th, 5th, & 6th Arts. of the Treaty signed at Versailles, 1783; British Declaration signed at Versailles, 1783; French Declaration of the same year, the 13 Art. of the Treaty of Paris, 1814, confirmed by the 11 Art. of the Treaty of 20th Nov. 1816, and also to the Act of Parliament, 3rd

June, 1824. By which it will appear that no right has been conceded to the French to take other than codfish on the coasts mentioned in the said Treaties. And with respect to the Americans, it does not appear in the Convention with that nation, dated October, 1818, that there is any right granted to the Americans to take fish in the harbors of the British Colonies.

Your Memorialist therefore respectfully requests that you will be pleased to take the premises into consideration, and adopt such means for the protection of British subjects engaged in the fisheries, as the nature of the case may require. And as your Memorialist has suffered a serious loss in consequence of the improper interference of one A. Baullett, of the Brig Le Furieux, that you will be pleased, if agreeable to the rules of the service, to give instructions to the Captain or Commander of any of His Majesty's ships to cause the said A. Baullett to be brought to Halifax to answer for his conduct, and to make him responsible for the damage and injury your Memorialist has sustained; the said A. Baullett being now either on the French shore, or on the British fishing ground on the coast of Labrador.

*To His Excellency Major General Sir Colin Campbell, K. C. B.
Lt. Governor and Commander in Chief in and over H. M. Province of Nova Scotia, and its dependencies, &c. &c. &c., &c.*

Here follows a Memorial to his Excellency of the same nature and date as the above.

Your Memorialist therefore respectfully requests that you will be pleased to take the premises into your consideration, and adopt such means for the protection of British subjects engaged in the fisheries, as the nature of the case may require. And also be pleased to move His Majesty's Government to adopt some remedy for the grievances now complained of.

AFFIDAVITS.

*Province of Nova-Scotia,
Halifax, ss.*

PETER MCPHUR, of Halifax, in the Province of Nova-Scotia, Trader, maketh oath and saith, that he, together with GEORGE HANDLEY, of Halifax aforesaid, is the owner of the brigantine Dove, of Halifax, which is of the burthen of one hundred tons or thereabouts, navigated by fifteen hands. That the said brigantine sailed from Halifax aforesaid, on the thirtieth day of March last, on a Sealing voyage to the Gulf of St. Lawrence, with instructions to proceed on a Herring fishing voyage to St. George's Bay, in the Island of Newfoundland, in case of failure in the said Sealing voyage.

That this deponent, with the rest of the crew of the said brigantine, remained in the Gulf of St. Lawrence, in pursuit of Seals, until the twentieth day of May last, and being unsuccessful in that pursuit, determined to proceed to St. George's Bay, in the Island of Newfoundland, for the purpose of taking Herrings, and arrived in the Bay on the twenty-seventh day of May.

That on the thirtieth day of May the Herrings came into the said Bay, and the crew of the said brigantine caught a few in the nets, but the fish were not in sufficient abundance to induce them to cast the caplin seine, of which they had the use, in conjunction with the crew of the schooner Anastatia of Halifax, Martin Flemming master.

That on Wednesday the first day of June, Herrings being abundant in the said Bay, the said crew shot the Seine, and having enclosed a quantity of Fish, commenced loading the boats belonging to the said vessels, and took on board four boat loads.

That while they were thus engaged, about forty Frenchmen, armed with guns, arrived in several boats, and proceeded to the boats attending the said Seine, and took possession of the boat with the Seine, and also a boat deeply laden with Fish, and took the Fish and the Seine with them on board the French brig Le Furieux of St. Malo, whereof A. Baullett was the master.

That this deponent immediately prepared to go on board the said French brig, in order, if possible, to ascertain the cause of such proceedings, and on arriving on board was informed by the master thereof, the said A. Baullett, that British subjects had no right to take Fish in that Bay, or on the coast, and that he, the said A. Baullett, held a Commission from the French Government, authorizing him to prevent British subjects from taking Fish on any part of the shore from Cape Ray to Cape John, and that he individually held an exclusive grant from the French Government to seine Fish in the Bay of Saint George's, for which he paid, as he said, the sum of 10,000 francs.

And this deponent further saith, that in consequence of being thus interrupted on the Fishing voyage, and prevented from using the seine as aforesaid, the voyage of the said brig Dove was destroyed, and the said brigantine was obliged to return to Halifax with only about 150 barrels of Fish on board, and which vessel, if fully loaded, will carry upwards of 900 barrels.

P. McPHEE.

Sworn to at Halifax, this day of June, 1836,
Before me, G. N. RUSSELL, J. P.

Province of Nova Scotia,
Halifax, ss.

ROBERT DOWNEY, of Halifax, in the Province of Nova Scotia, Master Mariner, maketh oath and saith, that he is the master or commander of the brigantine Dove of Halifax, aforesaid, which is of the burthen of one hundred tons or thereabouts, and is owned by George Handley and Peter McPhee, both of Halifax aforesaid.

That he sailed in and with the said brigantine Dove from Halifax

aforsaid, on the thirtieth day of March last, with a crew of fifteen hands, on a Sealing voyage, to the Gulf of St. Lawrence, with instructions if unsuccessful on the said Sealing voyage, to proceed on a Herring fishing voyage to St. George's Bay, in the Island of Newfoundland.

That this deponent, with the rest of the crew of the said brigantine Dove, remained in the Gulf of Saint Lawrence in pursuit of Seals, until the twentieth day of May last, and being unsuccessful in that pursuit, determined to proceed to Saint George's Bay for the purpose of taking Herrings, and arrived in the said Bay on the twenty-seventh day of May.

That on the thirtieth day of May the Herrings came into the Bay, and the crew of the said brigantine caught a few in the nets, but the fish were not in sufficient abundance to induce them to cast the caplin seine, the use of which they had in conjunction with the crew of the schooner Anastatia, of Halifax, Martin Fleming master.

That on Wednesday, the first day of June, Herrings being abundant in the said Bay, the Deponent, with some of his own crew, and part of the crew of the aforsaid schooner Anastatia, shot the seine, and having enclosed a quantity of fish, commenced loading the boats, and took on board four boat loads.

That while they were thus engaged, about forty Frenchmen, armed with guns, arrived in several boats, and proceeded to the said seine, which this deponent was attending.

That they the Frenchmen came alongside of the boat in which this deponent was, and held on until the master of the French brig came up; who stated that he would not allow this deponent to haul any fish, and ordered his men to take the boat belonging to the Dove, with the seine in tow, and carry them on board the brig, and also directed some other men in boats to take charge of the loaded boat, in which were two men belonging to the schooner Anastatia, and take it to his Brig.

That in consequence of such orders the crew of the French Brig proceeded to enforce Captain Baullet's directions; and this deponent and his crew were detained some time—and the said seine and the fish, which were in the loaded boat, were forcibly taken possession of by the Frenchmen, and put on board the Brig Le Furieux, by the crew thereof, acting under the directions of the said A. Baullet.

And this deponent farther saith, that in consequence of being thus intercepted in the Fishing voyage, and prevented from using the seine as aforsaid,—the voyage of the said Brigantine Dove was destroyed; and the said Brigantine was obliged to return to Halifax—having on board only about 150 barrels Herrings,—and which vessel, as deponent believes, would carry upwards of 900 Barrels.

Sworn to, at Halifax, &c. &c.

ROBT. DOWNEY.

Signed, G. N. RUSSELL, J. P.

*Province of Nova-Scotia,
Halifax, ss.*

MARTIN FLEMMING, of Halifax, in the Province of Nova-Scotia, Master Mariner, maketh oath and saith—That he is, and for some time

past, hath been the master of the Schooner Anastatia, of Halifax, which is of the burthen of eighty tons or thereabouts, and belongs to GEORGE HANDLEY, of Halifax, Merchant.

That on the eleventh day of May, now last past, he, this deponent, sailed in and with the said Schooner from Halifax, having a crew on board consisting of eight persons—on a Herring fishing voyage, to the Bay of St. George, in the Island of Newfoundland.

That this deponent and his said crew, came to anchor in the said Bay, on the twenty seventh day of May—and on the thirtieth day of May the Herrings came into the harbour.

That on Wednesday, the first day of June, the Herrings being plentiful, they shot the seine; the Brigantine Dove, of Halifax aforesaid, whereof Robert Downey was the master, and which vessel belongs to George Handley and one Peter McPhee, of Halifax, as this deponent has been informed and believes, being in company; and having enclosed a quantity of fish, commenced loading the boats, and took on board four boatloads.

That while they were thus engaged, about forty Frenchmen, armed with guns, arrived in several boats, and proceeded to the said seine which this deponent and part of his crew were attending, together with the said Robert Downey, and part of the crew of the said brigantine Dove.

That they (the Frenchmen) came alongside of the boat in which this deponent was, and held on until the master of the French brig came up—who stated that he would not allow this deponent to haul any fish, and ordered his crew to take the boat containing the seine, in tow, and take it on board his brig; and directed some other men in boats to take charge of the loaded boat, in which were two men belonging to the schooner Anastatia, and ordered the said boat also to be taken to his brig.

That, in consequence of such orders, the French crews proceeded to take possession of the seine and boat in which this deponent was, together with Robert Downey, master of the brigantine Dove, and detained them some time, and the seine and the fish were put on board the brig Le Furieux by the crew thereof, acting by the directions of A. Baullet.

And this deponent further saith: that the said seine and fish were forcibly taken away from this deponent and his crew—and the crew of the said brigantine Dove, by the said A. Baullet and his crew. And in consequence of being thus ~~intercepted~~ ^{interrupted} and prevented from using the seine as aforesaid, the voyage of the schooner Anastatia was totally destroyed; and the said schooner was obliged to return to Halifax, having on board only about 200 barrels of fish, and which vessel, when loaded, will carry upwards of 700 barrels.

M. FLEMMING.

Sworn to, at Halifax, this day of June,
Before me, G. N. RUSSELL, J. P.

*Province of Nova-Scotia,
Halifax, ss.*

SAMUEL OAKS, of Halifax, in the Province of Nova-Scotia, Trader, maketh oath and saith,—that he, this deponent, sailed from Halifax aforesaid, on the fifteenth day of April last past, in the schooner Mary, of Arichat, of the burthen of eighty tons or thereabouts, whereof Peter Petitpas was master and owner, bound for the port of St. John's, in the Island of Newfoundland.

That the said vessel was chartered by George Handley, of Halifax, Merchant, to take a cargo for the said Port of St. John's, and afterwards to proceed to the Bay of St. George's, in the said Island, on a Herring fishing voyage.

That this deponent arrived at the port of St. John's on the twenty second day of April; and after landing the said cargo, proceeded on the first day of May for the said Bay of St. George's, provided with all things necessary for a fishing voyage.

That on arriving off the said Bay, the said schooner Mary was prevented from entering by vast quantities of ice, with which the Bay was incumbered, and the said vessel proceeded to the Magdalen Islands, in the Gulf of St. Lawrence, in further prosecution of the said fishing voyage, and arrived in harbour Le Bear, on the fifteenth day of May last, in which harbour were upwards of eighty sail of American vessels, and about ten sail of British vessels; on which day this deponent, with others of the crew of the said schooner Mary, set the nets. On the morning of the succeeding day, the nets were hauled, and a quantity of fish taken.

At nine o'clock, A. M. the crew of the said schooner Mary again proceeded to set the nets, when two men of the crew of an American vessel, were observed taking away the net moorings, belonging to the said schooner Mary.

That the Americans had two moorings in the boat, and had cut others, by which act a mooring and killock were lost.

This deponent further saith, that the said Americans declared that no nets, belonging to the said schooner Mary, should be set in that place, or if they were, they, the said Americans, would cut them away. And stating to the crew of the said schooner Mary, that the nets, belonging to the said schooner might be set at a place in the harbour, to which they pointed, where few or no herrings could be obtained.

This deponent further saith, that fearing violence in the lawful prosecution of their business, at an Island belonging to His Majesty, from the number and menaces of foreigners; this deponent, with the rest of the crew of the schooner Mary, were compelled to return to Halifax, with only about one hundred and fifty barrels of herrings on board, and the voyage was destroyed; when deponent and the rest of the crew, if uninterrupted in the pursuit of their business, could have loaded the said schooner, which schooner could have carried, as deponent believes, about eight hundred barrels.

SAM. OAKS.

Sworn to at Halifax, this day of June, 1836,

Before me, G. N. RUSSELL, J. P.

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Admiralty House, June 25, 1836.

Sir,—In return to your Memorial of yesterday's date, with the affidavits annexed, on the subject of losses sustained by yourself and others on the coast of Newfoundland, in consequence of the infringements of the Treaties by certain foreigners, and particularly on the part of A. Baullett, Master of the French brig *Furieux*, of St. Malo,

I am desired by the Commander-in-chief to acquaint you that he will forward the said Memorial and Affidavits for the consideration of the Lords' Commissioners of the Admiralty, transmitting, in the mean time, instructions to the Commanding Officers of His Majesty's Ships *Champion* and *Rainbow*, (stationed on the coasts of Newfoundland, and in the Gulf of St. Lawrence, for the protection of the British fisheries and Commerce,) to make particular enquiries into the circumstances alluded to in your memorial before mentioned.

The Commander-in-chief also desires me to state, that it is unfortunate timely application was not made to Captain Bennett, of the *Rainbow*, now on the south side of Newfoundland, when immediate redress might have been obtained.

I have the honor to be, Sir,

Your very obedient Servant,

JAMES A. SMITH, Secretary.

G. Handley, Esq. Halifax.

SIR PETER HALKETT will be ready to see Mr. Handley on the subject of the Memorial at any time to-day Mr. Handley will say is most convenient.

Admiralty House, June 25, 1836.

To His Excellency, Major General SIR COLIN CAMPBELL, K. C. B. Lieutenant Governor, and Commander-in-Chief in and over His Majesty's Province of Nova-Scotia, and its Dependencies, &c. &c. &c.

THE MEMORIAL OF GEORGE HANDLEY, OF HALIFAX, IN THE PROVINCE OF NOVA-SCOTIA, MERCHANT,

Respectfully Sheweth,

That your Memorialist, on the 24th day of June last, addressed a Memorial to your Excellency, accompanied by Affidavits, shewing the nature of the wrong and injury he had sustained, in consequence of the improper conduct of foreigners, exercising an interference and controul over British vessels and property in British ports, by which a subject of His Majesty has been and is prevented from prosecuting his business, and has been subjected to loss, to an extent to which, perhaps, your Excellency has not adverted, and cannot be aware of. In reply to which your Excellency was pleased, through Mr. Secretary James, to inform your Memorialist that your Excellency had seen the Admiral, Commanding in Chief on this station, and that he, the Admiral, had declined sending a vessel to Newfoundland, for the purpose of arresting the per-

son by whom your Memorialist had been injured, as before mentioned, as was prayed by your Memorialist; and that your Excellency would transmit the Memorial, addressed to your Excellency with the Affidavits, to Lord Glenelg, to be, by his Lordship, forwarded to the British Minister at Paris, to demand satisfaction for the damage sustained.

That your Memorialist has always felt and believed that, being a subject of His Majesty, and under the Protection of the British laws, he would be entitled to the privileges and rights of a British subject; that when those rights were outraged and trampled under foot, he had only to show the nature of his grievance to the representative of His Majesty, the Governor of the Province, and to the Commander-in-Chief of His Majesty's Naval Force, and that instant redress would be obtained.

That your Memorialist has been aggrieved and injured, is clearly substantiated by affidavits, and to such an extent as induced him to hope that your Excellency, (whose lively interest and anxiety for the welfare and prosperity of the British Fisheries, has been so pre-eminent-ly apparent,) and the Admiral, Commander-in-Chief on this Station, would at once have adopted such means as would have insured to your Memorialist his just rights and the protection due to a British subject. And that the individual, by whom your Memorialist has been injured, would have been made to answer for his own act, in a manner which would have, in all probability, effectually prevented the recurrence of like conduct, either on his part or that of others.

Your Memorialist respectfully represents that the case which has been submitted to your Excellency has been acknowledged by your Excellency to be one of extreme hardship, and that the Admiral Commanding in chief, has admitted to your Memorialist that for a British subject to carry on his lawful business, at a port in the Island of Newfoundland, would be attended with risk; and your Memorialist respectfully submits whether, on a view of such circumstances, a British subject does not stand degraded in his own eyes, and in the estimation of the very foreigners who have dared to commit such outrage and injury.

And when your Memorialist perceives that his vessels must remain at his wharf unemployed, by reason of the interference of foreigners, in the lawful pursuit of his business in a British Port, must he not feel that he is out of the pale of British law, and that the authorities of his country are unable to afford him protection.

That your Memorialist has expressed his willingness to afford to your Excellency every means of identifying the individual by whom your Memorialist has been injured, and that your Memorialist would place at the disposal of your Excellency, a good and sufficient vessel for the purpose of bringing the aggressor before the tribunals of His Majesty, but your Memorialist must regret that the individual whose conduct he has cause to complain of is out of the jurisdiction of your Excellency, and that the Admiral does not appear fully to comprehend the nature of the interest which your Memorialist and the community understand he is sent to this country in time of peace to protect: And if it should be found that the authorities to whom your Memorialist has felt it his duty to appeal, cannot from any peculiar circumstance afford him relief, and as no measures have been adopted to afford relief to your Memorialist, your

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Memorialist respectfully requests that your Excellency will be pleased to submit a Petition which your Memorialist will forthwith address to His Majesty on the subject adverted to.

Your Memorialist feels it is his duty to urge his claim, in order to elicit the fact, whether a subject of His Majesty is to be robbed and insulted by a Foreigner, and prevented from attending to his business in a Port belonging to His Majesty, and be unable to obtain any redress.

Halifax, N. S. July 5, 1836.

To His Most Excellent Majesty WILLIAM the Fourth, By the Grace of God of the United Kingdom of Great Britain and Ireland, King, &c. &c.

THE PETITION OF GEORGE HANDLEY, OF HALIFAX, IN THE PROVINCE OF NOVA-SCOTIA, MERCHANT, MOST RESPECTFULLY SHEWETH,

That your Majesty's Petitioner was born in England, and is a loyal and faithful subject of your Majesty.

That Your Majesty's Petitioner has sustained wrong and injury from Foreigners, as is set forth and declared in certain Memorials which your Petitioner has addressed to Your Majesty's Lieutenant Governor of the said Province, and to the Commander-in-chief of Your Majesty's Naval force on the North American and West India Stations, copies of which are most humbly submitted to the consideration of Your Majesty, with copies of certain Affidavits, the originals of which have been sent to the said Lieutenant Governor and the said Commander-in-chief.

That Your Majesty's Petitioner has made up a statement of the loss he has sustained by reason of the conduct of one A. Baullet, of the brig *Le Furieux*, of St. Malo, and by reason of the improper conduct of American fishermen at the Magdalen Islands, as is fully set forth in the Memorials and Affidavits before referred to, which statement of loss your Majesty's Petitioner most humbly submits to Your Majesty.

That Your Majesty's Petitioner most humbly prays that Your Majesty will be pleased graciously to extend protection to Your Majesty's Petitioner, and to others, his fellow subjects, engaged in the fisheries on the coasts, and in the Harbours belonging to Your Majesty; and that some measures may be adopted by which Your Majesty's Petitioner may obtain redress for the loss and injury he has sustained.

May it therefore please Your Majesty to take the subject into consideration, and grant such relief to Your Majesty's Petitioner as the nature of the case may require, or to Your Majesty's wisdom may seem meet.

And Your Majesty's Petitioner, as in duty bound, will ever pray.

Halifax, July 14, 1836.

Halifax, Nova Scotia, July 14, 1836.

MY LORD,—Be pleased to present the accompanying Petition and documents to His Majesty, at such convenient time as your Lordship may deem proper, if possible, without delay.

I have the honor to be, my Lord,

Your Lordship's humble Servant,
GEORGE HANDLEY.

*To the Right Honorable Lord Glenelg,
 Secretary of State, London.*

Halifax, July 18, 1836.

SIR,—I beg leave respectfully to enclose a Petition to His Majesty, with copies of Memorials heretofore addressed to your Excellency, and to the Commander-in-chief of His Majesty's Naval force on this Station, with copies of Affidavits, &c. which have already been submitted to your Excellency, and beg that your Excellency will be pleased to forward the same to England, by the Packet now about to sail.

The whole are left open for the perusal of your Excellency.

I have the honor to be, Sir,

Your Excellency's humble servant,
GEORGE HANDLEY.

To His Excellency Sir Colin Campbell.

Estimate of Damages sustained by George Handley, in consequence of the interference of Captain A. Baullett, of the French brig Le Furieux, of St. Malo's, and his crew, at the Bay of Saint George, in the Island of Newfoundland, under the circumstances set forth in the Affidavits and Memorials herewith submitted.

Brig Dove, when loaded, will carry upwards of 900 barrels,
 Caught and delivered at Halifax, 138 do.

762

Schr Anastatia, when loaded, will carry 750
 Caught and delivered at Halifax, 159 597

1359

Value at Halifax, at 17s. 6d. per barrel,	£1189 2 6
Deduct the value of Barrels, Salt and Labour, 1359 bbls. at 5s. 6d. per barrel,	373 14 6

Loss,	£815 7 0
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In addition to the above sum a further loss is sustained, in consequence of not having cargoes for the brigantine Dove, and schooner

Anastatia, to proceed on voyages to the British West Indies as per agreement.

GEORGE HANDLEY.

Halifax, Nova Scotia, July 14, 1836.

Estimate of Damages sustained by George Handley, in consequence of the interference of American Fishermen at Harbour Le Bear in the Magdalen Islands, under the circumstances set forth in the Affidavits and Memorials herewith submitted.

Schr. Mary, when loaded, will carry upwards of 800 bbls.

Caught and delivered at Halifax, 153

Deficiency, 647

Value at Halifax, 13s. per barrel, £420 11 0

Deduct the value of Barrels, Salt, and Labour, at 5s. 6d.
per barrel, 177 18 6

Loss, £242 12 6

GEORGE HANDLEY.

Halifax, Nova Scotia, July 13, 1836.

Admiralty House, Halifax, August 1, 1836.

SIR,—With reference to the affidavit of Samuel Oaks, of this place, Trader, of the Brig Mary, of Arichat, annexed to your Memorial to the Commander-in-chief, of the 24th of June last; I have it in command from him, to enclose for your information, the extract of a letter he has received from Commander Fair, of His Majesty's Sloop Champion, (with its enclosure,) who had been directed to enquire into the circumstance of the losses stated to have been sustained by the said Brig Mary, of Arichat.

I am, Sir,

Your very obedient Servant,

JAMES A. SMITH,

Secretary to the Commander-in-chief.

Mr. George Handley, Halifax.

Extract of a letter from Commander Fair, of His Majesty's Sloop Champion, dated at Pleasant Bay, 27th July, 1836.

I have made the most strict and diligent enquiry, relative to the complaint made by Samuel Oaks, of the Mary of Arichat; and I have

no hesitation in saying, that his statement is totally void of foundation.

Mr. Bouffard, a Justice of the Peace, and resident at Harbour le Bear, perfectly recollects the Mary of Arichat having been here in May; and during the presence of the Champion; and he is satisfied, that there was no legitimate cause of complaint against any of the American fishermen, either as regards the Mary, or any person whatever. I have made enquiry of every person residing here, capable of affording me any information; and I have not met with a single individual, who ever heard of the interruption complained of by Samuel Oaks, nor do they believe it.

I beg to enclose a letter I received from Mr. Bouffard, which with the enquiries I have made, and the fact, that the Champion was at anchor in Pleasant Bay at the time, will, I trust, be perfectly satisfactory.

COPY OF THE LETTER ALLUDED TO IN THE FOREGOING EXTRACT.

Magdalen Islands, 26th July, 1836.

SIR,—According to your request, I have the honor to inform you, that to my recollection, Mr. Samuel Oaks, on board of the schooner Mary of Arichat, who was here last Spring, for the purpose of Herring fishing, did not lodge with me any complaint against the American Fishermen, nor any other; and I have not heard that he has been interrupted in the prosecution of his fishing; I remember that he arrived from St. John's Newfoundland on the 15th of May, and was still here on the 28th of the said month.

I remain, &c.

(Signed) LOUIS BOUFFARD, J. P.

ROBERT FAIR, ESQ. *Commander of H. M. S. Champion.*

Halifax, 2nd August, 1836.

SIR,—I have had the honor to receive your letter dated yesterday, enclosing for my information, the extract of a Letter, which the Commander-in-Chief has received from Commander Fair, of His Majesty's Sloop Champion, dated at Pleasant Bay, 27th July.

Perhaps Commander Fair may safely be charged with hasty and precipitate assertion, when he declares that the statement of Samuel Oaks is "totally void of foundation," and I am of opinion, that a solemn affidavit made by a conscientious and respectable man, is not to be set aside so easily, being prepared to prove, that if the Champion was at anchor in Pleasant Bay on the 16th day of May, neither Mr. Oaks nor Mr. Bouffard were aware that such was the case,—but I must doubt that the Champion was at anchor in Pleasant Bay on that day.

With Mr. Bouffard and his recollections, I have not much at present to do—but will furnish affidavits in due time, to shew the nature of the communication had with him on the subject embraced in the affidavits.

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I wish not to be misunderstood. I have sustained injury, and have respectfully prayed for redress. My purpose is, not to ~~answer~~ *conclude* Commander Fair as an individual, but merely to state facts; and if his name must of necessity be involved in the discussion, it says only, that Commander Fair has permitted that to be done which it was his duty to have prevented; and that the mere fact of a Commander of one of His Majesty's Ships, permitting eighty American vessels to fish in a harbour of the Magdalen Islands, answers all objections, and establishes a case of itself, without at all being mixed up with the questions of loss.

I shall, hereafter, submit to the Commander-in-Chief, sufficient information, on several points connected with the subject under discussion, and in a spirit far removed from anger—which will shew that my statements are correct: That I have sustained injury, that what I have alleged, and what has been affirmed did take place, and the Admiral will not hesitate in his judgment of the truth and justice of my case—when three respectable men whom I can produce, will all swear distinctly to the truth of what has been alleged.

Commander Fair will not deny, that all the circumstances were made known to him on the 22nd day of May; and it was scarcely necessary for him to have made "the most strict and diligent enquiry relative to the complaint made by Samuel Oaks" on the 27th July, when, had the same strict and diligent enquiry been made when all the parties were at hand, the facts of the case might have been elicited without a possibility of error or deception.

I have the honor to be, Sir,
Your most Obedient Servant,
GEO. HANDLEY.

To James A. Smith, Esq.
Secretary to the Commander-in-Chief.

Admiralty House, Halifax, September 28, 1836,

SIR,—With reference to the Affidavits of the persons named in the margin, annexed to your memorial of the 24th June last, I have it in command from the Commander-in-chief, to subjoin, for your information, two extracts from the Affidavits of three Merchants resident at St. George, in the Bay of that name, in the Island of Newfoundland, and which Affidavits have this moment been received from Captain Bennett, of His Majesty's Ship Rainbow, who had been directed to enquire into the circumstances of the interruption complained of in your said Memorial.

I am further directed to add, that the affidavits received from the Captain of His Majesty's Ship Rainbow, as also the report of Commander Fair, of His Majesty's Sloop Champion, alluded to in my letter of

Peter McPhee,
Robert Downey,
Martin Flemming.

the 1st ultimo, will be forwarded for the consideration of His Majesty's Government.

I am, Sir,

Your very obedient Servant,

JAMES A. SMITH, Secretary.

Mr. GEORGE HANDLEY, Halifax.

EXTRACTS.

“ And this deponent further saith, that the charges against the said A. Baullet, as set forth in certain affidavits, made by Peter McPhee, Robert Downey and Martin Flemming, are exaggerated; and that the said masters and crews of the Brigantine Dove, and Schooner Anastatia, brought upon themselves what occurred, by *wilfully* and *mali-* *ciously* persevering, contrary to the custom of this Bay, in injuring the Fishery; by making use of a Caplin Seine, which is never done here at the early season of Herrings, as it invariably drives them out of the harbour into deep water, to the great loss and inconvenience of the resident Fishermen of this place.”

“ Neither does this deponent believe that the said A. Baullet took from the Dove or Anastatia any Herrings, or other fish; and this deponent affirms that the Caplin Seine, so taken by the said A. Baullet from the said crews of the Dove and Anastatia, was returned to them upon a promise that it should not again be used, to the detriment and loss of the inhabitants of this harbour; but, nevertheless, the said master and crews of the said vessels, the Dove and Anastatia, on the following day, and as long after as they chose to do so, did make use of their Caplin Net, and in so doing, inflicted a serious injury upon the inhabitants of this place.”

Thursday, September 29, 1836.

Sir,—I have this moment had the honor to receive your letter dated 28th inst. and, without at present entering upon the subjects therein adverted to, respectfully request that you will furnish me with the names of the parties from whose affidavits you have made the extracts with which I have been favored.

I have the honor to be, Sir,

Your very obedient servant,

GEORGE HANDLEY.

To Jas. A. SMITH, Esq. *Secretary to the Commander-in-chief.*

of His Majesty's

Secretary.

Admiralty House, Halifax, Sept. 30, 1836.

SIR,—The names you request in yours of yesterday's date are,
Messrs. John Parsons,
Samuel Sawyer,
John Misservey.

I have the honor to be, Sir,

Your very obedient servant,

JAMES A. SMITH.

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Halifax, October 4, 1836.

SIR,—I had the honor to address you on the 29th ultimo, request-
ing the names of the persons who had subscribed certain affidavits re-
ferred to in your letter of 28th ultimo, with which I have been furnish-
ed. Since then a master of one of my vessels has arrived in this port,
to whom I have shown the extracts with which you have favored me.
The statements contained in those extracts he asserts are *wilful mali-
cious misrepresentations*, and so utterly at variance with the truth, that
it now becomes necessary for me to be provided with perfect copies of
the said affidavits, so as to enable me to reply to the letter you did me
the honor to write to me, by direction of the Commander-in-chief, dated
the 28th ultimo.

And I now respectfully request that you will furnish me with copies
of the affidavits before mentioned, the name of the magistrate before
whom they were taken, with the date, and any other matter which you
may please to communicate respecting the same.

A vessel will be sailing for England in a few days, and as the
time will be but short, I crave your indulgence in requesting copies of
the said affidavits, as early as possible, as I am anxious to reply to your
letter of 28th ultimo.

I have the honor to be, Sir,

Your very obedient Servt.

GEORGE HANDLEY.

To JAMES A. SMITH, Esq. *Admiral House.*

er 29, 1836.

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HANDLEY.
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Admiralty House, Halifax, 5th October, 1836.

SIR,—I enclose the copy of the Affidavit of Mr John Misservey,
those of the other persons being precisely to the same effect. As these
affidavits will be transmitted for the consideration of His Majesty's Go-
vernment, and having nothing more to communicate for your informa-
tion, the Commander-in-chief sees no necessity for further corres-
pondence on this subject.

I am, Sir,

Your very obedient Servant,

JAMES A. SMITH.

MR. GEORGE HANDLEY.

COPY.

I, JOHN MISERVEY, Merchant, residing in the Town of St. George, in St. George's Bay, in the Island of Newfoundland, do voluntarily make oath, that on or about the 27th day of May, in the year of our Lord one thousand eight hundred and thirty-six, the Brigantine Dove, of Halifax, Robert Downey, master, arrived in the harbour of St. George, for the purpose, as by the crew stated, of taking Herrings in the said harbour. That on or about the 30th of the said month of May, the crew of the said Brigantine, in common with that of a Schooner called the Anastatia, also belonging to Halifax, commenced hauling their nets for herring, and caught some quantity.

That on or about Wednesday, the 1st day of June, it having been observed by the inhabitants of this place, (English as well as French,) that the crew of the said vessels were preparing to shoot a Caplin Seine, for the purpose of taking Herring, and which is contrary to the custom of the fishing in this harbour, *at so early a period*, as by so doing the Herrings are driven off from the harbour, to the manifest loss and disadvantage of every fisherman here residing, and the major part of whom are *British* subjects.

That finding the crews of the Dove and Anastatia were so acting, information was conveyed to the said crews of the above named vessels, that such could not be permitted, and that if they continued to use their Caplin Seine, great loss would occur to the resident fishermen by the herrings being driven off, and that their Caplin net would be seized, if they persevered in so doing to the injury of the fishery.

That the French brig Le Furieux, of St. Malo, commanded by A. Baullet, was at this time lying in the harbour of St. George, and that it was understood that many of the inhabitants of this harbour, (English as well as French) made application to the said A. Baullet, for assistance to prevent the loss, to which they must be subject by the Caplin Seine being used by the crews of the Dove and Anastatia, and that in consequence thereof, the said A. Baullet, did comply with their request, by going or sending to the said vessels, the Dove and Anastatia, and in consequence of their having refused to desist, he did, it is believed, seize the said Caplin Seine; but this deponent does not believe that the said A. Baullet stated that "he had any *exclusive* right of fishing, or that he "held any commission from the French Government to prevent British "subjects fishing on any part of the coast, from Cape Ray to Cape St. "John." Neither doth this deponent believe that the said A. Baullet took from the Dove or Anastatia any herrings, or other fish; and this deponent affirms that the Caplin Seine, so taken by the said A. Baullet from the said crews of the Dove and Anastatia, was returned to them upon a promise that it should not again be used to the detriment and loss of the inhabitants of this harbour; but, nevertheless, the said master and crew of the said vessels, the Dove and Anastatia, on the following day, and as long after as they chose to do so, did make use of his Caplin Net, and in so doing inflicted a serious injury upon the inhabitants of this place.

And this Deponent further saith, that the charges against the said

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A. Baullet, as set forth in certain affidavits, made by Peter McPhee, Robert Downey, and Martin Flemming, are exaggerated, and that the said masters and crews of the brigantine *Dove*, and schooner *Anastatia*, brought upon themselves what occurred, by *wilfully* and *maliciously* persevering, contrary to the custom of this Bay, in injuring the fishery by making use of a Caplin Seine, which is never done here at the early season of Herrings, as it inevitably drives them out of the harbour into deep water, to the great loss and inconvenience of the resident fishermen of this place, the much greater part of whom are British subjects, and earn their living as fishermen.

And this deponent further saith, that the few French residents of this place live in the greatest harmony with the English inhabitants, and they seldom *hear* even of any unkind or uncivil acts being resorted to by the French vessels which frequent this coast yearly, as they are permitted to do by Treaty.

And the deponent further saith, that he believes the said brig *Le Furieux*, is at present fishing upon some part of the Labrador coast, if not returned to St. Malo.

Signed, JOHN MISSEVEY.

Sworn before me, on board His Majesty's Ship *Rainbow*, in St. George's Harbour, Newfoundland, this 29th day of July, in the year of our Lord, 1836, there being no civil magistrate here, or near this part of the coast.

(Signed) THOMAS BENNETT.

Captain of H. M. S. Rainbow, and Senior Naval Officer of Newfoundland.

Halifax, 10th October, 1836.

Sir,—I have had the honor to receive your letters dated 28th ultimo (before acknowledged) the 30th ultimo and 5th current, also copy of the affidavit made by John Misservey, dated 29th July.

I regret that in your letter of the 5th instant, you observe that the "Commander-in-chief sees no necessity for further correspondence on this subject," because I can perceive, that the Commander-in-chief personally has little interest in the claims of a British subject, which must of necessity involve trouble and responsibility; and that, to leave out of question the great principle involved in the discussion may be very convenient, and whether Foreign or British interest has the ascendancy is not for a moment worthy of consideration.

I again alledge that I have been injured, and that I have been insulted and robbed of my property by a Foreigner.

And the question has been, and will be, whether I am to be remunerated for past grievances, and protected from injury in future.

But every enquiry made by authority of the Admiral, Commanding-in-chief, so far as I can gather from your letters, has been to shelter and protect a foreign interest in defiance of the plain letter of the Treaty with France, and deliberately to perpetuate an injury to a British subject for the special benefit of foreigners.

In your letter of 28th ultimo, you say, "I have it in command from

" the Commander-in-chief, to subjoin, for your information, two extracts " from the affidavits of three merchants resident at St. George's, in the " Bay of that name, in the Island of Newfoundland, and which affidavits have this moment been received from Captain Bennett, of His " Majesty's Ship Rainbow, who had been directed to enquire into the circumstances," &c.

All the enquiries Capt. Bennett has made, as far as they go, aimed at one point, viz. to destroy the validity of the solemn affidavits of three respectable individuals.

Had the Commander-in-chief thought fit to have asked my opinion in the matter, I could have rendered all the affidavits of which you have furnished extracts unnecessary; because I had then, and now have, men of character and respectability, who will testify, nay prove, that all things spoken of and declared in the affidavits, which individuals have dared at their peril to designate, as extracted by you, in the following words, " And that the said masters and crews of the brigantine Dove, and " schooner Anastatia, brought upon themselves what occurred, by *wilfully* and *maliciously* persevering, contrary to the custom of the Port," &c. are utterly false and disgraceful.

Who are the three merchants you mention—among whom must be John Messervey? I would not for a moment impugn the character or respectability of that individual; but I ask who he is? Can he read and write? And I ask, in the face of the extracts with which you furnish me in your letter of the 28th ultimo, by what authority does an individual dare to assert as follows: " Neither does this deponent believe that " the said A. Baullet took from the Dove, or Anastatia, any Herrings or " other fish."

As to the Seine, I have before stated that it was returned, therefore it was unnecessary by an affidavit to say that it was returned. The other part of the affidavit bearing on the point in question is false. I can, and will prove it to be false. And I also feel assured that the man knew not what he signed, when he subscribed to the affidavit in question.

Some of my witnesses are here to be examined, if the Commander-in-chief sees fit to do so. The Commander-in-chief has expressed a desire that this correspondence should cease. I also wish it to be so. I did not expect that any advantage would result to myself or my fellow subjects, when I first addressed the Admiral on the subject; but it was due to myself to make the Commander-in-chief, and the Governor of the Province, acquainted with all the circumstances of the case.

But, having the means to urge my claims elsewhere, and having written, I hope in respectful terms, to the Commander-in-chief, and he having, by the particular mode of enquiry which has been adopted, retarded and injured the claims of British subjects, I will cease to urge any thing further on his consideration, either as respects the Bay of St. George's or the Magdalen Islands.

And the instructions of the Commander-in-chief to Captain Bennett and Commander Fair, and their subsequent proceedings, must stand on their own merits before the Imperial Parliament, before which

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I have the honor to be, Sir,
Your very obedient Servt.
GEORGE HANDLEY.

JAMES A. SMITH, Esq. *Secretary to the Commander-in-chief.*

*Province of Nova Scotia,
Halifax, to wit.*

Thomas Bell, of Halifax, in the Province of Nova Scotia, Master Mariner, maketh oath and saith, That during the months of May and June now last past, he was acting in the capacity of supercargo on board the schooner William, whereof Michael Cullerton was the master, on a trading and fishing voyage in the Bay of St. George's, in the Island of Newfoundland.

That this Deponent has read the several affidavits of Peter McPhee, Robert Downey, and Martin Flemming, detailing certain acts of interference on the part of one A. Baullet, of the brig LeFurieux, and his crew, with the masters and crews of the brig Dove, and schooner Anastatia.

That the schooner William was lying in the said Bay of St. George at the time, and this deponent witnessed the transactions as set forth in the said affidavits, (copies whereof are hereunto annexed) the whole of which statements are just and true. And this deponent further saith, that he is well acquainted with the fishing business, from having pursued the same for several years; and that during the early part of the spring herring fishery, the French fishermen invariably use Seines for the purpose of taking herrings, the usual length of which are from sixty to seventy fathoms, and their depth is about six fathoms.

Signed, THOMAS BELL.

Sworn to at Halifax, this 21st day of October, 1836,
Before me, JOHN LIDDELL, J. P.

*Province of Nova Scotia,
Halifax, to wit.*

William Curtis, of Halifax, in the Province of Nova Scotia, maketh oath and saith, That he is a Mariner, and was acting in that capacity on board the schooner Anastatia, during the months of May and June last past.

That the affidavits of Peter McPhee, Robert Downey, and Martin Flemming, relating to certain interferences on the part of one A. Baullet, of the French brig LeFurieux, and the crew thereof, with the masters and crews of the brig Dove, and schooner Anastatia, hereunto annexed, have been read to this deponent, and that every statement contained in the said affidavits is just and true in every particular--and they contain true and accurate accounts of the transactions as they severally occurred.

That this deponent was in the boat that was loaded with fish be-

longing to the Dove and the Anastatia, when the same was taken possession of, and towed alongside of the brig Le Furieux, A. Baullet, master, and the said fish were taken on board the said brig Le Furieux, by the crew thereof, in the presence of this deponent, and were not given back again.

Signed, WILLIAM CURTIS.

Sworn to at Halifax, N. S. this 21st day of Oct. 1836,

Before me, JOHN LIDDELL, J. P.

*Province of Nova Scotia,
Halifax, to wit.*

Robert Downey, of Halifax, in the Province of Nova Scotia, master Mariner, maketh oath and saith, That he was the master of the brig Dove, when that vessel arrived at the Bay of St. George's, in the Island of Newfoundland, on the 27th day of May last past, for the purpose of pursuing the herring fishery, and that every statement as set forth in the several affidavits hereunto annexed, relating to certain interferences on the part of one A. Baullet, the master of the French brig Le Furieux, is just and true in every particular.

And this deponent further saith, that from the day of his arrival in the said Bay, until he sailed for Halifax aforesaid, none of the inhabitants of the said Bay intimated to him or his crew, that it was contrary to the custom of the place to make use of a seine in the Fishery; and this deponent has always understood, and believes it to be customary to seine fish in that Bay every spring, as early as the fish come into the Bay, as they remain only a few days.

That the caplin seine referred to in the said affidavits, and belonging to the Dove and Anastatia, is about twenty five fathoms long, and two fathoms deep, and had not been used for three hours in the fishery, before it was taken possession of by the said A. Baullet, and during the time this deponent remained in the Bay, the said seine was not again used.

That after the said A. Baullet and his crew had taken possession, and deprived the masters and crews of the Dove and Anastatia of its use, they (the Frenchmen) continued to take herrings with their seines, which are generally from fifty to seventy fathoms long, and about six fathoms deep, until their vessels were sufficiently loaded, and having caught more fish than they required, they threw overboard from twenty to forty barrels.

That on the day upon which the French vessels completed their loading, which was about four or five days after the seine was taken from the masters and crews of the Dove and Anastatia, this deponent did, with permission granted to him by the said A. Baullet, make use of a seine belonging to Michael Cullerton, the master of the schooner William, and which seine was used one day only.

And this deponent lastly saith, that the utmost extent of time during which the seine was in use for the Dove and Anastatia, did not exceed fifteen hours.

Signed, ROBERT DOWNEY.

Sworn to at Halifax, N. S. this 21st day of Oct. 1836,

Before me, JOHN LIDDELL, J. P.

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Halifax, N. S. October 22, 1836.

My LORD,—I had the honor to address your Lordship under date 14th July last, accompanied with certain documents relating to losses sustained by me, through the interference of Foreigners on the coast of Newfoundland, in the lawful pursuit of my business.

I again respectfully request to submit the enclosed affidavits for your Lordship's consideration, as being corroborative of the affidavits before transmitted.

The peculiar line of conduct pursued by the Admiral Commanding in Chief on this station, in investigating the circumstances as set forth in the before mentioned affidavits—the result of which will, as I am informed, be transmitted to your Lordship—renders it incumbent on me to forward the enclosed, and at the same time to intimate to your Lordship that I shall transmit, by the earliest opportunity after the arrival of the parties here, other affidavits, which will, I hope, fully and effectually remove any impression intended to be made by the affidavits obtained by Captain Bennett, of His Majesty's Ship Rainbow, of certain individuals resident at the Bay of St. George's, in the Island of Newfoundland, and fully substantiate, in every particular, the statements which I have made.

I have the honor to be, my Lord,

Your Lordship's humble Servant,

GEORGE HANDLEY.

*To the Right Honorable Lord Glenelg,
Secretary of State, London.*

*Province of Nova-Scotia,
Halifax, ss.*

JAMES SNADDEN, of Halifax, in the County of Halifax, and Province of Nova Scotia, Master Mariner, maketh oath and saith—That he has for several months been the master of the schooner Myrtle, which is of the burthen of sixty tons or thereabouts, and is owned by Herbert Bazelgette, of Halifax aforesaid, merchant.

That this deponent sailed from Halifax in the said schooner Myrtle, with a crew of eight men, bound to the Bay of St. George's, in the Island of Newfoundland, for the purpose of prosecuting a Herring fishing voyage, and arrived in the said Bay in the month of May last past, and commenced the said fishery; and that while this deponent and his crew were so engaged, on Wednesday the first day of June, this deponent witnessed a number of boats, manned with Frenchmen, proceed towards the boats of the brigantine Dove and schooner Anastatia, the crews whereof were also engaged in the Herring fishery. And that they (the Frenchmen) took possession of a seine and boat belonging to the said vessels, and towed the said boat alongside a French Brig, commanded by one A. Baullet.

That on Sunday following, this deponent, in consequence of such behaviour on the part of the Frenchmen, went on board the said French

Brig, for the purpose of asking permission to haul a seine; the commander whereof, the said A. Baullet, gave this deponent liberty to do so; but at the same time stated to this deponent, that the exclusive privilege of fishing, in the harbour of St. George's, belonged to him, the said A. Baullet, by right of a commission granted to him by the French Government, for which privilege he, the said A. Baullet, paid to the French Government the sum of (some) thousand francs per year, and that the said commission authorized him to prevent British vessels from fishing in the harbour of St. George's. And this deponent saith, that the said A. Baullet continued to use his seine during the period of the fishery, (which does not usually exceed five or six days) until he had completed the loading of two vessels, one of which, as this deponent was informed and believes, received on board eleven hundred barrels, and the other thirteen hundred barrels; and the said A. Baullet having taken a greater quantity of fish than his vessel could carry, the surplus was thrown overboard into the harbour.

And this deponent further saith, that he is acquainted with John Misservey, who resides in St. George's Bay, and is the proprietor of a Seine, for the use whereof, for the joint benefit of himself, and the said Misservey, this deponent had been in treaty at the time of occurrences before mentioned; and the said seine would have been lent to this deponent and used in the Herring fishery, but that the said John Misservey was fearful of its being taken away from them by the French fishermen, which fear was the sole and only reason of the said Seine not being employed in the Herring fishery by this deponent.

And this deponent lastly saith, that he has read the several affidavits of Peter McPhee, Robert Downey, and Martin Flemming, detailing certain acts of interference on the part of one A. Baullet and his crew, with the masters and crews of the said brig Dove and schooner Anastasia; and that the schooner Myrtle, of which vessel this deponent was then master, was lying at anchor in the said harbour of the Bay of St. George's, and that this deponent witnessed the transactions, as set forth in the said affidavits, the whole of which this deponent declares to be just and true in every particular.

Signed, JAMES SNADDEN.

Sworn to at Halifax, this 16th day of Nov. 1836.

Before JOHN LIDDELL, J. P.

*Province of Nova Scotia,
Halifax, to wit,*

SAMUEL OAKES, of Halifax, in the county of Halifax, and Province of Nova Scotia, Trader, maketh oath and saith,—That he was acting in the capacity of Agent, or Supercargo, on board the Schooner Mary, whereof Peter Pettipas was the master, when the said schooner arrived at Harbour Le Bear, in the Island of Magdalen, in the Gulf of St. Lawrence, on the fifteenth day of May last past, for the purpose of pursuing the Herring fishery. That this deponent, with others of the crew of the said schooner, had proceeded in their occupation, and that on the

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morning of the sixteenth of May, two men, part of the crew of an American vessel, were observed taking away the net moorings belonging to the said schooner Mary. That the said Americans had taken two moorings into their boat, and had cut others, by which act a mooring and killoch were lost. That this deponent, upon witnessing such conduct, immediately went on shore, and called upon Mr. Louis Bouffard, a resident magistrate of that harbour, to obtain redress, and stated to him the circumstances which had occurred, when the said Mr. Bouffard stated that he could not render this deponent any redress, as the Americans were so numerous in the harbour, and that, if he, (Mr. Bouffard) attempted to interfere, he would only be laughed at by the Americans. That there was no man-of-war there, but that he expected one every day, and he would report the circumstance of the case to her commander immediately on her arrival. That the said Mr. Bouffard requested this deponent to report the circumstance on his return to Halifax, as it was his intention to report the facts to the proper authorities in Quebec. That on Wednesday afternoon, the eighteenth of May, His Majesty's Ship Champion, Commander Fair, anchored in Pleasant Bay; that there was no communication between the said ship and Harbour Le Bear, until Sunday the twenty-second day of May, when Commander Fair came on shore, and proceeded to the residence of the said Mr. Bouffard, to which place this deponent also proceeded, and Mr. Bouffard, in his presence, stated to Commander Fair the aggressions committed by the Americans, in taking and destroying this deponent's net moorings. That the said Commander Fair, in reply to this information, merely said, that such conduct on the part of the Americans was improper, but that the Americans had a privilege by treaty to fish in that harbor. That it being Sunday, the said Commander Fair said it was not proper to make any inquiry then, but that he would come on shore the following day, and investigate the circumstances, and give instructions for regulating the conduct of masters of fishing vessels in that harbor. On the two succeeding days there was no communication between the ship Champion and Harbour Le Bear, and on Wednesday, the twenty-fifth, a boat came from the ship into the harbour, commanded by a junior officer, who remained in the harbor about an hour, and ordered two French fishing vessels to leave the harbor; but the said officer did not come on board the said schooner Mary, to enquire into the circumstances complained of by this deponent. That on the twenty-sixth, there was no communication between the ship and the harbor. That on the following day, being Friday, the twenty-seventh, His Majesty's ship Champion sailed from Pleasant Bay, and did not return before the said schooner Mary sailed from the said harbour for Halifax aforesaid.

(Signed) SAMUEL OAKES.

Sworn to at Halifax, this 29th November, 1836.

JOHN LIDDELL, J. P.

Halifax, N. S. 30th November, 1836.

My Lord,—I had the honor to address your Lordship on the 22nd October, and then submitted certain documents for the consideration of

your Lordship. I have thought myself justified in expecting from His Majesty's Government, the protection to which every subject of his Majesty deems it his privilege to be entitled, and I rest fearlessly upon the justice of the case which I have brought before your Lordship.

Being now prepared to furnish other corroborative facts, (as anticipated in my last letter,) such facts I now submit under affidavit for your Lordship's consideration; and feeling most acutely the extent of the loss I have sustained from the interference of foreigners, I am compelled by a sense of duty to myself, to claim the protection of his Majesty's Government, to which I trust I am entitled, whether resident in Great Britain, or in any other part of his Majesty's dominions.

In all this matter, I do most firmly and fearlessly challenge enquiry. I ask of your Lordship, a free, full, and open enquiry into all the circumstances of the case. I have placed the evidence which I produce upon a plain and consistent footing, that of the moral respectability of parties who have given their testimony upon oath; and I come, in accordance with my sense of duty to his Majesty, and of duty to myself, to lay my complaint at the foot of the Throne.

Allegiance and Protection are coincident; to his Majesty I owe the former; and having been always impressed, by early associations and instruction, with the sacred character of the duty I thus owe to his Majesty, I have been led to entertain high opinions of the privileges and rights which attach to the British name; and to the security which that name, of necessity and right, gives to its possessor. I do therefore most earnestly, for myself and my fellow subjects, claim the protection to which I feel myself entitled, and which, I am sure, the Government of his Majesty will grant to his subjects, in the fair and honest prosecution of the business in which they are engaged; and that his Majesty's Government will be pleased to obtain redress for the injuries which I have sustained, as already stated to your Lordship; and enable me again to feel that I am a Briton, sheltered and protected by the mighty arm of the country which gave me birth, and that an insult and injury to a British subject, committed by a foreigner, will not be viewed by his Majesty's Government as a thing unimportant or unworthy of notice.

I have the honor to be,

Your Lordship's most humble Servant,
GEORGE HANDELEY.

To the Right Honble. Lord GLENELG,
 London.

Halifax, Nova Scotia, 30th November, 1836.

MY LORD,—I have had the honor to address your Lordship this day, and I respectfully request that you will be pleased to grant a favorable consideration to the subjects which I have thus brought before your Lordship, and it is with a deep feeling of the injuries I have sustained, that I have ventured to claim the protection of His Majesty's Government. And further, I beg permission of your Lordship, to suggest the adoption of such measures, as will tend to prevent a future injury to the

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subjects of His Majesty's, and remove the existing evils occasioned by the illicit trade now carried on by Foreigners, on the shores of these His Majesty's North American possessions; and that too, at an expense so trifling, as compared with the advantages that would result from the adoption, that it has appeared singular that the mode has not been suggested to His Majesty's Government, by some of the local authorities of these Provinces.

It would appear that His Majesty's Government, and the Admirals commanding on the Station, have thought that two or three Frigates or Sloops-of-War, stationed on the coasts of these Provinces, the coast of Newfoundland, and in the Gulf of Saint Lawrence, would be sufficient to protect the British Trade and Fisheries—but a single glance at the chart of these Provinces, Newfoundland and the Labrador shore, will convince your Lordship that such a result cannot be expected from the best exertions of the most energetic of His Majesty's Officers, commanding Frigates or Sloops-of-War this has been proved, and the experience of the last twenty years fully demonstrates, that the present system intended to protect British interest has totally failed, and has been worse then useless; such Ships cannot afford the requisite protection to British trade and fisheries, on the shores of these His Majesty's possessions, while Foreigners enjoy a right in common with British subjects, to pursue the fisheries on a range of coast two thousand five hundred miles in extent; the movements of His Majesty's Ships appointed for the performance of this duty, are watched and known with an acuteness and accuracy, which would appear to be marvellous, a system of signals from hill to hill is perfected in many parts of the Provinces, and the Commander of one of his Majesty's ships cannot order a topsail to be unfurled, nor can he land at any port without the knowledge of many prying individuals, being at once busy in ascertaining from himself, his officers or crew, what is his destination and his object.

To obviate this, I respectfully suggest to your Lordship, an economical remedy, certain in its effects: that his Majesty Government provide a few small vessels, say eight or ten, of from 60 to 100 tons burthen, commanded by active officers, well manned and armed, *to sail fast*. One to be stationed in the Bay of Fundy, two on the south coast of this Province, between Cape Sable and the Gut of Canso, one on the coast of Cape Breton, from the Gut of Canso to Saint Ann Harbour, two on the coast of Newfoundland, two in the Gulf of Saint Lawrence, to visit every port and fishing ground from the Gut of Canso to Gaspe, to include the Islands of Prince Edward and the Magdalens, and two on the Labrador coast. Such vessels would do more to protect the trade and fisheries, than all the large ships of His Majesty's Navy, thus visiting every Harbour and Bay, constantly on the alert, beating up the quarters of the smugglers, which are generally in the small harbors that His Majesty's frigates or sloops of war cannot enter.

Until some such plan is adopted, the evils now complained of will not only continue, but rapidly increase. The operations of Foreigners in their illicit traffic are simple, and of easy accomplishment, on the extensive, and at present unprotected shores of His Majesty's North Ame-

rican possessions; and I have long been aware of a system of trade pursued by the Americans, which has damped the energies and destroyed the best interests of His Majesty's subjects residing in these Provinces. If your Lordship will be pleased to refer to the Convention between Great Britain and the United States, dated the 20th October, 1818, your Lordship will perceive how easy it is for the people of the United States, in their fishing vessels, to enter our harbours for the purpose of illicit trade; a trade alike injurious to all classes of His Majesty's subjects, subversive of their rights, and calculated to consolidate and strengthen the power of the United States, in just such proportion as it is impoverishing the subjects of His Majesty.

It will appear to your Lordship that, under the convention, adverted to, the Americans have

First,—The privilege of pursuing the Fisheries on the coasts of Labrador and Newfoundland.

Secondly,—That they are permitted to enter into the Bays and Harbours of this Province for shelter, for repairing damages, of procuring wood and water, but for no other purpose whatever; and that they shall be under such restrictions as may be necessary to prevent them from taking, drying, and curing fish therein, or in any other manner abusing the privileges granted to them.

Your Lordship, however, may not be aware that heavy duties are imposed on every description of fish by the Government of the United States, except when caught and cured by citizens of that country; and, in the exposed state of the extensive coast of this and the neighbouring Provinces, American vessels, sailing under Fishing Licences, visit all the ports where Fishermen reside, and purchase fish of every description, oil, &c. for which they pay in uncustomed goods. The Provinces in this way are inundated with smugglers and smuggled goods; the fair trader is injured, the revenue, of course, has suffered, and the morals of the people engaged in such traffic, must be corrupted. These, it is respectfully submitted to your Lordship, are subjects of great importance; and the attention of His Majesty's Government may perhaps be directed to the prevention of evils, which, in their consequences, prevent the consumption of British manufactures, sap the foundation of those principles of affection to our Mother Country, which it is most desirable to foster and perpetuate, and render an illicit traffic the business of a great proportion of the people on the shores of the Provinces.

I have the honor to be, my Lord,

Your Lordship's humble Servant,

GEORGE HANDLEY.

*To the Right Honorable Lord Glenelg,
Secretary of State, London.*

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